



SUMMER 2011

Imperial County: Notable Tribal Court/State Court Collaborative Efforts



Both Judge Juan Ulloa, the presiding judge of the Imperial County Juvenile Court, and Judge Claudette White, Chief Judge of the Quechan Tribal Court, are members of

the Judicial Council's California Tribal Court/State Court Forum. But their working relationship preceded the formation of the forum and is bound to enrich its work.



When Imperial County conducted a California Child and Family Services Review County Self-Assessment (CSA) in 2004, the county Department of Social Services (DSS) and Quechan Social Services had a positive working relationship and there was some informal mentoring around Indian Child Welfare Act (ICWA) cases. The Quechan tribe was an active member of the CSA team. But there was little or no collaboration between the tribal court and the juvenile court other than the attendance at state court by a tribal representative at initial and ongoing court hearings for ICWA families. DSS also had three social workers designated as tribal liaisons who were the only social workers assigned to ICWA cases.

In the early stages of developing the Imperial County Blue Ribbon Commission to collaborate around serving children and families in the child welfare system, the Quechan Tribe was not a participant. That all changed when the state court issued a no contact order in a juvenile case that conflicted with a tribal court order that had been issued in the same case. Judge White reached out to Judge Ulloa and the two began trying to work out protocols for coordinating, transferring, and monitoring cases that involved Quechan families. Much of their early work together involved learning to respect each other's traditions and to communicate about what was in the best interests of the children for which both court systems had responsibility.

In May 2009, Judges White and Ulloa both attended the statewide meeting of the Native American Communities Justice Project – Beginning the Dialogue, an AOC project funded by a grant from CalEMA which brought together tribal, state and local stakeholders and justice partners from throughout the state to discuss the family violence in tribal communities and develop collaborative strategies to effectively

address these issues. The discussions helped strengthen the working relationship between the two judges.

That work led to an active and cordial working relationship between Judges White and Ulloa. The state court began transferring cases to the tribal court when it was appropriate. The Quechan Tribe has a very active social services department and can usually provide the services needed by a family. Judge Ulloa realized that the tribal court was entitled to great respect. "We have much to learn from tribal traditions," he said, noting that the tribal concept of "family" as being much more inclusive than a blood relationship should be applied more often in family finding efforts. According to Judge White, "That link to your family and your tribe is who you are and who your family is; breaking that link by removing a child from the family and the tribe disrupts that critical relationship."

In Spring 2010, the Imperial County self-help center applied for and received a grant from the AOC, funded by CalEMA, to support increased collaboration with the Quechan tribal Court and improve services to Native American victims of family violence. Through that grant a protocol was developed to facilitate the registration of tribal court protective orders with the superior court to help ensure enforcement of these orders. Also through this grant, on August 19, 2010, Judges White and Ulloa convened a summit at the Quechan reservation which included tribal and county law enforcement and other stakeholders. They discussed Public Law 280, jurisdiction and law enforcement on tribal lands and strategies to improve the working relationship between all agencies.

Both Judges White and Ulloa participated in the 2010 Summit sponsored by the AOC for local foster care commissions and they have continued their work together. "We are thankful to the AOC for bringing us together," Judge White noted. One current project that they are tackling together is increasing the number of tribal foster homes, in part by helping families go through the legal expungement of old criminal charges that are preventing them from getting licensed. They are planning an Expungement Day sometime later this year. In addition, they are jointly working on some workshops and presentations for the Quechan community. Judge Ulloa is facilitating an educational rights workshop and is encouraging the continued work between the tribal court and the Imperial Self-Help Center. They are also meeting to enhance communication and develop policies on "Notice" among the state court, tribal court, probation department, and the Quechan Social Services Department to further meet the needs of youth and their families. And finally, they are in discussion about the need for some training for law enforcement that would help the different agencies that serve the county and tribal communities better understand the courts' roles and responsibilities and learn to be more culturally responsive to the community. And, of course, the judges are continuing their work together on the Tribal Court/State Court Forum.

The California Tribal Court/State Court Forum is a coalition of the various Tribal Courts of the Native American Tribes situated in California and the Courts of the State of California. Former Chief Justice Ronald M. George appointed the members of the forum in 2010 and charged them with addressing issues common to both tribal and state courts relating to the recognition and enforcement of court orders that cross jurisdictional lines, the determination of jurisdiction for cases that might appear in either court system, and the sharing of services between jurisdictions. The forum was convened for the express purpose of improving the working relationship between its members and enabling the courts of each to issue and enforce their respective orders to the fullest extent allowed by law. For more information about the forum please contact Ann Gilmour at ann.gilmour@jud.ca.gov or 415-865-4207 or Jennifer Walter at jennifer.walter@jud.ca.gov or 415-865-7687.