

CALIFORNIA TRIBAL COURT–STATE COURT FORUM

Forum E-Update

September 2021

TRIBAL COURT–STATE COURT
FORUM

HON. ABBY ABINANTI
HON. SUZANNE N. KINGSBURY
Cochairs

Hon. Erin K. Alexander
Hon. April E. Attebury
Hon. Richard C. Blake
Hon. Leona Colgrove
Hon. Gail Dekreon
Hon. Leonard P. Edwards (Ret.)
Hon. Gregory J. Elvine-Kreis
Hon. Ana España
Hon. Patricia Guerrero
Mr. Christopher Haug
Hon. Joni T. Hiramoto
Hon. Lawrence C. King
Hon. Patricia Lenzi
Hon. Devon Lomayeva
Ms. Merri Lopez-Keifer
Hon. Nicholas J. Mazanec
Hon. Gilbert G. Ochoa
Hon. Michael A. Sachs
Hon. Delia Sharpe
Hon. Victorio L. Shaw
Ms. Christina E. Snider
Hon. Dean T. Stout
Hon. Allen H. Sumner
Hon. Sunshine S. Sykes
Hon. Juan Ulloa
Hon. Mark Vezzola
Hon. Christine Williams
Hon. Joseph J. Wiseman

IN THE NEWS

[Advocates hope White Earth wild rice case will boost 'rights of nature'](#)

MPR News – September 1, 2021

In 2018, the White Earth Band of Ojibwe formally recognized the rights of wild rice, setting the stage for the current lawsuit against the DNR. The suit in tribal court against the Minnesota Department of Natural Resources contends a water use permit for the Enbridge Energy Line 3 pipeline puts wild rice at risk.

[Petitions Filed to Have U.S. Supreme Court Decide on Indian Child Welfare Act Constitutionality](#)

Native News Online - September 07, 2021

The state of Texas, four tribes and several parents have filed petitions asking the Supreme Court to review the constitutionality of the Indian Child Welfare Act (ICWA). The petitions stem from U.S. 5th Court of Appeals decision last April in the Brackeen v. Halaand, formerly Brackeen v. Bernhardt, that was originally alleged the ICWA is unconstitutional for discriminating against non-Native families in the placement of Native children.

Also: [Tribes file cert petition defending Indian Child Welfare Act before Supreme Court](#) (Press release)

['This Land' podcast unravels complexity of child welfare in Indian Country in its second season](#)

KNBA-KBC – September 7, 2021

The award-winning podcast "This Land" returns for a second season. This one examines the legal attacks on a 40-plus-year old federal law meant to protect Native children in the U.S.

[Tribes, states seek review of Native child adoptions case](#)

Associated Press - September 08, 2021

The U.S. Supreme Court has been asked to review a case that centers on whether Native Americans should receive preference in adoptions of Native children. The 5th U.S. Circuit Court of Appeals issued a sharply divided ruling in April over the federal Indian Child Welfare Act. The law gives Native American families priority in foster care and adoption proceedings involving Native children, and places reporting and other requirements on states. The appeals court upheld the law and Congress' authority to enact it.

Also: [Both Sides Ask Supreme Court to Decide Fate of Indian Child Welfare Act](#)

The content of this newsletter is provided for information purposes only. No claim is made as to the accuracy or authenticity of the content of the newsletter and listed websites. The views expressed are those of the authors and may not represent the views of the forum members, the Judicial Council of California, or the funders.

CALIFORNIA TRIBAL COURT-STATE COURT FORUM

**JUDICIAL COUNCIL
JUDICIAL COUNCIL COURT
OPERATIONS & PROGRAMS
DIVISION
CENTER FOR FAMILIES,
CHILDREN & THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102

Tribal/State Programs Staff:

Vida Castaneda, Senior Analyst,
vida.castaneda@jud.ca.gov or
415-865-7874

Ann Gilmour, Attorney,
ann.gilmour@jud.ca.gov or
415-865-4207

Anne Hadreas, Supervising
Attorney,
anne.hadreas@jud.ca.gov
415-865-7598

Amanda Morris, Administrative
Coordinator,
aamanda.morris@jud.ca.gov
916-643-7049

Tribal/State Programs Link:
<http://www.courts.ca.gov/programs/tribal.htm>

FORUM LEGISLATIVE PROPOSALS

Visit forum's home page

<http://www.courts.ca.gov/3065.htm>

[Interior Dept. Defends ICWA In Bid For High Court Hearing](#) (Requires free subscription)
Law360 - September 09, 2021
The U.S. Department of the Interior defended the Indian Child Welfare Act's constitutionality to the U.S. Supreme Court in a petition asking the high court to clarify a messy Fifth Circuit ruling that upheld and overturned parts of a decision finding the law unconstitutional.

['Little victims everywhere': Pathways to justice](#)

Wenatchee World – September 10, 2021
Despite the problems of tribal authorities and limitations on their courts, many former U.S. attorneys believe the tribal justice system would be the most effective in dealing with crimes, such as child sexual abuse.
See also: [Little victims everywhere](#) Cronkite e-news.

['Where Did This Start?' In Yurok Domestic Violence Program, Understanding Generational Roots of Trauma Is Key](#)

KQED San Francisco – September 10, 2021
A National Institute of Justice [study from 2016](#) found that nearly 85% of American Indians and Alaska Natives had experienced violence in their lifetime, compared to a little over two-thirds for non-Hispanic whites. The rates of physical violence at the hands of an intimate partner were also markedly higher for Indigenous respondents. At the root is trauma that dates back generations, all the way to colonizers' invasions. Mental health experts have [defined that historical trauma](#) as “cumulative emotional and psychological wounding, over the lifespan and across generations, emanating from massive group trauma experiences.” In California, the forcible separation of Indigenous peoples from their lands, traditions and language are just some examples of the collective losses Native Americans have experienced.

[StrongHearts Native Helpline Releases One Year Sexual Violence Advocacy Report](#)

Native News Online – September 13, 2021
A new report that tracked contacts to the StrongHearts Native Helpline for one year revealed that 90 percent of those seeking help to deal with sexual violence were American Indian and Alaska Native females.
The report covers the first full year StrongHearts added sexual violence advocacy to the services it provides. The report documented contacts made to the helpline from Aug. 3, 2020 through Aug. 3, 2021 for help for sexual violence across the United States.

[In 'This Land,' A Custody Trial Over Native Children Heads To The Supreme Court](#)

WBUR – September 14, 2021
A custody trial in Texas involving a [Native American](#) child and white foster parents caught journalist Rebecca Nagle's eye.
But every time she pulled at a thread, the story got bigger ... then much bigger and more [important](#).

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.

[Fifth Circuit: Indian Child Welfare Act Is Constitutional](#) (Commentary)

State Bar of Wisconsin, Children & the Law Section - September 15, 2021

The Fifth Circuit Court of Appeals recently determined the Indian Child Welfare Act to be overall constitutional, although it struck down certain provisions. However, this case is expected to be appealed to the U.S. Supreme Court. If the Supreme Court were to find ICWA unconstitutional based on a violation of equal protection, then WICWA would also be unconstitutional. On the other hand, if ICWA is found unconstitutional based on a violation of the anti-commandeering doctrine, then WICWA could still stand. However, those provisions found to violate the anti-commandeering doctrine are likely to be altered, if not struck, by the Supreme Court. Finally, if ICWA is found constitutional on all grounds, WICWA would stand.

[A school sees a lice check. Lakota people sense centuries of repression.](#)

Flatwater Free Press - September 17, 2021

Norma LeRoy tries to understand why a school secretary cut her two little girls' hair without her consent in the spring of 2020. And then, days later, did it again. The secretary was checking for lice, LeRoy was told - lice the mother said they never found. In Kilgore, population 79, less than four miles from South Dakota's Rosebud reservation, hair cutting dredges up dark, generations-long history. Stories of boarding schools where they sheared the jet-black hair of Native Americans to make them look more like white people. Like those boarding school kids, LeRoy and her wife Alice Johnson say their little girls - ages 12 and 7 - also lost something. They don't laugh the same way. They don't play like they used to. And immediately before and after the hair cutting, three of their grandmothers died. Wàkuza. It invited bad luck, LeRoy said. When the Lakota mothers offered to bring cultural sensitivity training to the school, they got little response, they said. When they explained why cutting hair went against their religion, culture, and traditions, they said they were ignored. "You don't get lice if you have clean hair," LeRoy said the secretary told her.

[710 Indigenous people, mostly girls, were reported missing over the past decade in Wyoming, the same state where Gabby Petito reportedly disappeared](#)

Insider – September 18, 2021

The disappearance of Gabby Petito launched a social media frenzy and nonstop media coverage since she was reported missing, possibly from the state of Wyoming, where she and her boyfriend Brian Laundrie were said to be visiting Grand Teton National Park.

But hundreds of cases of Indigenous people reported missing in the exact same state over the past decade have not been met with the same furor.

At least 710 Indigenous people, mostly girls, went missing in Wyoming from 2011 to 2020, according to a January [report published by the state's Missing and Murdered Indigenous People Task Force](#). The vast majority, 85%, were kids, while 57% were female.

[Two judges are being sued by Pueblo of Pojoaque](#)

Albuquerque Journal – September 19, 2021

Two 1st Judicial District Court judges are being sued in federal court by the Pueblo of Pojoaque over personal injury cases they're presiding over involving two casinos.

Judge Bryan Biedscheid and Judge Matthew Wilson both have lawsuits before them involving personal injury claims at Buffalo Thunder and Cities of Gold Casino. Both casinos are on Pueblo land and the federal lawsuits question whether the two state court judges have jurisdiction to preside over personal injury cases against the casinos.

[ICWA: Federal protections for children under constant legal pressure](#)

Native America Calling – September 20, 2021

The Indian Child Welfare Act has been upheld in dozens of court decisions as a vital federal protection for Native adoptees and foster children. That string of wins ended when a Texas district court judge ruled the more than 40-year-old law unconstitutional. A subsequent federal appeals court agreed that at least parts of ICWA are unconstitutional. Long considered by legal experts as the gold standard of adoption law, ICWA faces its most significant legal challenge. We'll examine how we got here and who is behind the legal efforts to dismantle ICWA.

[Media Fascination With The Petito Mystery Looks Like Racism To Some Native Americans](#)

NPR – September 21, 2021

On Sunday, remains believed to be the body of 22-year-old Gabrielle Petito were found in Wyoming. The mystery around the death of the photogenic young white woman with a carefree social media presence has been [headline news](#) across the country.

And that's frustrating to people who say the media ignores an epidemic of missing and murdered Native American women in the state. Since the year 2000, indigenous people have made up 21% of homicides in Wyoming, even though only three percent of the population is Indigenous. That's according to [a state report released in January](#).

[Oklahoma organizations, foster families react to developments in review of Indian Child Welfare Act](#)

Norman Transcript – September 21, 2021

The ICWA was enacted in 1978 to help keep Indigenous children in Indigenous homes. In ICWA cases, the first preference for placement is that the child go to an extended family member, even if the relative is non-Native. Second preference is someone within the child's tribe; third preference is another tribe.

The Cherokee Nation of Oklahoma, the Oneida Nation of Wisconsin, the Morongo Band of Mission Indians of California, and the Quinault Indian Nation of Washington are petitioning the Supreme Court to request that the bill remain intact.

The state of Texas is challenging the constitutionality of ICWA, claiming it's a race-based system that makes it more difficult for Native kids to be adopted or fostered into non-Native homes. Another argument is that the law commandeers states too much, giving federal law imbalanced influence in state affairs.

[Mary Johnson, an Indigenous woman, went missing nearly a year ago. While the FBI recently offered a reward, activists say that's not enough](#)

CNN – September 23, 2021

It's been nearly 10 months since Johnson was reported missing. A billboard on Interstate 5 and local media coverage have yielded few credible tips, and tribal police have yet to make an arrest in the case. Only last week did the FBI announce it would offer a reward of up to \$10,000 for information about Johnson's disappearance. While family members and advocates welcome the move, they also wonder what took so long.

[Trauma in Native American communities plays role in child sexual abuse, experts say](#)

Indianz – September 23, 2021

Child psychologist Dolores Subia BigFoot retells the Story of the Moon and the Sun, which has been passed down verbally in Native communities for generations as a resource to help people learn about child sexual abuse and its prevalence.

['The first step is to understand what's there' -- Albuquerque mayor announces search for missing Indigenous children's remains](#)

Native News Online – September 27, 2021

The city of Albuquerque will become the first US city to use ground-penetrating radar to search for remains of Native American children buried in unmarked gravesites over a century ago.

[This New Canadian Holiday Reflects On The Legacy Of Indigenous Residential Schools](#)

NPR – September 30, 2021

Thursday is Canada's first-ever National Day for Truth and Reconciliation.

The [new statutory holiday](#) commemorates the victims and survivors of Indigenous residential schools. It was created through parliamentary legislation this spring and codified in June — around the time when hundreds of Indigenous children's remains were [found in unmarked graves](#) at several such sites.

[Canada's Indigenous children slated to receive billions in compensation after court rejects Trudeau appeal](#) (May require subscription)

Washington Post - September 30, 2021

A Canadian court has paved the way for billions of dollars in compensation to be paid to First Nations children removed from their families and placed into state welfare after a judge on Wednesday dismissed a legal challenge from the federal government. The Canadian Human Rights Tribunal had previously ruled that Ottawa "willfully and recklessly" discriminated against Indigenous services. The neglect was

CALIFORNIA TRIBAL COURT–STATE COURT FORUM

found to have pushed many of the children into foster care, leading the tribunal in 2019 to order Ottawa to pay about \$31,000 to each child removed from home.

[BIA Announces Indian Child Welfare Act Title II Grant Awards Totaling Approximately \\$2 Million](#)

Red Lake Nation News - September 30, 2021

The Bureau of Indian Affairs announced today that approximately \$2 million was awarded for grants to Indian organizations to help support off-reservation child and family service programs under Title II of the Indian Child Welfare Act (ICWA). Indian off-reservation child and family service programs provide services for stabilizing American Indian and Alaska Native (AI/AN) families and Tribes, preventing the breakup of families, and ensuring the last resort is the permanent removal of an AI/AN child from the custody of his/her AI/AN parent or custodian.

PUBLICATIONS

[Camp as Context for Need Satisfaction Among Native American Youth: Examining Links to Participation Quality and Quantity.](#)

Gagnon, Ryan J.;Garst, Barry A.;Bowers, Edmond P.;Zinzow, Heidi M.;Thompson, Martie P.
Children and Youth Services Review v. 119, December 2020, p. 1-11

Abstract: This study examined relations between participation quality and quantity and youth outcomes associated with Basic Psychological Needs Theory (i.e., autonomy, relatedness, and competence) among 116 Native American youth attending a one-week culturally-tailored summer camp. Participants were 60% female, on average 13.14 (SD = 2.02) years old and had an average of 2.98 (SD = 2.08) years of prior camp experience. Following their camp experience, participants completed measures of participation quality (i.e., the Tiffany-Eckenrode Program Participation Scale) and targeted program outcomes (i.e., the Basic Psychological Need Satisfaction and Frustration scale). The study findings indicated only one dimension of participation quality (personal development) positively predicted levels of autonomy, relatedness, and competence satisfaction. This study provides preliminary support for the potential utility of promoting (personal development) in a residential summer camp for Native American youth.

[Synthesis of Tribal Court Assessment Strategies: Tribal Court Improvement Program 2018 Grantees](#)

Children's Bureau Office of the Administration for Children & Families – August 2021 (Brief)

Abstract: In October 2018 as part of the Tribal Court Improvement Program (TCIP), the Children's Bureau within the Administration for Children and Families, U.S. Department of Health and Human Services, awarded grants to seven tribes (see exhibit 1). The purpose of these grants is to improve practice in child welfare cases in tribal courts. During a 5-year grant period, the tribal grantees are expected to: • Conduct assessments of how tribal courts handle child welfare proceedings; • Implement changes to address the results of child welfare court assessments; • Ensure the safety, permanency, and well-being needs of children are met in a timely and complete manner; • Continuously improve the quality of court hearings and legal representation, including engagement of parties, through training and increasing efforts to expand substantive and procedural justice. The purpose of this brief is to provide an overview of the strategies used by TCIP grantees to assess their tribal court systems. Common approaches, assessment questions, and methods are highlighted; lessons learned are described. Data were informed by grantee interviews, semiannual grantee progress reports, and tribal court assessment reports. This brief may inform other tribes interested in assessing their own tribal child welfare court systems with the goal of improving processes and outcomes for children and families.

[A national truth commission for Native Americans.](#)

Ochs, Sara L., [36 Wis. J.L. Gender & Soc'y 1](#) (2021)

Abstract: Native Americans have endured centuries of Genocide. What began as a systemic attempt by European colonialists to decimate the indigenous population subsequently evolved into more subtle, devastating acts intended to destroy indigenous culture. Today, Native Americans remain the subject of ongoing discrimination and human rights abuses especially pertaining to the forced removal of children from Native homes in violation of federal law. This paper will argue that transitional justice is imperative for Native Americans to collectively move past the trauma associated with these wrongs.

[When justice does not work: A solution focused approach to violence against Native women in Indian Country.](#)

Tehee, Melissa; Killgore, Racheal; Mack, Sallie; Isaacs, Devon; Ficklin, Erica, [36 Wis. J.L. Gender & Soc'y 33](#) (2021)

Abstract: The jurisdictional maze between tribal, state, and federal governments is often a barrier to justice for Native victims. Determining who has the authority to hold perpetrators responsible can be a daunting task given the centuries of legal groundwork that regulates such protections.

[Tribal pardons: A comparative survey.](#)

Novak, Andrew, George Mason University. Available on SSRN.

Abstract: This paper surveys American Indian tribal justice systems to assess whether collateral consequences attach to convictions and whether a pardon or expungement process exists to remove tribal convictions. Tribal criminal jurisdiction is often limited to lesser crimes and only those occurring on a reservation by members of the tribe; with exceptions, other cases are transferred to U.S. state or federal court.

[The tribal right to exclude others from Indian-owned lands.](#)

Skibine, Alex Tallchief. [45 Am. Indian L. Rev. 261](#) (2021)

This Article does not focus on the COVID-19 issues facing the tribes. Others have already done this. Instead, it casts a wider net and examines, from a general perspective, the Tribes' power to exclude non-members from their reservations.

[State v. Nobles: Chance to settle needless jurisdictional turbulence.](#)

Snyder, Kaylee. [45 Am. Indian L. Rev. 361](#) (2021)

Abstract: Under the Major Crimes Act (MCA), federal courts have exclusive jurisdiction over several enumerated criminal offenses that occur in Indian Country and are committed by "Indians." When an individual is an enrolled member of a federally recognized tribe, "Indian" status is easily established and federal courts hold the authority to prosecute. A jurisdictional issue arises whenever courts hear cases involving individuals that fall slightly outside specified membership requirements. Although such individuals are not qualified for tribal membership, many tribal courts exercise jurisdiction over them, still considering them to be "Indian" under the MCA. Additionally, some tribes recognize "Indian" status by extending benefits to these non-members because they are close descendants of enrolled members.

[The Supreme Court of Washington's broad interpretation of the "reason to know" standard in *In Re Dependency of Z.J.G.* and why a uniform, broad interpretation of the standard will lead to better outcomes.](#)

Hartsook, Dylan. [45 Am. Indian L. Rev. 387](#) (2021)

Abstract: ICWA provides standards for removing Indian children from their families in an effort to further the objectives of keeping Indian children in their cultures and preventing the breaking-up of families. One of these standards, and the focal point of this Note, requires state courts to provide formal notice to the child's tribe where the court has "reason to know" the child is an Indian child in a custody proceeding. The "reason to know" provision plays a key role as a gatekeeping function to afford tribes the opportunity to protect their children. If a court decides there is not "reason to know" the child is, in fact, an Indian child, the child may be deprived of the heightened standards of ICWA. Thus, whether courts apply this standard broadly or take a more narrow view plays a major role in custody proceedings. A uniform, broad application of ICWA's "reason to know" standard better serves legislative intent, delivers more equitable and expedient outcomes for Native American children, and respects tribes' rights to exclusively determine tribal membership.

[Selective Justice: A Crisis of Missing and Murdered Alaska Native Women](#)

Megan Maollonee, *38 Alaska Law Review* 93-120 (2021)

Abstract: Across the country, Indigenous women are murdered more than any other population and go missing at disproportionate rates. This crisis of missing and murdered Indigenous women is amplified in Alaska, where the vast landscape, a confusing jurisdictional scheme, and a history of systemic racism all create significant barriers to justice for Alaska Native women. This Note examines the roots of the crisis and calls for a holistic response that acknowledges the role of colonialism, Indigenous genocide, and governmental failures. While this Note focuses on the epidemic of violence against Alaska Native women

CALIFORNIA TRIBAL COURT-STATE COURT FORUM

in particular, it seeks to provide solutions that will increase the visibility and protection of Indigenous women throughout North America.

“If a person is murdered in the village, you’ll be lucky if someone comes in three, four days to work the murder site and gather what needs to be gathered so you can figure out a case later . . . but if you shoot a moose out of season, you’re going to get two brownshirts there that day.”

ANNOUNCEMENTS

Our Tribal/State Programs Unit has a new intern-Marshal Galvan, 1st Year MSW, UC Berkeley!

Marshal is Chippewa, Apache, and Navajo. He grew up in the Bay Area and received his undergraduate degree at CSU Monterey Bay, majoring in Collaborative Health and Human Services. Marshal is currently a 1st year, Title IV-E specialization, Masters in Social Welfare student at UC Berkeley. He will be working on an array of educational offerings, such as the Bay Area ICWA Symposium, unit webinars focused on ICWA topic areas, providing technical assistance, truth and reconciliation research, Tribal Court-State Court Forum items as assigned, statewide collaborative meetings or events, and updating several of our fact sheets related to tribal community statistics and information. His internship began on September 22, 2021 and will continue until April 30, 2022. If you would like to reach out to Marshal, his email is: Marshal.Galvan-T@jud.ca.gov

[On Native American Day, Governor Newsom Signs Package of Legislation to Advance Equity and Inclusion, Support California Native Communities](#)

September 24, 2021

SACRAMENTO – In a virtual ceremony with leaders of Native American tribes from across California, Governor Gavin Newsom proclaimed today [Native American Day](#) and signed a package of legislation honoring the rich histories and cultures of California Native peoples, facilitating the return of ancestral lands to tribal ownership and supporting tribal government emergency services, among other priorities.

ONLINE RESOURCES

[Building AMBER Alert in Indian Country](#)

National Criminal Justice Training Center of Fox Valley Technical College – Self-Paced Course
Join other child protection personnel working in or with Native American and Alaskan Native communities to gain an understanding of both historical and ongoing efforts to establish AMBER Alert systems in Indian Country. Examine the key components needed to implement a successful child abduction recovery strategy in those communities. Learn about the vital importance of AMBER Alerts, issues of capacity when building AMBER Alert programs, and the 12 key components of AMBER Alert programs. Consider time as the enemy in endangered missing and abducted child cases, unique child protection challenges in Indian Country, and considerations for implementing strategies around AMBER Alert, and a comprehensive child recovery strategy.

[Tribal Justice System Planning Process Online](#)

National Criminal Justice Training Center of Fox Valley Technical College – Self-Paced Course
Learn about the Tribal Justice System Planning Process (TJSPP) principles and how a comprehensive tribal justice system strategic plan can improve public safety and the quality of life in your community. This online training course is designed for grantees who have not participated in the onsite TJSPP course, as well as non-grantee tribes.

[Founding Failures: Indian Country’s Sovereignty and Subordination](#)

Presented by the American Constitution Society. Recorded on September 20, 2021

Since its founding, the United States government has created and then abrogated treaties with tribal nations, taken tribal land, and pushed policies aimed at stripping indigenous communities of their language and culture. On a day that we celebrate the ratification of our founding document, it is important to remember and better understand the extent to which the U.S. Constitution specifically addresses tribal sovereignty and the ways in which the U.S. government, often enabled by the federal judiciary, has too often blithely violated that sovereignty, and harmed the citizens of tribal nations.

Join ACS as we explore the unique impact our constitutional “founding failures” had for Native Americans, the ways in which that legacy differs from other marginalized populations excluded from the original

CALIFORNIA TRIBAL COURT-STATE COURT FORUM

constitutional bargain, and the lessons we can learn to move forward in redressing the harms the United States has committed against tribal nations and their people.

Welcome Remarks:

Russ Feingold, President, ACS

Featured Speakers:

Ambassador Keith Harper, Partner, Jenner & Block, Moderator

Chase Iron Eyes, Lead Counsel, Lakota People's Law Project

Matthew L.M. Fletcher, Foundation Professor of Law, Michigan State University College of Law

Elizabeth Reese, Assistant Professor of Law, Stanford University Law School

Addie Rolnick, San Manuel Professor of Law, UNLV William S. Boyd School of Law

UPCOMING CONFERENCES, WEBINARS AND TRAININGS

[34th Annual Indian Law Symposium](#)

October 1, 2021 and April 21 and 22, 2022

University of Washington School of Law

UW Law's Indian Law Symposium, an annual tradition for 33 years, will be held in two parts for the 2021-2022 academic year. Part 1 will be held on **Friday, October 1, 2021** and will feature a full set of topics with panelists from across the country. We are planning for the program to be held in a hybrid format which will allow panelists and the audience to attend live or virtually. We are requesting approval for **7.5 CLE credits, with 6.75 General and .75 Ethics**. Part 2 will be held on **April 21 and 22, 2022** and will focus exclusively on the forthcoming Restatement of [The Law of American Indians](#). The presenters will all be from the group of experts who participated in the drafting of the Restatement. The event will be cosponsored with the [Washington Law Review](#) and supported by the [American Law Institute](#). More details will be available for Part 2 during the fall of 2021.

[Enhancing Basic Skills for Tribal/First Nations Child Welfare Workers](#)

October 5-6, 2021

National Indian Child Welfare Act Association - Virtual

This training is geared toward tribal/first nations child welfare workers who want to improve on their basic skills. The training will strengthen the workers' capacity to work with children and families by developing effective interviewing skills, assessment, service planning, case planning, and service coordination.

[21st Annual California Indian Law Conference and Awards Dinner in 2021](#)

This year's event will take place **in-person** at the [Conference Center located at Morongo Casino Resort & Spa](#) on **Wednesday, October 6 through Friday, October 8, 2021**. The agenda at-a-glance is available [here](#). A direct link to the registration site is [here](#).

[Being an Ally in Indian Country](#)

Native Wellness Institute

Virtual Training

October 19-20, 2021

This interactive training will be facilitated by a team of NWI trainers and is intended for non-Natives and Natives who want to learn more about being an ally in Indian Country. The training will include large and small group discussions, opportunities for reflection and assessment, and tools to take back to the workplace. The goal of the training is to better help you to help the tribe/organization you are working for.

[NAICJA 52nd Annual National Tribal Judicial and Court Personnel Conference](#)

October 19 - 21, 2021

Virtual Conference

National American Indian Court Judges Association (NAICJA) is hosting its 52nd annual National Tribal Judicial and Court Personnel Conference virtually October 19-21, 2021. NAICJA continues its conference tradition of delivering top-notch training, cutting-edge information and invaluable opportunities to network with and learn from their colleagues. The virtual conference will span three days with morning plenaries and afternoon concurrent breakout sessions. Each session is one hour, and attendees are only asked to commit to four hours per day. Attendees will also have opportunities to network with colleagues and make new connections during evening social events, including a silent auction.

CALIFORNIA TRIBAL COURT–STATE COURT FORUM

[Registration for the 10th Annual Judicial Gathering in California](#)

October 22, 2021

Virtual Gathering

Please register for the 10th Annual Judicial Gathering of California scheduled for Friday, Oct 22, 2021. We are inviting all tribal leaders, tribal court and state court judges in California, court clerks, officers, child welfare directors, supervisors, and social workers, and ICWA champions. Pre-recorded updates of activities and partners will be from noon – 1pm, and the live event from 1-4pm. Once you have registered you will automatically receive updates and a zoom link to enter the Judicial Gathering. A commemorative poster titled History of Justice for Tribal Families in California will be emailed to everyone who registers, suitable for printing on 18" x 24" sized paper. Be sure to complete the physical address if you would like one mailed to you.

[18th Annual Indigenous Law Conference](#)

Michigan State University College of Law

November 4-5, 2021

Register here: <https://tica.wildapricot.org/event-4338363>

The conference's main goal is to provide useful information for Tribal In-House Counsel. In the past, conferences have centered on a variety of themes. Save the date flyer [here](#) Tentative agenda is available [here](#)

[17th National Indian Nations Conference](#)

The Office for Victims of Crime

Date: March 22–25, 2022

Location: Agua Caliente Band of Cahuilla Indians Reservation in California

This conference will focus on the unique needs of American Indian and Alaska Native crime victims and provide training for victim service providers; law enforcement officials; prosecutors; judges; medical and mental health professionals; social workers; and victim advocates at the tribal, federal, state, and local levels. OVC anticipates opening registration later this year. If you have questions, please email IndianNations2022@saxmanone.com.

[40th Annual Protecting Our Children Conference](#)

National Indian Child Welfare Association (NICWA)

April 3-6, 2022

Location: Orlando, Florida Or Virtual Attendance

****Call for Presentations Deadline: October 29, 2021**** <https://www.nicwa.org/call-for-presentations/>

The conference will host more than fifty 90-minute presentations, which are selected to lead vigorous dialogue about best practices, current research, advocacy efforts, policy implications, and other lessons learned with over 1,400 conference attendees.

Bay Area ICWA Symposium

Virtual Symposium

April 7-8, 2022

****Save the date information coming soon**

Symposium goals: •Build ICWA champions •Highlight ICWA best practices •Enhance skills to improve outcomes for Native American families •Strengthen relationships between tribes, urban American Indian/Alaska Native communities, courts, county child welfare agencies and schools of social work •Provide legal updates

*If you have questions, comments or workshop ideas, please contact: Vida Castaneda at

vida.castaneda@jud.ca.gov

[International Conference on Sexual Assault, Domestic Violence, and Reimagining Justice](#)

End Violence Against Women International

Virtual & In-Person

April 19-21, 2022

Our annual conferences focus on sexual assault, intimate partner violence, stalking, human trafficking and elder abuse. We consistently bring together law enforcement personnel, prosecutors, victim advocates, judges, parole and probation officers, rape crisis workers, health care professionals, faith community members, educators, researchers and others in this three-day conference highlighting promising practices and emerging issues to effectively respond to these crimes in all of our communities.

CALIFORNIA TRIBAL COURT-STATE COURT FORUM

COVID-19 SPECIFIC GRANT OPPORTUNITIES

[American Rescue Plan \(ARP\) Additional Assistance](#)

**Department of Transportation
DOT/Federal Transit Administration
FTA-2021-012-TPM-AAF**

Deadline: November 8, 2021

As required by the American Rescue Plan Act, funds will be awarded to eligible recipients or eligible subrecipients of Urbanized Area Formula funds or Rural Area Formula funds that, as a result of the Coronavirus disease 2019 (COVID-19), require additional assistance for costs related to operations, personnel, cleaning, and sanitization combating the spread of pathogens on transit systems, and debt service payments incurred to maintain operations and avoid layoffs and furloughs.

[American Rescue Plan Act Indigenous Communities Notice of Funding Opportunity](#)

**Department of Commerce
Economic Development Administration
EDA-2021-ARPAINDIGENOUS
Deadline: September 30, 2022**

EDA's American Rescue Plan Indigenous Communities NOFO is designed to support indigenous communities as they respond to, and recover from, the economic impacts of the coronavirus pandemic, including long-term recovery and resilience to future economic disasters. For additional information: <http://www.eda.gov/>

[SARS-CoV-2 \(COVID-19\) Program Activities](#)

**Department of Health and Human Services
Office of the Assistant Secretary for Health
OS-PAW-20-001**

Deadline: To be determined based on public health emergency needs.

The Office of the Assistant Secretary for Health (OASH) has established the Laboratory and Diagnostics Working Group (LDWG) seeking submissions to a Broad Agency Announcement (BAA) "to prevent, prepare for, and respond to coronavirus, domestically or internationally, for necessary expenses to research, develop, validate, manufacture, purchase, administer, and expand capacity for COVID-19 tests to effectively monitor and suppress COVID-19..." (Paycheck Protection Program and Healthcare Enhancement Act (P.L. 116-139)). The primary areas of focus should specifically include (1) Scaling and Networking of Technologies, and (2) Testing Demonstrations & Technical Assistance. Specifically, OASH is interested in submissions that will substantially increase our testing capacity and quality in the near term, and do not fall within the scope of other HHS programs.

Please Contact:

Eric West Office of Grants & Acquisitions Management
240-453-8822

[Office of Grants & Acquisitions Management](#)

[NCAI Financial Relief for Tribal Nations Affected by COVID-19](#)

With the continued spread of the novel coronavirus (COVID-19), NCAI is committed to supporting Indian Country and lifting up our communities as we continue to combat this global pandemic. Keeping in mind the needs of our tribal nations. NCAI is awarding \$5,000 to various tribal nations that have been affected by this pandemic through NCAI's [COVID-19 Response Fund](#) for Indian Country.

Applications guidelines are located [here](#). NCAI Contact: Christian Weaver, *Vice President of Development*, cweaver@ncai.org

Coronavirus (COVID-19): FEMA Assistance for Tribal Nations

On March 13, 2020, the President announced a nationwide emergency declaration in response to coronavirus (COVID-19). As a result, tribal nations have two options to receive funding under the Presidential declaration.

- FEMA assistance for tribal nations related to COVID-19, click [here](#).
- What expenses qualify as Eligible Emergency Protective Measures, click [here](#).
- An example of a Tribal Public Assistance Administrative plan, click [here](#).
- FEMA regional tribal liaison and FEMA headquarters contact information, click [here](#).
- FEMA resources located on NCAI's COVID-19 microsite, click [here](#).
-

CALIFORNIA TRIBAL COURT-STATE COURT FORUM

[GOLDEN STATE GRANT PROGRAM](#)

Attention CalWORKs families with an approved case status as of March 27 will receive a one-time Golden State Grant payment of \$600. The payment is to help families who may have been impacted by the COVID-19 pandemic. This payment is not a CalWORKs grant payment and not subject to hearing rights.

[FEMA COVID-19 FUNERAL ASSISTANCE](#)

If you've have lost someone to COVID-19, FEMA may be able to help with funeral expenses starting in April 2021.

[Emergency Broadband Benefit](#)

The Federal Communications Commission (FCC) has authorized a new [Emergency Broadband Benefit](#). This benefit will provide a discount of \$50 per month for eligible low-income households or \$75 per month for households on Tribal lands to cover internet bills, as well as provide discounts on some devices. This program can also be combined with Lifeline benefits. The FCC has developed a [consumer FAQ](#), which provides information about eligibility and program details.

NEW GRANT OPPORTUNITIES

[AmeriCorps State and National Public Health AmeriCorps](#)

AmeriCorps

AC-09-08-21

Deadline: November 8, 2021

AmeriCorps grants are awarded to eligible organizations (See Section C.1 Eligible Applicants) proposing to engage AmeriCorps members in evidence-based or evidence-informed interventions/practices to strengthen communities. An AmeriCorps member is an individual who engages in community service through an approved national service position.

[E-Learning Collaborative for Sexual Violence and Intimate Partner Violence Prevention](#)

Department of Health and Human Services

Centers for Disease Control - NCIPC

CDC-RFA-CE22-2202

Deadline: November 17, 2021

The purpose of this NOFO is to support an E-Learning community and peer learning platform that uses multiple communication channels, including interactive web conference series, podcasts, online education resources, translation products, and planned and strategic social media to build and strengthen violence prevention systems for the Division of Violence Prevention's funded recipients, sub-recipients and prevention practitioners nationally.

[AmeriCorps State and National Grants](#)

AmeriCorps

AC-09-14-21

Deadline: January 5, 2022

AmeriCorps members and AmeriCorps Seniors volunteers serve with organizations dedicated to the improvement of communities.

[Research Grants to Prevent Firearm-Related Violence and Injuries](#)

Department of Health and Human Services

Centers for Disease Control and Prevention - ERA

RFA-CE-22-004

Deadline: January 14, 2022

The intent of this announcement is to support research to help inform the development of innovative and promising opportunities to enhance safety and prevent firearm-related injuries, deaths, and crime, and to rigorously evaluate the effectiveness of innovative and promising strategies to keep individuals, families, schools, and communities safe from firearm-related injuries, deaths, and crime.

[Research Grants for Preventing Violence and Violence Related Injury](#)

Department of Health and Human Services

Centers for Disease Control and Prevention - ERA

RFA-CE-22-005

Deadline: January 14, 2022

CALIFORNIA TRIBAL COURT-STATE COURT FORUM

This initiative is intended to support evaluation and implementation research studies on primary prevention programs, practices or policies with universal or selected (i.e., have one or more risk factors that place them at heightened risk for violence) populations. Funds are available to conduct such studies focused on preventing child abuse and neglect and at least one other form of violence affecting children and youth, including teen dating violence, sexual violence, youth violence, and exposure to adult intimate partner violence.

[Rigorously Evaluating Programs and Policies to Prevent Child Sexual Abuse \(CSA\)](#)

**Department of Health and Human Services
Centers for Disease Control and Prevention - ERA
RFA-CE-22-003**

Deadline: January 28, 2022

The Centers for Disease Control and Prevention's National Center for Injury Prevention and Control (NCIPC) is soliciting investigator-initiated research proposals to rigorously evaluate prevention approaches (i.e., programs, policies, or practices) for their impact on the primary prevention of child sexual abuse (CSA) perpetrated by youth or adults.

[Tribal Maternal, Infant, and Early Childhood Home Visiting Program: Development and Implementation Grants](#)

**Department of Health and Human Services
Administration for Children and Families - OCC
HHS-2022-ACF-OCC-TH-0074**

Deadline: April 15, 2022

Funds will support 63-month grants (cooperative agreements) between ACF and federally-recognized Indian tribes (or a consortium of Indian tribes), tribal organizations, or urban Indian organizations to: conduct community needs assessments; develop the infrastructure needed for widespread planning, adopting, implementing, expanding, enhancing, and sustaining of evidence-based maternal, infant, and early childhood home visiting programs; and provide high-quality evidence-based home visiting services to pregnant women and families with young children aged birth to kindergarten entry.

[Victims of Human Trafficking Services and Outreach Program – \(VHT-SO\) Pacific Region Demonstration Program](#)

**Department of Health and Human Services
Administration for Children and Families-IOAS-OTIP
HHS-2022-ACF-IOAS-OTIP-ZV-0038**

Deadline: April 18, 2022

Under the VHT-SO Pacific Region Demonstration Program the following activities are required: a) provision of comprehensive, culturally and linguistically responsive, case management to foreign nationals who have experienced sex and labor trafficking; 2) outreach efforts to increase identification of foreign nationals who have experienced sex and labor trafficking; 3) training to service providers and community partners.

[AmeriCorps State and National Tribal Grants](#)

**AmeriCorps
AC-09-15-21**

Deadline: May 4, 2022

AmeriCorps members and AmeriCorps Seniors volunteers serve with organizations dedicated to the improvement of communities.

[Victims of Human Trafficking in Native Communities \(VHT-NC\) Demonstration Program](#)

**Department of Health and Human Services
Administration for Children and Families-IOAS-OTIP
HHS-2022-ACF-IOAS-OTIP-TV-0035**

Deadline: May 19, 2022

Under the VHT-NC Demonstration Program the following activities are required: 1) provision of comprehensive, culturally and linguistically responsive, case management to Native Americans who have experienced sex and labor trafficking; 2) outreach efforts to increase identification of Native Americans who have experienced sex and labor trafficking; and 3) training to service providers and community partners.

CALIFORNIA TRIBAL COURT-STATE COURT FORUM

[Disaster Assistance for State Units on Aging \(SUAs\) and Tribal Organizations in Major Disasters Declared by the President](#)

Department of Health and Human Services
Administration for Community Living
HHS-2022-ACL-AOA-DASG-0068

Deadline: September 6, 2022

Grants awarded under this announcement are to provide disaster reimbursement and assistance funds to those State Units on Aging (SUAs), and federally recognized Tribal Organizations who are currently receiving a grant under Title VI of the Older Americans Act (OAA), as amended. These funds only become available when the President declares a Major Disaster under the Robert T. Relief and Emergency Assistance Act and may only be used in those areas designated in the Disaster Declaration issued by the President of the United States under the Robert T. Stafford Relief and Emergency Assistance Act.

PREVIOUSLY REPORTED GRANT OPPORTUNITIES

[Access to Historical Records: Archival Projects](#)

National Archives and Records Administration
ARCHIVAL-202110

Deadline: October 6, 2021

The NHPRC seeks projects that will significantly improve online public discovery and use of historical records collections. The Commission encourages projects centered on collections of America's early legal records, such as the records of colonial, territorial, county, and early statehood and tribal proceedings that document the evolution of the nation's legal history.

[HEAL Initiative: Novel Targets for Opioid Use Disorders and Opioid Overdose](#)

Department of Health and Human Services
National Institutes of Health
RFA-DA-22-031

Deadline: October 19, 2021

The purpose of this Funding Opportunity Announcement (FOA) is to support research projects focusing on the identification of druggable new targets and discovery of optimizable probes for development of safe and efficacious medications to prevent and treat opioid use disorders (OUDs), opioid overdose, and opioid-polysubstance use comorbidities.

[Community Development Block Grant Program for Indian Tribes and Alaska Native Villages](#)

Department of Housing and Urban Development
FR-6500-N-23

Deadline: October 25, 2021

The primary objective of the Indian Community Development Block Grant (ICDBG) program is the development of viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons of low-and moderate-incomes. See the ICDBG regulations at 24 CFR 1003.2, the full text of which is available at 24 CFR part 1003.

[Zero Suicide Initiative Coordinating Center](#)

Department of Health and Human Services
Indian Health Service
HHS-2022-IHS-ZSICC-0001

Deadline: October 29, 2021

The purpose of this cooperative agreement is to build capacity of ZSI projects to improve the system of care for those at risk for suicide by implementing a comprehensive, culturally informed, multi-setting approach to suicide prevention in Indian Health Systems.

[Indian Housing Block Grant \(IHBG\) - Competitive Grant Program](#)

Department of Housing and Urban Development
FR-6500-N-48

Deadline: December 1, 2021

Under the program, eligible Indian tribes, and tribally designated housing entities (TDHEs) receive grants to carry out a range of affordable housing activities. Grant funds may be used to develop, maintain, and

CALIFORNIA TRIBAL COURT-STATE COURT FORUM

operate affordable housing in safe and healthy environments on Indian reservations and in other Indian areas and carry out other affordable housing activities. Grant funds must be used to primarily benefit low-income Indian families

[Domestic Violence Prevention Program: Forensic Healthcare Services](#)

Department of Health and Human Services

Indian Health Service

HHS-2022-IHS-FHC-0001

Deadline: December 31, 2021

The purpose of this Indian Health Service (IHS) grant is to provide access to treatment for American Indian / Alaska Native (AI/AN) victims of domestic and sexual violence by supporting the development of and/or expansion of Forensic Healthcare (FHC) services that are culturally appropriate and trauma informed. This also includes promoting treatment, intervention, and prevention efforts for the social, spiritual, and emotional well-being of victims including child maltreatment. To address domestic and sexual violence, including victims of sexual exploitation/human trafficking, applicants are encouraged to use a Multidisciplinary Team (MDT) and Sexual Assault Response Team (SART) approaches.

[Substance Abuse and Suicide Prevention Program: Substance Use Prevention, Treatment, and Aftercare](#)

Department of Health and Human Services

Indian Health Service

HHS-2022-IHS-SAPTA-0001

Deadline: December 31, 2021

The primary purpose of this program is to reduce the prevalence of substance use and decrease the overall use of addicting and illicit substances among American Indian and Alaska Native (AI/AN) populations.

[Substance Abuse and Suicide Prevention Program: Suicide Prevention, Intervention, and Postvention](#)

Department of Health and Human Services

Indian Health Service

HHS-2022-IHS-SPIP-0001

Deadline: December 31, 2021

The primary purpose of this program is to reduce the prevalence of suicide among American Indian and Alaska Native (AI/AN) populations.

[Tribal Practices for Wellness in Indian Country](#)

Department of Health and Human Services

Centers for Disease Control - NCCDPHP

CDC-RFA-DP22-2201

Deadline: March 16, 2022

The purpose of this funding opportunity is to improve cultural connectedness among American Indians and Alaska Natives. This funding opportunity offers support for the implementation of tribal practices and cultural traditions to build resiliency and connections to community and culture to improve physical, mental, emotional, and spiritual health and wellbeing.

[EDA Disaster Supplemental](#)

Department of Commerce

Economic Development Administration

EDA-2019-DISASTER

Deadline: None

EDA announces general policies and application procedures for the Disaster Supplemental NOFO.