

# TRIBAL COURT—STATE COURT FORUM

An Advisory Committee of the Judicial Council of California

## Forum E-Update

September 2024

TRIBAL COURT—STATE  
COURT FORUM  
An Advisory Committee of the  
Judicial Council of California

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### IN THE NEWS

[ICWA's Defenders Rally Again to Protect Tribal Children](#)

Native American Rights Fund – August 29, 2024

Protectors of child welfare and tribal sovereignty filed an amicus brief August 28, 2024, urging the Minnesota Supreme Court to dismiss a baseless challenge to the Indian Child Welfare Act (ICWA) that litigants supported by anti-sovereignty forces have attempted to insert into a Minnesota child welfare case involving children eligible for citizenship the Red Lake Nation.

[Bill requiring teaching about impact on Indigenous people during Spanish mission and gold rush eras heads to governor](#)

Lake County News – September 2, 2024

When teaching about the Spanish mission and gold rush eras, California public schools would be required to teach the true history of the impact California Native Americans during those periods if AB 1821 — now headed to the governor — is approved.

[Native America Calling: The Indian Child Welfare Act since Brackeen v. Haaland](#)

Indianz.com – September 4, 2024

Since the [U.S. Supreme Court's decisive confirmation](#) of the [Indian Child Welfare Act](#) two years ago in [Brackeen v. Haaland](#), the law has seen victories and challenges. In a win for tribal sovereignty, a [decision by California Supreme Court](#) requires state case workers to make more of effort to ascertain a foster child's Native identity status. Congress is [considering a bill that would strengthen state-by-state compliance](#) with 45-year-old law.

[MSU's Indian Law Clinic receives funding to continue its mission of supporting Native families, tribes](#) (Includes audio)

WKAR - September 05, 2024

The MSU clinic is the only law school clinic in the country that regularly represents tribes in both state and federal courts on Indian Child Welfare Act, or ICWA, cases. The NoVo Foundation has provided \$400,000 in funding for the next two years to support the clinic's work. The funding allow the clinic to hire additional lawyers and administrative support to increase its capacity and provide more MSU law students with the opportunity to work on ICWA cases and take on more tribal clients.

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**Tribal/State Programs Link:**

<http://www.courts.ca.gov/programs-tribal>

**FORUM LEGISLATIVE PROPOSALS**  
Visit forum's home page  
<http://www.courts.ca.gov/3065.htm>

**Native Boarding Schools Were Genocidal – Healing Starts With Telling the Truth (Opinion)**

Scheerpost - September 08, 2024

Then I was in middle school, at a majority-white public school in Montana given an assignment to interview a grandparent about their childhood. The questions were designed to help us better understand what we did and did not have in common with each other. When I interviewed my maternal grandmother, I asked her whether there was ever a bully at school. Her answer surprised me; she said she was the bully. "I always had soap in my mouth," she said, punished for "talking back" to her teachers--and punished for speaking her first language: Blackfeet. My grandmother was a student at the St. Ignatius Mission and School, a church-run, assimilationist boarding school on the Flathead Indian Reservation in western Montana. She told me stories about the horrific punishments she endured simply for being Blackfeet and about her classmates who were buried on the school grounds. Unfortunately, my grandmother's story is not an anomaly.

Also: [List of Indian Boarding Schools in the United States](#)

Also: [How Boarding Schools Tried to 'Kill the Indian' Through Assimilation](#)

**ACF Statement on the Federal Indian Boarding School Initiative Investigative Report Vol. II (Press release) (Includes audio)**

U.S. Administration for Children and Families - September 09, 2024

On July 30, 2024, the U.S. Department of the Interior (DOI) released Vol. II of the Federal Indian Boarding School Initiative Investigative Report. This report further illuminates how the federal government's past assimilationist policies separated young Native children from their families and directly contributed to the dismantling of generations of Native families and their cultural connections. DOI's work illustrates the connection between historical trauma and the current disparities Native people experience across legal, social and economic systems. ACF recognizes its responsibility to advance the health and well-being of Native children by supporting the preservation of Native families, communities, and cultures. ACF maintains its commitment to transform the systems we oversee and fund from systems that cause trauma to systems that aim to heal and support thriving Native families and communities.

**Schiff Announces \$500,000 For Tribal Child Welfare Services Training (Press release)**

Office of Adam Schiff, U.S. Representative for California - September 2024

Today, Representative Adam Schiff (D-Calif.) announced that the Tribe Law & Policy Institute is receiving a \$500,000 grant for child welfare services training. The grant is funded through the U.S. Department of Health and Human Services.

**Justice Department Expands Tribal Access Program to Improve the Exchange of Critical Data with Federally Recognized Tribes**

Department of Justice Press Release – September 16, 2024

With this expansion, TAP now supports 149 Tribes and more than 460 Tribal government agencies. For more information on TAP, visit [www.justice.gov/tribal/tribal-access-program-tap](http://www.justice.gov/tribal/tribal-access-program-tap)

These programs are supported with funds from the Office on Violence Against Women, U.S. Department of Justice that are administered through the Governor's Office of Emergency Services (CalOES), the U.S. Department of Health and Human Services, Court Improvement Program, and the California Department of Social Services.

**Legislation Seeks Better Monitoring of Missing Foster Children Now Before California Governor**

Office of Governor for California, Gavin Newsom - September 17, 2024

Numerous bills on California Gov. Gavin Newsom's desk share the goal of better serving the state's Indigenous children and families, an effort that includes long-sought legislation to tackle the problem of youth who go missing from foster care. Assembly Bill 2108, also known as the Luke Madrigal Act, would apply to all children in foster care, but includes protections specific to Indigenous kids - namely a requirement that tribes and their representatives be contacted within the critical first 24 hours. The bill requires that probation officers and social workers move quickly once they learn of a child's unexplained absence from a foster home, residential care facility or school. Under the legislation, notifications would go out to parents, legal guardians, siblings, juvenile court judges, attorneys and court-appointed special advocates. The proposed legislation is part of a package of bills announced in February by Assemblymember James Ramos, a lifelong resident of the San Manuel Indian Reservation and member of the Serrano/Cahuilla tribe.

Also: [Assembly Bill 2108](#)

**CJA Expands Membership to Include Tribal Court Judges**

The Voice – September 19, 2024

On Sunday, September 8, the CJA Membership voted to expand Associate Membership to include Tribal Court Judges. Members can read about the Bylaws amendment and watch a video [HERE](#). CJA looks forward to welcoming new members to our Association. Tribal Court Judges can join CJA by visiting the [Website](#).

**Ninth Circuit: Physical Presence on Tribal Land Not Required for Tribal Jurisdiction over Nonmember**

National Law Review – September 23, 2024

On September 16, 2024, the Ninth Circuit Court of Appeals upheld the exercise of tribal court jurisdiction over a nonmember insurance company without a physical presence on tribal land.

**Oklahoma Supreme Court takes up Indian eviction case**

NonDoc – September 25, 2024

The Oklahoma Supreme Court will hear the appeal of a Cherokee Nation citizen who argues state courts lacked the civil jurisdiction to rule on her eviction in a case that could affect eviction proceedings throughout the eastern half of Oklahoma. The case — [Paul-Lucas v. Paul-Craven](#) — could become one of the first to address the unclear civil-law effects of the [McGirt v. Oklahoma](#) decision, which functionally upheld much of eastern Oklahoma as a series of Indian Country reservations.

**California Native American Day Highlights Support for State's Native Communities**

California Courts Newsroom – September 26, 2024

State judicial branch first recognized holiday in 2022 with legislation sponsored by Judicial Council

**Finding My Way Back to My Native Identity** (Commentary)

Imprint - September 26, 2024

Growing up, I didn't know anything about my heritage of being Cuban or Native American. My adopted mom is white, and my adopted dad is Black. I always thought I could be Black or white. We grew up around Black and Mexican kids primarily. I thought I was maybe Mexican because me and my brother always loved Mexican food and were the only ones in the house that ate it. I don't remember any powwows, ceremonies, music, or anything about being Native or Cuban. It's not ok that the child welfare system didn't make sure that I knew what my identity was or made sure I had the resources I needed to find out when I was old enough. Growing up, I never received any services as a Native American. My biological mom is from White Earth and is an enrolled member of that tribe. I know that ICWA was involved when we were in foster care. But when we were adopted, they didn't have to be in our life anymore. I believe if the system would have made that a requirement for a Native child when they are adopted as well, I would have known I was adopted and known that I was Native without having to find out on my own.

**Governor Newsom proclaims Native American Day, signs legislation supporting California Native communities**

Press Release Governor Gavin Newsom – September 27, 2024

As leaders of Native American tribes from across California gather at the State Capitol to celebrate Native American Day, Governor Gavin Newsom proclaimed today Native American Day and announced the signing of several bills that advance tribal priorities.

## PUBLICATIONS

**[Trial by Ambush: The Prosecution of Indians in Federal Court](#)**, Samuel Winder, 57 Loy L.A. L. Rev 469 (2024)

This Article addresses the Federal Rules of Criminal Procedure's unjust impact in the prosecution of Indians in federal court. As the rules of engagement used by federal prosecutors and defense attorneys in federal court when prosecuting Indians under the Major Crimes Act and the General Crimes Act, the Federal Rules of Criminal Procedure differ from those of Civil Procedure with regard to discovery procedures. Specifically, the Federal Rules of Criminal Procedure are unjust because they do not allow defense attorneys to conduct pretrial interviews or depositions of prospective witnesses whose evidence the United States will introduce at trial or use in the process of plea negotiations. Pretrial interviews and depositions prevent a party from being caught by surprise or ambushed in federal court.

## ANNOUNCEMENTS

### **[National Suicide Prevention Month](#)**

#### **National Center for Victims of Crime**

September marks **suicide prevention month**, an opportunity to raise awareness, provide resources, and offer support to individuals and families impacted by suicide. This is a deeply important issue to the NCVC as we continue our work in supporting victims and survivors, many of whom have faced suicidal ideation or lost a loved one to suicide. We are partnering with organizations across the country to spread the message that suicide is preventable, and resources are available. For additional information please visit The American Association of Suicidology: <https://suicidology.org/> and the National Suicide Prevention Week post at [Indigenizing Suicide Prevention: The Power of \(Re\)connection](#).

## ONLINE RESOURCES

### **Capacity Building Center for Tribes:**

- **[Tribal Child Welfare Practice Path Toolkit](#)**  
The Tribal Child Welfare Practice Path is a training for tribal child welfare workers to acquire foundational practice knowledge and begin to develop a culturally informed, resiliency-focused practice lens for their work with Indigenous children and families. The complete curriculum is available for tribal child welfare programs to adapt to their needs.
- **[An Introduction to Tribal Title IV-E E-Learning](#)**  
To assist tribes in assessing their readiness to participate in title IV-E programs, the Capacity Building Center for Tribes developed this learning tool to explain the scope and requirements necessary to participate in title IV-E.

### **[Suicide Prevention Resources](#)**

#### **Centers for Disease Control and Prevention (CDC)**

The Centers for Disease Control and Prevention (CDC) has released a comprehensive set of tools to support suicide prevention efforts at every level. These resources provide critical information on recognizing warning signs, promoting protective factors, and offering direct interventions for those at risk.

### **[Resilience-Informed Care](#)**

#### **Center for Native Child and Family Resilience**

This training, specifically for use in tribal child welfare programs, promotes and centers healing and wellness of individuals, families, and communities while encouraging communities to build their own vision for a resilience-oriented tribal child welfare organization.

### **[National Child Welfare Workforce Center Resources](#)**

#### **National Child Welfare Workforce Institute**

The National Child Welfare Workforce Institute Resource Library hosts workforce development resources for child welfare practitioners, supervisors, managers, leaders, students, faculty, researchers, policymakers and other professionals.

## UPCOMING CONFERENCES, WEBINARS AND TRAININGS

October 1 - 3, 2024 (Friant, CA-Table Mountain Casino Resort)

[31<sup>st</sup> Annual California State ICWA Conference – Harmony in Culture – Strength in Resilience](#)

October 8, 2024, 11:00 am - 12:45 pm (Virtual)

[ICWA Webinar Series: The Indian Child Welfare Act and the Role of Tribal and State Attorneys](#)

October 9, 2024, 10:00am - 11:30am (Virtual)

[Behind the Post: Teen Dating Violence and Technology](#)

October 22 - 24, 2024 (Las Vegas, Nevada)

[55<sup>th</sup> Annual National Tribal Judicial and Court Personnel Conference](#)

November 4, 2024, 9:00 am (Virtual)

[National Constitution Center: Native Americans and the Supreme Court](#)

November 19 - 21, 2024 (Washington, DC)

[2024 OJJDP National Conference on Youth Justice: Shaping the Next 50 Years](#)

December 10 - 13, 2024 (Agua Caliente Band of Cahuilla Indians Reservation, CA)

[18<sup>th</sup> Indian Nations Conference](#)

March 16 - 19, 2025 (Boston, Massachusetts)

[2025 National Conference on Juvenile Justice](#)

March 30 - April 5, 2025 (Orlando, Florida & Virtual)

[43rd Annual Protecting Our Children Conference](#)

April 15 - 17, 2025 (Las Vegas, Nevada)

[National Missing and Unidentified Persons Conference](#)

April 22 - 24, 2025 (Anaheim, CA)

[International Conference on Sexual Assault, Domestic Violence, and Forging New Pathways](#)

July 20 - 23, 2025 (Chicago, Illinois)

[NCJFCJ 88th Annual Conference](#)

## COVID-19 SPECIFIC GRANT OPPORTUNITIES

### [FEMA COVID-19 FUNERAL ASSISTANCE](#)

FEMA will continue to provide funeral assistance until Sept. 30, 2025, to those who have lost loved ones due to this pandemic.

### NEW GRANT OPPORTUNITIES

#### [Edward Byrne Memorial Justice Assistance Grant \(JAG\) Program](#)

Department of Justice

Bureau of Justice Assistance

O-BJA-2024-172239

Deadline: October 16, 2024

OJP is committed to advancing work that promotes civil rights and equity, increases access to justice, supports crime victims and individuals impacted by the justice system, strengthens community safety, protects the public from crime and evolving threats, and builds trust between law enforcement and the community.

#### [Grants to Support New Investigators in Conducting Research Related to Preventing Interpersonal Violence Impacting Children and Youth](#)

Department of Health and Human Services

Centers for Disease Control and Prevention - ERA

Deadline: December 2, 2024

Applicants must propose a research project that addresses at least one of the research priorities in the interpersonal violence prevention section of the NCIPC Research Priorities ([https://www.cdc.gov/injury-violence-prevention/programs/researchpriorities.html?CDC\\_AAref\\_Val=https://www.cdc.gov/injury/researchpriorities/index.html](https://www.cdc.gov/injury-violence-prevention/programs/researchpriorities.html?CDC_AAref_Val=https://www.cdc.gov/injury/researchpriorities/index.html)) as they relate to violence impacting children or youth (from birth through age 17).

### PREVIOUSLY REPORTED GRANT OPPORTUNITIES

#### E-Learning Collaborative for Integrated Violence Prevention

Department of Health and Human Services  
Centers for Disease Control – NCIPC  
CDC-RFA-CE-25-0039

**Deadline: October 11, 2024**

The purpose of this NOFO is to build on previous work, by sustaining support for an E-Learning community and peer learning platform. The recipient of this NOFO will support multiple communication channels, including interactive web conference series, podcasts, online education resources, translation products, a web platform, as well as planned and strategic social media initiatives, to facilitate knowledge dissemination and exchange.

#### Competitive Funding Opportunity: Tribal Transit Program

Department of Transportation  
DOT/Federal Transit Administration  
FTA-2024-012-TPM-TRTR

**Deadline: November 13, 2024**

The Tribal Transit Program (TTP) supports FTA's strategic goals and objectives through investments that: enhance safety, renew our transit systems, reduce greenhouse gas emissions in the public transportation sector, improve equity, and connect communities.

#### AmeriCorps State and National Competitive Grants

AmeriCorps  
AC-08-20-24

**Deadline: January 23, 2025**

AmeriCorps improves lives, strengthens communities, and fosters civic engagement through service and volunteering. AmeriCorps brings people together to tackle some of the country's most pressing challenges through national service and volunteerism. AmeriCorps members serve with organizations dedicated to the improvement of communities and those serving.

#### NIDA Research Center of Excellence Grant Program

Department of Health and Human Services  
National Institutes of Health  
PAR-23-076

**Open Date (Earliest Submission Date): August 25, 2023**

**Deadline: November 18, 2025**

This Funding Opportunity Announcement (FOA) is to provide support for research Centers that (1) conduct substance use and addiction research in any area of NIDA's mission, including the intersection of substance use/addiction and HIV, (2) foster outstanding innovative science, (3) are multidisciplinary, thematically integrated, and synergistic, and (4) serve as national resource(s) to provide educational and outreach activities to relevant research communities, educational organizations, the general public, and policy makers.

#### Continuum of Care Competition and Renewal or Replacement of Youth Homeless Demonstration Program Grants

Department of Housing and Urban Development  
FR-6800-N-25

**Deadline: August 29, 2025**

The CoC Program (24 CFR part 578) is designed to promote a community-wide commitment to the goal of ending homelessness; to provide funding for efforts by nonprofit organizations, state governments, local governments, instrumentalities of state and local governments, Indian Tribes, Tribally Designated Housing Entities, as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103), and public housing agencies, as such term is defined in 24 CFR 5.100, are eligible without limitation or exclusion, to quickly re-house homeless individuals, families, persons fleeing domestic violence, and youth while minimizing the trauma and dislocation caused by homelessness; to promote access to and

effective utilization of mainstream programs by homeless; and to optimize self-sufficiency among those experiencing homelessness.

**HEAL Initiative: Research to Increase Implementation of Substance Use Preventive Services**

Department of Health and Human Services

National Institutes of Health

RFA-DA-24-066

**Earliest Submission Date: December 17, 2023**

**Expiration Date: January 17, 2026**

The goal of this initiative is to support research that can improve public health and respond to the opioid crisis by increasing knowledge pertaining to the delivery and sustainability of prevention services. This notice of funding opportunity (NOFO) solicits applications to address understudied areas of opportunity that, if researched, could create the foundation needed to inform a prevention infrastructure for ongoing delivery and sustainment of interventions to prevent opioid and other substance misuse and use disorders.