

## California Tribal Court/State Court Forum

Judicial Council Conference Center

San Francisco, California

December 14, 2011

10:00 a.m. to 11:00 a.m.

4:00 p.m. to 4:45 p.m.

*Present:* Hon. Richard C. Blake, Cochair, Hon. Dennis M. Perluss, Cochair, Hon. Jerilyn L. Borack, Hon. Cynthia Gomez, Hon. James R. Lambden, Hon. Lester Marston, Hon. David E. Nelson, Hon. Dean Stout, Hon. Juan Ulloa, Hon. Claudette E. White, Hon. Christine Williams, Hon. Christopher G. Wilson.

*Committee Counsel:* Ms. Jennifer Walter

### Welcome and Introductions

The cochairs welcomed members and Judge Blake gave an invocation.

### Announcements

Members shared information regarding the following topics:

- (1) California BAR Journal Article, *Protecting Native American Women from Violence is an Uphill Battle*, by Diane Curtis (December 2011). See link to article featuring forum: <http://www.calbarjournal.com/December2011/TopHeadlines/TH1.aspx>. Members pointed out that it was unusual for the publication to print a headline article on tribal communities and noted how pleased they were that the article was so positive about the forum's work in this area.
- (2) Cultural competency and the courts relating to domestic violence in tribal communities. Forum members were pleased to learn that the case scenarios developed as part of its P.L. 280 curriculum and used at the Cow County Institute, with support from CalEMA, have now been filmed, and most recently used in the Continuing the Dialogue webinar: <http://www2.courtinfo.ca.gov/cjer/aocvtv/dialogue/cultural/index.htm>. Video copies of these case scenarios will be made and distributed to forum members so that they can be used as teaching tools at other educational venues, such as the conference hosted by the California Judges' Association (CJA).

*Action Item:* Judge Edwards offered to contact CJA and explore a workshop for judges at their next conference. Jenny Walter to send video copies of the case scenarios to all members.

- (3) DOJ Releases Video on Tribal Youth and Their Communities

The U.S. Department of Justice released a public service announcement

(<http://www.justice.gov/tribal/videos.html>) (PSA) on the issues that tribal youth

identified as important to address with their tribal leaders. The announcement, called “That’s My People,” was developed and filmed at the 2011 National Intertribal Youth Summit at the Santa Fe Indian School in Santa Fe, NM. The PSA is available online at [www.youtube.com/watch?v=uFjJT\\_Or9LE](http://www.youtube.com/watch?v=uFjJT_Or9LE).

(4) Tribal Court Improvement Program (TCIP)

The Administration for Children and Families, Children's Bureau announced the availability of awards to provide Tribes and Tribal consortia the opportunity to compete for grants to enable Tribal courts to: (1) Conduct assessments of how Tribal courts handle child welfare proceedings and to make improvements to court processes to provide for the safety, permanency and well-being of children as set forth in the Adoption and Safe Families Act (ASFA) and increase and improve engagement of the entire family in court processes relating to child welfare, family preservation, family reunification and adoption; (2) Ensure children's safety, permanence, and well-being needs are met in a timely and complete manner (through better collection and analysis of data); and (3) Provide for training of judges, attorneys, and legal personnel in child welfare cases. Forum members questioned whether the federal government was using an equitable funding formula given that California Tribes receive the smallest percentage of the federal dollars as compared to other Tribes. Forum members requested that the AOC provide technical assistance to Tribes applying for TCIP funds.

*Action Item:* Jenny Walter to contact Jerry Gardner, Executive Director, Tribal Law and Policy Institute, to find out if that organization is funded to provide technical assistance, in grant writing to Tribes.

### **Annual Agenda Discussion**

Forum members reviewed the draft annual agenda, and requested the following two revisions:

- (1) Adding a new item 15 relating to recognition and enforcement of traffic orders and
- (2) Adding language, “interjurisdictional issues that face tribal and state courts” to the last two educational items—17 and 18.

*Action Item:* Jenny Walter to make revisions and send the revised agenda to the forum..

### **Electronic Noticing in Indian Child Welfare Act (ICWA) Cases**

Judge Blake and Justice Lambden described the forum’s electronic noticing proposal (see attached) and how well it was received at the National American Indian Court Judges Association 42nd Annual Meeting & Tribal Judicial Conference. The Cherokee Nation and the Choctaw Tribe are considering adopting resolutions to partner with California accept electronic noticing.

Jenny Walter reported that the National Center for State Courts and the National Center for Juvenile and Family Court Judges have agreed to write letters of support for grant application to pilot electronic noticing to Tribes in ICWA cases.

*Action Item:* AOC to seek funding to pilot electronic noticing in ICWA cases.

### **Recognition and Enforcement of Tribal Court Traffic Orders**

Judge Williams reported on the conference call she and Judge Ryan had with representatives from the California Department of Motor Vehicles (DMV) and the AOC held on December 12, 2011. Jenny Walter described the purpose of the call which was to share information with DMV on why it is in the interest of both state and tribal courts for tribal courts to have access to DMV records—both to record violations and to view violations— to ensure recognition and enforcement of each other’s orders. In remote tribal areas, tribal police try to enforce public safety concerns, like driving under the influence on the reservation, but tribal courts do not have the ability to attach the driver’s license; in state court, if the driver fails to pay the penalty, then the driver cannot renew his or her license. Judge Williams reported that the call was equally informative to us. The DMV representatives described how state court traffic order is entered into the DMV database and agreed to look into giving tribal court access to its database. The AOC representatives explained how civil assessments are enforced by the Franchise Tax Board and private collection agencies.

### **Leadership Forum- Report Back**

Members provided positive feedback on their participation in the Leadership Forum, noting that the existing and new relationships forged continue to promote mutual understanding of each other’s court systems and how to better meet the needs of its Native American citizens.

### **Adjourned**

Judge Blake and Justice Perluss thanked members for their participation and alerted members of the need to have a conference call in late January to review the public comments to the forum’s legislative proposal.