

CALIFORNIA TRIBAL COURT/STATE COURT FORUM

ANNOUNCEMENTS

ICWA Standing Protective Order: Access to Juvenile Case Files by Indian Tribes in Humboldt County.

See the document attached titled: *ICWA Standing Protective Order*.

U.S. Attorneys Timothy Q. Purdon and Sanford C. Coats to Lead Attorney General's Native American Issues Subcommittee

Attorney General Eric Holder announced the appointment of U.S. Attorney for the District of North Dakota Timothy Q. Purdon as chair of the Native American Issues Subcommittee (NAIS) of the Attorney General's Advisory Committee of U.S. Attorneys (AGAC). Attorney General Holder also appointed U.S. Attorney for the Western District of Oklahoma Sanford C. Coats to serve as vice chair. See complete article attached or click here: <http://www.justice.gov/opa/pr/2013/February/13-ag-159.html>

Tribal Customary Adoption Symposium and Curriculum Development Meeting. Wednesday, March 13, 2013: 9:00 am to 12:30 pm

This event is sponsored by the Administrative Office of the Courts, Center for Families, Children & the Courts, with funding from the California Department of Social Services and will be conducted by Ann Gilmour and Vida Castaneda. The meeting will include those who have participated in tribal customary adoption cases in California and/or interested parties those who would like to contribute towards curriculum development and discussion on tribal customary adoption. We encourage your participation in this event. Continuing Education Units Offered: MCLE, BBS, Judicial Officers, and Court Staff.

We will be addressing the following:

- Overview of Tribal Customary Adoption (TCA)
- How TCA has worked in practice – key challenges and solutions
- Incorporating TCA into case work, policies and procedures
- Next steps – identification of tools, resources and training needed to implement TCA

Location:

Intertribal Friendship House
523 International Blvd
Oakland, CA 94606

Forum E-Update

FEBRUARY 2013

CALIFORNIA TRIBAL
COURT/STATE COURT
FORUM

HON. RICHARD C. BLAKE
Cochair

HON. DENNIS M. PERLUSS
Cochair

Hon. Abby Abinanti
Hon. April E. Attebury
Hon. Mitchell L. Beckloff
Hon. Tricia Ann Bigelow
Hon. Jerilyn L. Borack
Hon. Anthony J. Brandenburg
Hon. Robert L. Dondero
Hon. Leonard P. Edwards (Ret.)

Volunteer Mentor Judge

Hon. Michael Golden
Hon. Cynthia Gomez
Mr. Olin Jones
Hon. Suzanne N. Kingsbury
Hon. William Kockenmeister
Hon. James R. Lambden
Hon. Anthony Lee
Hon. Lester J. Marston
Hon. Robert Moeller
Hon. David E. Nelson
Hon. Kimberly J. Nystrom-Geist
Hon. Deborah A. Ryan
Hon. Deborah L. Sanchez
Hon. Dean T. Stout
Hon. Juan Ulloa
Hon. Claudette C. White
Hon. Christine Williams
Hon. Christopher G. Wilson

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JUDICIAL COUNCIL ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL COURT OPERATIONS

SERVICES DIVISION

CENTER FOR FAMILIES,

CHILDREN & THE COURTS

455 Golden Gate Avenue

San Francisco, California 94102

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or 415-865-7687

Tribal/State Programs

Link:

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

Tribal and State Court Access to the California Courts Protective Order Registry (CCPOR)

Through this dedicated online database state courts and tribal courts can view each other's protective orders. The courts that have access are better able to protect the public, particularly victims of domestic violence, and avoid issuing redundant or conflicting orders. Currently, 9 tribal courts and 21 state courts are using CCPOR. Should your court wish to receive training and technical assistance to access CCPOR, please contact Jennifer Walter at jennifer.walter@jud.ca.gov or 415-865-7687. Learn more at www.courts.ca.gov/15574.htm.

Cross-Court Exchanges

The forum is hosting a series of gatherings that we are calling cross-court educational exchanges. The focus of these exchanges is to discuss and problem-solve together local justice systems' concerns relating to domestic violence, sexual assault, stalking, teen dating violence and/or elder abuse. The judges are inviting tribal leadership and local county and tribal professionals who work in the fields of child welfare, juvenile and criminal law, education, mental health, probation, social services, victim and other supportive services.

Thanks to funding from CalEMA, the AOC is able to pay for associated travel and lodging costs for up to four tribal and state court judges who wish to participate in these exchanges. If you are interested in participating, please contact Jenny Walter, at jennifer.walter@jud.ca.gov or 415-865-7687

1. Judge White and Judge Ulloa are co-hosting the first cross-court exchange at Quechan.
Date: February 27, 2013 – February 28, 2013
Time: 9:00 a.m. – 5:00 p.m. (2/27) and 9:00 a.m. – 2:00 p.m. (2/28)
Where: Elder's Nutritional Center
403 Picacho Road - Winterhaven, CA 92283
2. Judge Abinanti and Judge Wilson are co-hosting the second cross court exchange at Yurok.
Date: April 24, 2013
Time: 9:00 a.m. – 5:00 p.m.
Where: Klamath Office ~ Administration
190 Klamath Blvd - Klamath. CA 95548

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

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GRANT OPPORTUNITIES:

OJJDP FY 2013 Mentoring Best Practices Research

Deadline: February 19, 2013

This program seeks to enhance what is understood about mentoring as a prevention and intervention strategy for youth who are at risk of involvement or already involved in the juvenile justice system. While mentoring appears to be a promising intervention for youth, more evaluation work is needed to further highlight the characteristics and components of a mentoring program that are most effective. Research is also needed to demonstrate the specific components of mentoring programs that have a significant impact in reducing juvenile delinquency and offending. This solicitation will fund research studies that will inform the design and delivery of mentoring programs. OJJDP expects that the results of this effort will encourage a more effective utilization of resources and enhance the implementation of evidence-based best practices for juvenile mentoring. This program will be authorized by an Act appropriating FY 2013 funds for the Department of Justice.

<http://www.ojjdp.gov/grants/solicitations/FY2013/MentoringResearch.pdf>

Adult Drug Court Discretionary Grant Program FY 2013 Competitive Grant Announcement

Deadline: February 21, 2013

BJA is accepting applications for FY 2013 grants to establish new drug courts or enhance existing drug court services, coordination, and offender management and recovery support services. The purpose of the Adult Drug Court Discretionary Grant Program (42 U.S.C. 3797u et seq.) is to provide financial and technical assistance to states, state courts, local courts, units of local government, and Indian tribal governments to develop and implement drug courts that effectively integrate evidenced-based substance abuse treatment, mandatory drug testing, sanctions and incentives, and transitional services in a judicially supervised court setting with jurisdiction over substance-abusing offenders. (See page 6 for a definition of "evidence-based.") For more information follow this link: <https://www.bja.gov/Funding/13DrugCourtSol.pdf>

Medicaid Program and Children's Health Insurance Programs Grants

Deadline: February 21, 2013

This solicitation seeks applications for Connecting Kids to Coverage Outreach and Enrollment (Cycle III) grant funding, provided under the Section 2113 of the Social Security Act, as amended by section 10203(d)(2)(E)(i) of the Patient Protection and Affordable Care Act (ACA) (Pub. L. 111-148). A total of \$32 million is available for grants to states, local governments, community-based and non-profit organizations. Indian health care providers and tribal entities also are eligible to apply for grants under this FOA. In addition, the Center for Medicare & Medicaid Services (CMS) will be announcing a separate FOA exclusively for Indian health care providers and tribal entities, under which \$4 million will be made available for outreach and enrollment grants. Cycle III grants will support outreach strategies similar to those conducted in previous grant cycles, and also will fund activities designed to help families understand new application procedures and health coverage opportunities, including Medicaid, CHIP and insurance affordability programs under the ACA. For more information, see the link below:

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http://www.insurekidsnow.gov/professionals/new_funding_opportunity_connecting_kids_to_coverage_outreach_and_enrollment_grants.pdf

OJJDP FY 2013 State Advisory Group Training and Technical Assistance Project

Deadline: February 25, 2013

The State Advisory Group Training and Technical Assistance Project will provide training and technical assistance to state advisory groups (SAGs) appointed under the Juvenile Justice and Delinquency Prevention Act (JJDP Act) of 1974, as amended. Title II Part B authorizes the OJJDP Administrator to provide training and technical assistance resources to states, U.S. territories, federally recognized tribal governments, and units of local government to support their justice systems response to juvenile delinquency. It is anticipated that this project will be authorized by an act appropriating funds for the Department of Justice and 42 U.S.C. Section 3796ee-10(b)(1)(B). For more information follow this link: <http://www.ojjdp.gov/grants/solicitations/FY2013/SAGTTA.pdf>

OVW FY 2013 Education, Training and Enhanced Services to End Violence Against and Abuse of Women with Disabilities Grant Program

Deadline: February 26, 2013

Recognizing the pressing need to focus on sexual assault, domestic violence, dating violence, and stalking against individuals with disabilities and Deaf individuals due to the proliferation of such crimes, Congress authorized the Education, Training and Enhanced Services to End Violence Against and Abuse of Women with Disabilities Grant Program (Disability Grant Program) in the Violence Against Women and the Department of Justice Reauthorization Act of 2005. The goal of the Disability Grant Program is to create sustainable change within and between organizations that result in accessible, safe and effective services for individuals with disabilities and Deaf individuals who are victims of sexual assault, domestic violence, dating violence, and stalking and accountability for perpetrators of such crimes. Disability Grant Program funds will be used to establish and strengthen multidisciplinary collaborative relationships; increase organizational capacity to provide accessible, safe, and effective services to individuals with disabilities and Deaf individuals who are victims of violence and abuse; and identify needs within the grantee's organization and/or service area, and develop a plan to address those identified needs that builds a strong foundation for future work. For additional information on the Disability Grant Program see this link: <http://muskie.usm.maine.edu/vawamei/disabilitymain.htm> .

OVW FY 2013 Enhanced Training and Services to End Violence Against and Abuse of Women Later in Life Program

Deadline: February 28, 2013

The Enhanced Training and Services to End Violence Against and Abuse of Women Later in Life Program provides or enhances training and services to address elder abuse, neglect, and exploitation, including sexual assault, domestic violence, dating violence, or stalking, involving

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victims who are 50 years of age or older. For more information follow this link:

<http://www.ovw.usdoj.gov/docs/late-in-life-prog-fy13.pdf>

Funding Available for 2013 Native Youth & Culture Fund Projects

Due by March 1, 2013

We are pleased to announce this 2013 request for proposals (RFP) for projects that focus on youth, and incorporate culture and tradition to address social issues such as drug and alcohol abuse, teen pregnancy, mental health or other social issues. Note: This is a two phase proposal. Specifically, we are seeking projects that focus on one or more of these four priority areas:

- Preserving, strengthening or renewing cultural and/or spiritual practices, beliefs and values.
- Engaging both youth and elders in activities that demonstrate methods for documenting traditional knowledge, practices, and/or beliefs, where culturally appropriate.
- Increasing youth leadership and their capacity to lead through integrated educational or mentoring programs.
- Increasing access to and sharing of cultural customs and beliefs through the use of appropriate technologies (traditional and/or modern), as a means of reviving or preserving tribal language, arts, history, or other culturally relevant topics.

First Nations expects to award approximately 20 grants. Some projects may have previously received funding through the Native Youth and Culture Fund (NYCF), and are seeking additional support to expand the original project, with a view toward sustainability. First Nations would prefer to review projects of no longer than one year in length, and with budgets between \$5,000 and \$20,000. Only in very exceptional cases, will we consider projects that do not fit these guidelines. For more information see link: <http://www.firstnations.org/nycf>

SAMHSA is accepting applications for up to \$10.7 million in System of Care Expansion Planning grants

Deadline: March 1, 2013

The Substance Abuse and Mental Health Services Administration (SAMHSA) is accepting applications for System of Care Expansion Planning grants totaling up to \$10.7 million. The purpose of these grants is to develop a comprehensive, strategic plan to expand and sustain the system of care approach to providing services for children and youth with serious emotional disturbances and their families. SAMHSA anticipates that up to 13, one-year grants between \$300,000 and \$800,000 will be awarded. Actual award amounts may vary, depending on the availability of funds. WHO CAN APPLY: State governments; Indian tribes or tribal organizations; Governmental units within political subdivision of a state, such as a county, city or town; and Commonwealth of Puerto Rico, Northern Mariana Islands, Virgin Islands, Guam, American Samoa and Trust Territory of the Pacific Islands (now Palau, Micronesia and the Marshall Islands). See Section III-1 of the RFA for complete eligibility information. HOW TO APPLY: You may request a complete application package from SAMHSA for SM-13-001 at 1-877-SAMHSA7 (726-4727) [TDD: 1-800-487-4889]. You also may download the required documents from the SAMHSA website at <http://www.samhsa.gov/grants/apply.aspx>. Applicants are encouraged to apply online using

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www.grants.gov. ADDITIONAL INFORMATION: Applicants with questions about program issues should contact Diane Sondheimer at (240) 276-1922 or diane.sondheimer@samhsa.hhs.gov. For questions about grants management issues contact Gwendolyn Simpson at (240)-276-1408 or Gwendolyn.Simpson@samhsa.hhs.gov.

Byrne Criminal Justice Innovation Program

Deadline: March 4, 2013

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) is seeking applications from local and tribal partners to plan, implement, and enhance place-based, community-oriented strategies to address neighborhood-level crime issues as a component of or a foundation to a broader neighborhood revitalization or redevelopment initiative. Byrne Criminal Justice Innovation (BCJI) resources will target locations where a significant proportion of crime occurs as compared to the overall jurisdiction. BCJI furthers the Department's mission by leading efforts to enhance the capacity of local and tribal communities to effectively target and address significant crime issues through collaborative cross-sector approaches that help advance broader neighborhood development goals. For more information follow this link:

<https://www.bja.gov/Funding/13BCJIsol.pdf>

Tribal Title IV-E Plan Development Grants

Deadline: March 8, 2013

The purpose of this funding opportunity announcement is to make one-time grants to Tribes, Tribal organizations, or Tribal consortia that are seeking to develop, and within 24 months of grant receipt, submit to the Department of Health and Human Services (HHS) a plan to implement a title IV-E foster care, adoption assistance and, at Tribal option, guardianship assistance program. Grant funds under this announcement may be used for the cost of developing a title IV-E plan under Section 471 of the Social Security Act (the Act) to carry out a program under Section 479B of the Act. The grant may be used for costs relating to the development of data collection systems, a cost allocation methodology, agency and Tribal court procedures necessary to meet the case review system requirements under Section 475(5) of the Act, or any other costs attributable to meeting any other requirement necessary for approval of a title IV-E plan. For more information, see link:

http://www.acf.hhs.gov/hhsgrantsforecast/index.cfm?switch=grant.view&gff_grants_forecastInfoD=64205

BJA FY 13 Second Chance Act Technology Career Training Program for Incarcerated Adults and Juveniles

Deadline: March 11, 2013

The Second Chance Act of 2007 (Pub. L. 110-199) provides a comprehensive response to the increasing number of incarcerated adults and juveniles who are released from prison, jail, and juvenile residential facilities and returning to communities. There are currently over 2.3 million individuals serving time in our federal and state prisons, and millions of people cycling through local jails every year. Ninety-five percent of all offenders incarcerated today will eventually be

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released and will return to communities. The coordination of reentry services for members of Native American Tribes is even more complex given that they can return from Federal, Bureau of Indian Affairs (BIA), state, local, and tribal facilities. Programs funded under the Second Chance Act help ensure that the transition individuals make from prison and jail to the community is successful and promotes public safety. Securing employment can facilitate successful reentry for people leaving correctional facilities. However, there are many barriers people with criminal records encounter as they attempt to re-enter both the community and the workforce. Improving employment outcomes for this population can contribute to recidivism reductions and increased public safety. Section 115 of the Second Chance Act authorizes federal awards to states, units of local government, territories, and federally recognized Indian tribes to provide technology career training to persons confined in state prisons, local jails, and juvenile residential facilities. This program supports the education, training, mentoring, support services, and job placement for incarcerated/detained adults and juveniles in a technology field. For more information, see link: <http://www07.grants.gov/search/search.do?&mode=VIEW&opId=214393>

Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhoods)

Deadline: March 11, 2013

Project Safe Neighborhoods (PSN) is designed to create safer neighborhoods through a sustained reduction in crime associated with gang and gun violence, and violent offenders. The program's effectiveness is based on the cooperation of local, state, and federal agencies engaged in a unified approach led by the U.S. Attorney (USA) in each district. The USA is responsible for establishing a collaborative PSN task force of federal, state, and local law enforcement and other community members to implement gang and gun crime enforcement, intervention and prevention initiatives within the district. Through the PSN task force, the USA will implement the five design features of PSN—partnerships, strategic planning, training, outreach, and accountability—to address specific gun and gang crime, and violent offenders, in the most violent neighborhoods. Details on the five design features (also referred to as core elements) can be found later in this grant announcement and online at www.ncjrs.gov/html/bja/205263/. The Department of Justice has transitioned the PSN program from a formula-based allocation of funding to a competitive-based program. In a competitive environment, “need” and use of more effective, intelligence- and data-driven strategies will be key factors for funding selections, in addition to performance results and other factors. Therefore, grant awards for FY 2013 will be made through a competitive process to encourage and focus funding in high-performing and evidence-based programs where the need is greatest and where the most violent neighborhoods, within districts, are being addressed. Funding for this initiative is anticipated through the FY 2013 appropriation. For more information, see link: <http://www07.grants.gov/search/search.do?&mode=VIEW&opId=214413>

U.S. Department of Justice Coordinated Tribal Assistance Solicitation

Deadline: March 19, 2013

In 2010, the U.S. Department of Justice (DOJ) launched its first-ever Coordinated Tribal Assistance Solicitation, or CTAS, combining DOJ's existing Tribal government-specific competitive solicitations

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into one, and thus requiring only one application from each Tribe or Tribal consortium. This approach provides federally-recognized Tribes and Tribal consortia the opportunity to develop a comprehensive approach to public safety and victimization issues. DOJ's Tribal government-specific competitive grant programs outlined in this solicitation are referred to as Purpose Areas. Applicants may apply for funding under the Purpose Area(s) that best addresses Tribes' concerns related to public safety, criminal and juvenile justice, and the needs of victims/survivors of domestic violence, sexual assault, and other forms of violence. For more information, see link: <http://www.justice.gov/tribal/ctas2013/solicitation-document.pdf>

OVW 2013 Legal Assistance for Victims Grant Program

Deadline: March 19, 2013

The LAV Grant Program makes awards to law school clinics, domestic violence victims' programs and shelters, bar associations, rape crisis centers and other sexual assault services programs, private nonprofit entities, Indian Tribal governments and Tribal organizations, Territorial organizations, legal aid or statewide legal services, and faith- and/or community-based legal service providers. Applicants are strictly limited to organizations within the United States and the U.S. Territories. Eligible applicants that are not nonprofit, nongovernmental, sexual assault and/or domestic violence service providers are required to enter into a collaborative working relationship with nonprofit, nongovernmental, sexual assault and/or domestic violence service providers. For more information, see link: <http://www.ovw.usdoj.gov/docs/2013-lav-solicitation.pdf>

OVW FY 2013 Safe Havens: Supervised Visitation and Safe Exchange Grant Program

Deadline: March 20, 2013

The Safe Havens: Supervised Visitation and Safe Exchange Program (Supervised Visitation Program) provides an opportunity for communities to support supervised visitation and safe exchange of children in situations involving domestic violence, sexual assault, dating violence, child abuse, or stalking. Research has shown that the risk of violence is often greater for victims of domestic violence and their children after separation from an abusive situation.¹ Even after separation, batterers often use visitation and exchange of children as an opportunity to inflict additional emotional, physical, and/or psychological abuse on victims and their children. Visitation and exchange services provided through the Supervised Visitation Program should reflect a clear understanding of the dynamics of domestic violence, sexual assault, dating violence, and stalking; the impact of domestic violence on children; and the importance of holding offenders accountable for their actions. For additional information on the Supervised Visitation Program, including what pastgrantees have accomplished with their grant funds and to view the program's performance measures, see <http://muskie.usm.maine.edu/vawamej/safehavensmain.htm>.
<http://www.ovw.usdoj.gov/docs/2013-supervisedvisitation-solicitation.pdf>

OVW FY 2013 Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program

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Deadline: March 25, 2013

The United States Department of Justice, Office on Violence Against Women (OVW) (www.ovw.usdoj.gov) is pleased to announce that it is seeking applications for the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program). This program furthers the Department of Justice's mission by encouraging State, local, and Tribal governments and State, local, and Tribal courts to treat sexual assault, domestic violence, dating violence, and stalking as serious violations of criminal law requiring the coordinated involvement of the entire criminal justice system. For more information see link: <http://www.ovw.usdoj.gov/docs/2013-arrest-solicitation.pdf>

Applied Research and Development in Forensic Science for Criminal Justice Purposes

Deadline: April 1, 2013

The [U.S. Department of Justice](http://www.doj.gov) (DOJ), [Office of Justice Programs](http://www.ojp.gov) (OJP), [National Institute of Justice](http://www.nij.gov) (NIJ) is pleased to announce that it is seeking applications for funding to support applied research and development projects that will increase knowledge and understanding necessary to guide forensic science policy and practice or result in the production of useful materials, devices, systems, or methods that have the potential for forensic application. This program furthers the Department's mission by sponsoring research to provide objective, independent, evidence-based knowledge and tools to meet the challenges of crime and criminal justice, particularly at the State and local levels. For more information, see link: <https://ncjrs.gov/pdffiles1/nij/sl001059.pdf>

Basic Scientific Research to Support Forensic Science for Criminal Justice Purposes

Deadline: April 1, 2013

The [U.S. Department of Justice](http://www.doj.gov) (DOJ), [Office of Justice Programs](http://www.ojp.gov) (OJP), [National Institute of Justice](http://www.nij.gov) (NIJ) is pleased to announce that it is seeking applications for funding to support basic scientific research that underlies the multidisciplinary field of forensic science. This program furthers the Department's mission by sponsoring research to provide objective, independent, evidence-based knowledge and tools to meet the challenges of crime and criminal justice, particularly at State and local levels. For more information, see link: <https://ncjrs.gov/pdffiles1/nij/sl001058.pdf>

BJA FY 13 Tribal Civil and Criminal Legal Assistance Grants, Training, and Technical Assistance

Deadline: April 4, 2013

Authorized by the Indian Tribal Justice Technical and Legal Assistance Act of 2000, P.L. 106-559, Title I, BJA's Tribal Civil and Criminal Legal Assistance (TCCLA) grants enhance tribal justice systems and improve access to those systems. Targeted to non-profit organizations as defined in the eligibility on the title page, the grants serve to strengthen and improve the representation of indigent respondents in civil causes of action and indigent defendants in criminal cases under the jurisdiction of Indian tribes. These services are also targeted to tribes that meet the federal poverty guidelines. Finally, a third category funds training and technical assistance (TTA) that supports the

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development and enhancement of tribal justice systems. For more information see link:

<https://www.bja.gov/Funding/13TCCLAsol.pdf>

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FILED

JAN 31 2013

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

**IN THE SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF HUMBOLDT**

In the Matter of:

ACCESS TO JUVENILE CASE FILES
BY INDIAN TRIBES IN HUMBOLDT
COUNTY

**STANDING
PROTECTIVE ORDER**

This Standing Protective Order is to facilitate the exchange of information between federally-recognized Indian tribes in Humboldt County and the Humboldt County Department of Health and Human Services-Child Welfare Services in potential and active dependency matters involving an "Indian child" as defined by the Indian Child Welfare Act (ICWA) at 25 U.S.C. § 1904. Collaboration between local tribes and Child Welfare Services will be in the best interest of Indian children, families, and tribes as set forth in the ICWA and Welfare and Institutions Code (WIC) §§ 202 and 224. The Court also recognizes that such collaboration will facilitate "active efforts" to provide remedial/rehabilitative services as required by 25 U.S.C. §1912(d) and WIC § 361.7(a), and further that WIC § 361.7(b) requires, *inter alia*, that "active efforts" include making use of all available resources of an Indian child's tribe and tribal agencies.

1 The Humboldt County Department of Human Services/Tribal Protocol for Collaboration is
2 attached to this Standing Protective Order as Exhibit A and is hereby incorporated into this Order by
3 reference.

4 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED PURSUANT TO WIC § 827:

5 In potential and active dependency cases, the Humboldt County Department of Health and
6 Human Services-Child Welfare Services may exchange information with the tribal governments of
7 federally-recognized Indian tribes in Humboldt County (as well as their duly authorized representatives)
8 regarding Indian children associated with their tribe.

9 IT IS FURTHER ORDERED THAT:

10 In potential and active dependency cases, the tribal governments of federally-recognized Indian
11 tribes in Humboldt County (as well as their duly authorized representatives) may inspect and make
12 copies of the juvenile case files of the Humboldt County Department of Health and Human Services-
13 Child Welfare Services involving Indian Children associated with their tribe.

14 A copy of this Standing Protective Order has the same force and effect in all respects as the
15 original Standing Protective Order.

16 This order shall be in effect until January 31, 2014, and shall be subject to renewal on an annual
17 basis.

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22 01/31/2013
Date

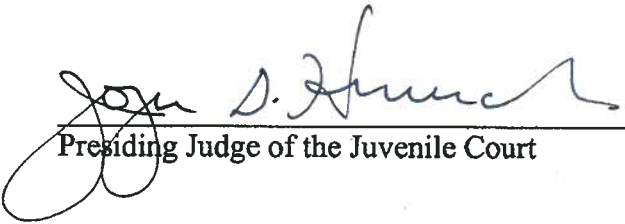
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24 _____
25 Presiding Judge of the Juvenile Court
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Exhibit A

Purpose

WHEREAS, the Indian Child Welfare Act (ICWA) was passed by the United States Congress in recognition of the fact that “there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children” (25 U.S.C. §1901(3)); and

WHEREAS, the main purposes of the ICWA are “to protect the best interests of Indian children” and “to promote the stability and security of Indian tribes and families” (25 U.S.C. §1902); and

WHEREAS, the Humboldt County Department of Health and Human Services fully endorses the spirit and implementation of the ICWA; and

WHEREAS, Congress enacted the ICWA because it determined that “the States . . . have often failed to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families” (25 U.S.C. §1901(5)); and

WHEREAS, California Senate Bill 678, effective January 1, 2007, codified many requirements of the ICWA into the Welfare and Institutions Code, the Family Code, and the Probate Code that govern Indian Child Custody Proceedings in California (Stats 2006 ch. 838, §§1-55); and

THEREFORE, in recognition and support of the purposes of ICWA, the Humboldt County Department of Health and Human Services (DHHS) is committed to partnering with Tribes to prevent the breakup of Indian families. DHHS and Tribes will work together in a coordinated and collaborative manner to better serve Indian children and families in our community by enhancing families’ capacities to provide for their children’s needs and improve their overall well-being.

To better meet the needs of Indian children, this protocol provides for information sharing regarding reports of suspected child abuse and/or neglect. DHHS, Child Welfare Services (CWS) collaborates with local tribes by providing case/referral file information in the manner prescribed by law and by the terms of the Standing Protective Order first signed by the Presiding Judge of the Juvenile Court of Humboldt County on June 7, 2012.

Recognizing: (1) that Tribes and CWS are concurrently investigating suspected child abuse, and (2) that collaboration between local tribes and CWS is in the best interest of Indian children, families, and Tribes as set forth in sections 202 and 224 of the California Welfare and Institutions Code, and SB 678, CWS will follow a standardized procedure for sharing information and collaborating with tribal representatives.

Definitions

- **Case/Referral File Information** – Any public agency document pertaining to a child who is or was the subject of an investigation, or any information, records, reports by social workers, CASA or probation, documents filed in a juvenile court, case photographs, transcripts tapes or electronic data obtained during the course of any investigation.
- **Confidentiality Contact Person (CCP)** - CWS staff person (or designee) who receives and responds to records requests. The CWS staff person will review the request and applicable law, prepare the records for review, and arrange for the review of records and/or preparation of copies.
- **Eligible Federally Recognized Tribe** -- Federally recognized Indian Tribe that is located within Humboldt County.

Procedure

To determine whether the Standing Order applies:

1. The CWS screener asks the reporting party whether there is reason to believe the child may be Native American and if so, with which Tribe(s) they may be affiliated. CWS screener will ask for parent and grandparent names.
2. If the reporting party believes the child is affiliated with a Tribe, the screener identifies whether the Tribe is one of the Federally Recognized Tribes located in Humboldt County.
 - A. If the Tribe is located in Humboldt County, designate the case for Tribal Information Sharing.
 - B. Contact the Tribe to verify enrollment/enrollment eligibility prior to referring the family to the Tribe.
3. If the reporting party believes that the child is affiliated with a tribe located within Humboldt County, but cannot name a tribe,
 - A. Check Department records for information whether the child is affiliated with a local tribe.
 - B. If there are records that establish that the child may be enrolled in/or eligible for enrollment in a local tribe, designate the case for Tribal Information Sharing.

SERVICE PROVISION

Social workers who are interacting with the family should collaborate with the child's Tribe(s). CWS must share information with County Tribes.

1. If the Child has an affiliation with a local tribe(s), share information relevant to the prevention, assessment or treatment of child abuse/neglect with the child's tribe(s).
2. The Tribe will make every effort to determine whether the child is eligible for membership at the earliest possible time, and will destroy CWS records if the child is not eligible.
3. CWS will share information with each tribe with which the child is affiliated until a Tribe makes a determination of membership.
4. The information may be shared telephonically, in writing, or in-person.
5. Once membership is determined, CWS must obtain a Release of Information (ROI) to share information with any Tribe of which the child is not a member or eligible for membership.
6. Information Contents:

Information shared with tribal social workers may include, if already known:

- Names of household members
- Names of child's extended family/ancestry, as known
- Tribal membership or eligibility for Tribal membership
- Ages of family members
- Address and phone number of family
- Name and location of child(ren)'s/youths' school(s)
- Name and phone number of the CWS social worker making the report
- CWS referral number
- CWS referral/case history
- Service providers currently working with family
- Date of referral
- Redacted Screener Narrative
- Family's primary language
- Any known potential safety concerns regarding the home (i.e., unchained dogs)
- CWS workers will **verbally** share all relevant criminal history
- CWS workers may **verbally** share summaries of contents of police reports with tribal social workers.

NOTIFICATION EFFORTS

CWS will comply with Division 31 response mandates. Tribal social workers will make every effort to contact CWS social workers within the time mandated by Division 31.

➤ **Reports that do not meet criteria for in-person CWS response**

1. If the child is affiliated with a Tribe the report will be shared by the screener with the appropriate Tribe(s) within one business day of the report. The notice to the Tribe should include the available information listed above.
2. The Tribe will report back to CWS with additional information, if known, within one business day. Tribal concerns will be included in the screener narrative.

➤ **Reports that are assigned for an Immediate, 3-Day or 5-Day CWS response:**

1. To initiate collaboration, the CWS assigned social worker or other designated CWS staff will notify the Tribe within one business day of being assigned the referral in the mode specified by each Tribe.
2. If the assigned social worker does not receive a response from the Tribal Social Services representative within one business day, the assigned social worker will continue to make efforts to contact the Tribal Social Services representative throughout the investigation and will document those efforts in CWS/CMS.

➤ **Reports requiring a 10-day response by a CWS social worker**

1. Within one business day of the assigned social worker receiving the investigation, the assigned Social Worker will make a report to a Tribal Social Services representative in the mode specified by each Tribe.
2. The assigned social worker will collaborate with the Tribal social worker during the investigation process to determine interventions and services available through the Tribe, agency, and community to promote family preservation.

COLLABORATIVE PROCESS

CWS and Tribal Social Services will work with the family within each agency's scope of services and in accordance with any negotiated protocols.

Requests to Inspect/Receive Copies of Confidential Case Information

When the Tribe wishes to have access to information that is not part of an ongoing investigation, the Tribe may request to inspect or obtain copies of information in CWS files.

Upon receipt of a request for inspection or copies of CWS files, CWS shall determine if there are any documents or information contained in the record that the requesting party is not entitled to inspect.

- CWS will remove from the record any documents that the requesting Tribe is not entitled to inspect before the record is presented to the Tribal representative. CWS will redact any information that the Tribe is not entitled to inspect.
- After all documents and information contained in documents that the requesting Tribe is not entitled to inspect have been removed or redacted from the record, the requesting party may inspect the record. CWS may determine time, place and manner of inspection of confidential juvenile records.

If a Tribe requests copies of CWS file information, CWS shall inform the requesting party that he/she cannot disseminate the information being disclosed.

Tracking

- CWS shall maintain a log of information requests.

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JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Tuesday, February 5, 2013

**U.S. Attorneys Timothy Q. Purdon and Sanford C. Coats to Lead
Attorney General's Native American Issues Subcommittee**

Attorney General Eric Holder announced today the appointment of U.S. Attorney for the District of North Dakota Timothy Q. Purdon as chair of the Native American Issues Subcommittee (NAIS) of the Attorney General's Advisory Committee of U.S. Attorneys (AGAC). Attorney General Holder also appointed U.S. Attorney for the Western District of Oklahoma Sanford C. Coats to serve as vice chair.

"The Native American Issues Subcommittee, the oldest subcommittee of the Attorney General's Advisory Committee, is vital to the department's mission in Indian Country to build and sustain safe and secure communities for future generations," said Attorney General Holder. "I am confident that U.S. Attorneys Purdon and Coats have the expertise and dedication to lead this important group as we work to fulfill the department's role in protecting and serving this country's first Americans."

U.S. Attorney Purdon was appointed to the NAIS in 2010, and he served as vice chair throughout 2012. U.S. Attorney Purdon replaces U.S. Attorney for the District of South Dakota Brendan V. Johnson.

U.S. Attorney Coats was appointed to the NAIS in 2010, and he also served in the AGAC from 2010 through 2011. U.S. Attorney Coats continues his work with the AGAC's Resource Allocation Working Group.

Attorney General Holder also thanked U.S. Attorney Johnson for serving as chair of the NAIS for the past three years, 2009-2012. "Brendan Johnson's dedication and commitment to improving public safety in Indian Country will continue to positively impact tribal communities for years to come. His leadership has brought the U.S. Attorney community together to address a myriad of important issues in Indian Country, and his guidance has been an invaluable asset to this department. I look forward to my ongoing work with U.S. Attorney Johnson as a member of the AGAC."

The AGAC was created in 1973 to serve as the voice of the U.S. Attorneys and to advise the Attorney General on policy, management, and operational issues impacting the offices of the U.S. Attorneys. The NAIS is made up of 30 U.S. Attorneys from across the United States whose Districts contain Indian Country or one or more federally recognized tribes. The NAIS focuses exclusively on Indian Country issues, both criminal and civil, and is responsible for making policy recommendations to the Attorney General of the United States regarding public safety and legal issues that impact tribal communities.

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Attorney General