

# TRIBAL COURT—STATE COURT FORUM

An Advisory Committee of the Judicial Council of California

## Forum E-Update

November 2024

TRIBAL COURT—STATE  
COURT FORUM

An Advisory Committee of the  
Judicial Council of California

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### FORUM NEWS

[Judge Abby Abinanti Honored with the 2024/25 Jack P. Blaney Award For Dialogue](#)

Simon Fraser University – November 19, 2024

Bringing Justice Home with Judge Abby Abinanti.

### IN THE NEWS

[Tribal nations concerned about Oklahoma Supreme Court's future](#)

KGOU – November 7, 2024

Tribal nations in Oklahoma are pleased two state Supreme Court justices will keep their seats, though they're disappointed another one will lose her spot on the court.

[Reflecting on 46 Years of the Indian Child Welfare Act, Its Legacy, Challenges, and Ongoing Impact](#) (Commentary)

Cultural Survival - November 08, 2024

November 8, 2024, marks the 46th anniversary of the enactment of the Indian Child Welfare Act (ICWA). The legislation was a direct response to the large numbers of Native children who were separated from their families by state child welfare and private adoption agencies, many of whom were displaced by the Indian Adoption Project (1958-1967), a federal program that sought to place Native children with white families under the auspices of child welfare. These practices often led to the unjust separation of Native children from their homes, causing generational and intergenerational trauma in both individual families and entire Native communities.

Also: [New Challenges to the Indian Child Welfare Act Could Mark A Turning Point for Federal Indian Legislation](#) (Opinion)

**JUDICIAL COUNCIL OF CALIFORNIA**  
**COURT OPERATIONS & PROGRAMS**  
**DIVISION**  
**CENTER FOR FAMILIES, CHILDREN & THE COURTS**  
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**[Indian Boarding School Survivors and Their Loved Ones Have Responded to Biden's Apology. Their Message: Now Take Action](#)**  
Imprint - November 12, 2024

In its attempt to crush Native America through assimilation, the U.S. government created, operated, funded and perpetuated a network of hundreds of Indian boarding schools across the country. For centuries, the government forcibly severed Indigenous children from their families and tribal homes. Countless students were subjected to sexual, emotional physical abuse. Nearly 1,000 schoolchildren died. Many were buried in unmarked graves. Last month, over 200 years after the first school opened, outgoing President Joe Biden apologized. How the apology landed for everyone is impossible to fully capture. But The Imprint reached to boarding school survivors and their descendants, and compiled public statements made in recent weeks.

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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>

**[New handbook on tribal law launched for Michigan legal community](#)**

Legal Newsline – November 13, 2024

In Lansing, Michigan, a new handbook titled "Anishinaabe Law: A Tribal Law Handbook for Michigan Legal Practitioners" has been introduced to law students and practitioners. This initiative coincides with Native American Heritage Month and the fall meeting of the Michigan Tribal State Federal Judicial Forum.

**[Utah's version of the Indian Child Welfare Act could make a 2025 comeback](#)**

KUER - November 14, 2024

Utah is taking another shot at enshrining its version of the federal Indian Child Welfare Act into state law. The federal law was in response to Indigenous children being forcibly removed from their homes - often without a cause - and placed into non-native families or government-owned boarding schools. In 2023, legislation that would have codified ICWA was on track to pass in the Utah Legislature. It sought to prioritize placing Native American children with biological families instead of going through the adoption or foster care process. At the same time, the fate of the federal law was up in the air. The U.S. Supreme Court was hearing oral arguments on ICWA. Opponents questioned its constitutionality, arguing the law is based on race rather than the best interest of the child. Despite its bipartisan support, some lawmakers, like Republican Rep. Karianne Lisonbee, believed any state legislation would have acted preemptively and she preferred to wait until the Supreme Court made its decision. As a result, the bill failed to make it out of the Utah House.

**[New Nonprofit It Takes A Tribe, Inc. Launches to Empower Indigenous Families in the Foster Care System](#)** (Press release)

It Takes A Tribe, Inc. - November 14, 2024

It Takes A Tribe, Inc. is pleased to announce its official launch as a nonprofit organization dedicated to empowering Indigenous families as they navigate the foster care system. With a mission to provide culturally sensitive advocacy, resources, and education. It Takes A Tribe, Inc. seeks to protect and strengthen Indigenous family bonds and ensure that every Indigenous child has a safe and nurturing connection to their cultural heritage.

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.

[\*\*Yurok Tribe, Del Norte County District Attorney and Superior Court Launch Program to Increase Access to Wellness and Reduce Recidivism\*\*](#)

Redheaded Blackbelt – November 14, 2024

The Yurok Tribe and Del Norte County Superior Court and Del Norte District Attorney's Office recently signed an agreement that will allow adult Yurok citizens facing certain criminal charges an opportunity to defer prosecution and instead enroll in the Yurok Wellness Court's comprehensive, culturally centered Wellness Diversion program.

[\*\*Courts in California hope engagement with tribal culture can keep members out of jail.\*\*](#)

Jefferson Public Radio – November 18, 2024

The Yurok Tribe has signed an agreement with Del Norte County to defer prosecution for some members if they enter a culturally-focused diversion program.

[\*\*A Native-led Program on the White Earth Reservation is Rewriting the Rules on Opioid Treatment for Parents. It's Working.\*\*](#)

Imprint - November 19, 2024

The single-story, wide-planked building on the White Earth Reservation in northern Minnesota was the first home for a one-of-a-kind addiction treatment program for Native parents. At the time they arrived, many of the 30 or so women were not only struggling with opioids but also legal problems, financial stability, and child custody issues. It was here that Julie Williams, a former substance-abuse case manager, launched the Maternal Outreach and Mitigation Services (MOMS) program in 2015. But that title suggests a fixed plan, an established program. In fact, Williams developed MOMS through her own observations and innovations. She was unwavering about the mission: to give a second chance to White Earth parents with opioid-use disorder.

[\*\*Tribal Leaders Press Lawmakers for Solutions to Solve MMIW Crisis\*\*](#)

Native News Online – November 21, 2024

Native American tribal leaders urged lawmakers to increase federal funding and implement national reporting systems to help solve the crisis of Missing and Murdered Indigenous Women (MMIW) on Wednesday. At a House Appropriations Subcommittee meeting, lawmakers heard testimony from tribal representatives and federal agency officials, expressing bipartisan support for allocating funds toward solutions.

[\*\*AG Nessel Announces Missing or Murdered Indigenous People Task Force\*\*](#) (Press release)

Michigan Department of Attorney General - November 22, 2024

Today, Michigan Attorney General Dana Nessel announced the formation of the Missing or Murdered Indigenous People (MMIP) Task Force to address the high rates of violence against Indigenous people in the state of Michigan. This interagency collaboration brings together tribal, federal, and state and local prosecutors, law enforcement officers, victim advocates, and human services specialists to identify, develop, and implement solutions to the MMIP crisis.

[\*\*I thought my biological family didn't want me. But they'd never stopped looking for me\*\*](#)

Today – November 22, 2024

When I was a toddler, I was stolen from my home in the middle of the night. Child welfare authorities banged on the door and said, "We're here for Yvette," and my parents had no choice but to hand me over. I'm one of more than 20,000 Indigenous children in Canada who were ripped from their families during what is known as the Sixties Scoop.

[\*\*Michigan forms task force to address violence against Indigenous people\*\*](#)

Michigan Public Radio – November 22, 2024

Michigan's Attorney General said her office is joining Indigenous tribes to better understand and reduce violence against Indigenous people, announcing the creation of the Missing or Murdered Indigenous People Task Force on Friday.

[\*\*How the El Dorado and Shingle Springs Family Wellness Court Uses Alternative Methods to Serve Tribal Youth and Families\*\*](#)

California Courts Newsroom – November 26, 2024

The first of its kind in California, the [joint-jurisdictional](#) Family Wellness Court in El Dorado County hears a wide range of cases and uses strategies not often seen in traditional state courts to address justice-involved tribal youth in the areas of juvenile, child welfare, domestic violence, and criminal.

## PUBLICATIONS

[\*\*Protecting the Next Seven Generations: Self-Indigenization and the Indian Child Welfare Act\*\*](#), Dr. Taylor Elyse Mills, Genealogy 2024, 8(4)

This Article presents a legal history and analysis of the ICWA to unpack the policy implications of pretendians in the U.S. legal context. This Article demonstrates how the rise of pretendians threatens to undermine the very purpose of the ICWA and thereby threaten the sovereignty of Native peoples.

[\*\*Oregon Indian Child Welfare Act Report to the Interim Legislative Committees Relating to Children\*\*](#).

September 13, 2024. Cozine, Nancy J., Pakseresht, Fariborz., Flint-Gerner, Aprille., Kuhns, Sherril. , Oregon. Judicial Department. Office of the State Court Administrator., Oregon. Department of Human Services., Oregon. Department of Human Services. Child Welfare., Oregon. Department of Human Services. Tribal Affairs. 2024

[\*\*Heads held high and hands holding hope: The victory and vulnerabilities of the Indian Child Welfare Act after \*Haaland v. Brackeen\*\*\*](#), Mikayla Jones, 103 Neb. L.Rev. 65 (2024)

In 2023, the Supreme Court correctly affirmed the general constitutionality of ICWA in *Haaland v. Brackeen*. However, the Court declined to reach the equal protection question, leaving ICWA vulnerable to future constitutional challenges that may jeopardize not only the rights of Indian children and families, but also the foundations of tribal sovereignty.

[\*\*Federal Prosecution of Sexual Assault in Indian Country\*\*](#), Leslie A. Hagen, 72 DOJ J. Fed. L & Prac., no. 2, 2024, page 155

This article will illustrate relevant federal law, list options available to victims of sexual assault in Indian Country, and outline the rights and services owed to victims them. The focus of this article is federal law, but it is important to remember some of the offenses perpetrated against Shana may also be prosecuted in tribal or state court.

[\*\*“Because of Blood Differences Alone”: Challenging the Segregation of Native American Students in California\*\*](#), David S. Ettinger CSHS Review Fall/Winter 2024.

Discusses the California Supreme Court's opinion in *Piper v. Big Pine School District* challenging the requirement for Indian children to attend separate “Indian School” rather than the local school district.

[\*\*Transplanted Rights in the Choctaw Nation: Threats to Sovereignty and Potential Solutions\*\*](#), Crispin South forthcoming in the Texas Journal on Civil Liberties & Civil Rights Spring 2025 issue

The constitutions of Federally Recognized Indian Tribes are varied, but nearly all contain a bill of rights. The Choctaw Nation's Constitution, like that of several other Tribes, rather than specifically enumerating rights, instead contains a single catch-all provision, protecting the same rights available to citizens of the State of Oklahoma.

[\*\*Addressing Social Determinants of Health: Examples of Successful Evidence-Based Strategies and Current Federal Efforts\*\*](#), United States. Department of Health and Human Services. Assistant Secretary for Planning and Evaluation. Office of Health Policy 2022.

Despite significant investments to improve access to high-quality health care, health inequities in the United States persist by race, ethnicity, sexual orientation, gender identity, and disability, as well as by economic and community level factors such as geographic location, poverty status, and employment. Black, Latino\*, American Indian and Alaska Native (AI/AN), Asian American, Native Hawaiian, and Pacific Islanders (AANHPI), and LGBTQ+, individuals, people who live in rural areas, and people with disabilities fare worse than their White, heterosexual, and urban counterparts and people without disabilities. These disparities exist for many health outcomes, including infant and maternal mortality, heart disease, diabetes, hypertension, chronic illness, disability, cancer, mental illness, substance use, and overall life expectancy.

[\*\*2024 Update on the Status of Tribal Consultation Recommendations\*\*](#), United States. Department of Justice. Office on Violence against Women. 2024

This annual consultation is required by law to address the federal administration of Tribal funds and programs established under the Violence Against Women Act of 1994 (VAWA) and its subsequent reauthorizations.

## ANNOUNCEMENTS

### [A Proclamation on National Native American Heritage Month, November 2024](#)

During National Native American Heritage Month, we honor the history, rich cultures, and vast contributions of Native peoples. We celebrate the hundreds of Tribal Nations that are ushering in a new era in our Nation-to-Nation relationships. And we recommit to respecting Tribal sovereignty and self-determination and working in partnership with Tribal Nations to bring new prosperity and security to Native peoples.

### [Transgender Day of Remembrance \(TDOR\), November 20, 2024](#)

Transgender Day of Remembrance (TDOR) is an annual observance on November 20 that honors the memory of the transgender people whose lives were lost in acts of anti-transgender violence.

## ONLINE RESOURCES

### [National Center to Advance Peace](#)

Create safe spaces where transgender parents, youth, and survivors can feel safe to be themselves and receive support without judgement.

- [Creating Safer Spaces in Schools for LGBTQ Youth \(Trevor Project\)](#)
- [Safe Space Kit \(GLSEN\)](#)
- [Establishing an Allies/Safe Zone Program \(Human Rights Campaign\)](#)
- [Advancing Equity for LGBTQ2S+ Families at the Intersections of Domestic Violence, Child Welfare, and Child Custody Systems](#)

### [National Healthy Brain Initiative](#)

#### [International Association for Indigenous Aging](#)

The 5-year U.S. Centers for Disease Control and Prevention (CDC) funded project establishes IA2 as a national hub for Alzheimer's disease and related dementias (ADRD) information resources serving Indian country. IA2 will provide training, technical assistance, and resources for tribes, tribal leadership, healthcare and public health staff, Urban Indian Health Centers and organizations, and tribal elder services advocates across the country. Activities are designed to advance community engagement and help build capacity among tribes and tribal member-serving organizations, promote healthy cognitive aging strategies across the lifespan, and foster dementia-capable tribal communities.

- [IA<sup>2</sup> Resources](#)

### [Tribal Youth Resource Center \(TYRC\) Podcast](#)

#### [Office of Juvenile Justice and Delinquency Prevention \(OJJDP\)](#)

The Tribal Youth Resource Center (TYRC) Podcast is a part of the TYRC's commitment to providing culturally relevant and trauma-informed training & technical assistance to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) tribal grantees and the other tribes who seek our services.

## UPCOMING CONFERENCES, WEBINARS AND TRAININGS

**December 4, 2024, 1:30pm-4:00pm (Virtual)**

#### [CSEC Action Team Meeting](#)

**December 5, 2024, 11:00am-12:45pm (Virtual)**

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

**December 5, 2024, 10:00am-11:30am (Virtual)**

#### [Youth and the Criminal Justice System Webinar](#)

**December 6 from 12:00–1:00 p.m. ET (Virtual)**

#### [Recognizing and Addressing Elder Abuse in Tribal Communities](#)

**December 10, 2024, 10:00am-11:30am (Virtual)**

#### [Opioid Affected Youth Initiative \(OAYI\) Webinar: Overdose Fatality Reviews: A Data-Driven Response for Community Change and How OFRs Can Support Your Efforts](#)

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

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

December 17, 2024, 10:00am-12:00pm (Virtual)

[National Center on Substance Abuse and Child Welfare \(NCSACW\): Family Treatment Courts: An Evidence-Based Approach to Family-Centered Care](#)

January 17 from 12:00–1:00 p.m. ET

[Developing Effective and Responsive Approaches to Elder Abuse in Tribal Communities](#)

February 14 from 12:00–1:00 p.m. ET

[Strengthening Tribal and Non-Tribal Collaboration To Address Elder Abuse in Tribal Communities](#)

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 1-3, 2025 (Rockville, Maryland)

[24th National Conference on Child Abuse and Neglect \(NCCAN\)](#)

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](#)

June 18 – 20, 2025 (San Diego, CA)

[Transformation of Youth Justice Symposium](#)

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

### [Print Copies of OVC's Child Victims and Witnesses Support Materials](#)

The Center for Justice Innovation

U.S. Department of Justice (DOJ)

Office of Justice Programs (OJP)

Office for Victims of Crime (OVC)

**Deadline: January 31, 2025**

Materials have been developed for three different age groups, 2-6, 7-12 and 13-18 years, with separate materials for criminal legal and child welfare settings. Each of the materials utilize illustrated narratives featuring child and adolescent characters that explain how the criminal legal and child welfare systems work in a child-friendly and developmentally appropriate way. The materials focus on normalizing and validating children's feelings and experiences; teaching healthy coping and resilience building skills; explaining the various processes and roles of the many criminal legal and child welfare system practitioners with whom the children will interact; providing tips for testifying; and informing children of their rights as a crime victim and/or witness. In recognition of the unique and varied experiences of child victims and witnesses, specialized materials have been created for children aged 12-18 years who have experienced human trafficking. **Specialized materials have also been created for Native American child victims and witnesses aged 2-18 years, which were designed by Native American authors and illustrators.**

## PREVIOUSLY REPORTED GRANT OPPORTUNITIES

**OVW Fiscal Year 2025 Electronic Service Protection Order Court Pilot Program Call for Concept Papers**

U.S. Department of Justice  
Office on Violence Against Women  
**Deadline: December 5, 2024**

This program is authorized by 34 U.S.C. §10462a. The Electronic Service Protection Order Court Pilot (ESPOC) (CFDA 16.062) supports efforts to develop and implement programs for properly and legally serving protection orders through electronic communication methods. The program requires the Department of Justice to award grants to state or Tribal courts that are a part of a multidisciplinary partnership, see Post Award Requirements on page 11 for additional information.

**Concept papers must be submitted in PDF or Word format to [OVW.ElectronicService@usdoj.gov](mailto:OVW.ElectronicService@usdoj.gov).**  
Contact: [OVW.ElectronicService@usdoj.gov](mailto:OVW.ElectronicService@usdoj.gov) or 202-307-6026.

**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.