

CALIFORNIA TRIBAL COURT–STATE COURT FORUM

Forum E-Update

November 2022

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FORUM NEWS

Forum Cochair, Judge Abby Abinanti and Forum member Merri Lopez-Keifer participate in discussion series hosted by the Northern District of California Historical Society [California's War of Extermination Against American Indians](#) Thursday December 1, at 5:30 pm.

IN THE NEWS

[The Fate of Indian Child Welfare Before the Supreme Court: Race, Commerce and Commandeering](#)

Imprint - October 31, 2022

Most child welfare cases wrestle over issues of best interest and well-being. But when the U.S. Supreme Court hears an upcoming legal challenge to the Indian Child Welfare Act (ICWA) this month, three central constitutional questions will be in play. The questions challenge core aspects of Congressional power and the relationship between tribes and the U.S. government.

[An Alaska Tribal court judge breaks down ICWA's past, present and future](#) (Opinion)

KTOO - November 01, 2022

Judge Debra O'Gara has spent over a decade working on Indian child welfare cases and directing trainings on ICWA for guardians, case workers and lawyers, in the state and Tribal court systems. O'Gara, who is Lingít, Yupik and Irish, lives in Petersburg. More than 20% of Alaskans are Alaska Native or Native American, but about 55% of children in state custody are Alaska Native. O'Gara said that many of these children are eventually adopted by non-Native families and often even removed from Alaska, despite the passage of ICWA.

[The Indian Child Welfare Act Saved A Generation Of Children](#)

Romper-by Demelza Champagne

November 3, 2022

Every Native child deserves the deep sense of safety that comes with being cared for in a home that shares their culture.

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JUDICIAL COUNCIL

JUDICIAL COUNCIL COURT
OPERATIONS & PROGRAMS
DIVISION

CENTER FOR FAMILIES,
CHILDREN & THE COURTS

455 Golden Gate Avenue
San Francisco, California 94102

[The Indian Child Welfare Act Saved A Generation Of Children. The Supreme Court Is Poised To Gut It.](#) (Commentary)

Romper - November 03, 2022

The ICWA was signed on Oct. 24, 1978, in response to the alarming numbers of children who were being stolen by public and private agents and placed in non-Native homes. At the time, 25% to 35% of all Native children were in adoptive homes or foster care. Today, the proportion of children removed from their homes is lower, but American Indian and Alaska Native children are still overrepresented in foster care. If the Supreme Court rules that ICWA is unconstitutional, it could have devastating effects on the lives of Native American children and families.

Also: [Indian Country rallies as U.S. Supreme Court hears ICWA challenge](#)

Also: [Indian Country braces for U.S. Supreme Court hearing in ICWA case](#) (Includes video) (Includes audio)

Also: [Perspective: Attachment theory is not racist](#) (Opinion)

Also: [Supreme Court will consider future of Indian Child Welfare Act](#) (Commentary)

[Supreme Court will consider future of Indian Child Welfare Act](#)

ABAJournal – November 3, 2022

The last time a case involving the Indian Child Welfare Act reached the U.S. Supreme Court in 2013, Justice Anthony Kennedy lamented the often heart-wrenching quandaries that family court judges face in deciding child-custody disputes.

[Special tribunal among options to probe crimes linked to unmarked graves](#)

The Canadian Press – November 4, 2022

An independent official appointed to help communities investigate unmarked graves at former residential school sites says she is exploring the idea of whether a special tribunal should prosecute or investigate related crimes. [Kimberly Murray](#), whom the federal government named as a special interlocutor on the file in June, says that questions of justice are arising often in her conversations with Indigenous communities and survivors. Murray is a former executive director of the [Truth and Reconciliation Commission of Canada](#), which spent seven years investigating the residential school system.

[Indian Child Welfare Act, documentary focus of Studium Generale](#)

(Commentary)

Penninsula Daily News - November 05, 2022

The ICWA established minimum standards for the removal of native children from their families and preferences for placing those who are removed from their homes with extended family or tribal members. The act is intended to protect native children's separation from their tribal communities by adoption or into foster care by non-native families. Washington state has its own version, the Washington State Indian Child Welfare Act, which passed in 2011 and is more expansive than the federal legislation.

[Sovereign justice: The growing power of tribal courts](#)

Statesman Journal – November 6, 2022

With the Self-Determination and Education Act of 1975, Congress told the Bureau of Indian Affairs to contract out services formerly run by the federal government to tribes themselves. Under those contracts with the government, tribal nations took control of schools, health clinics, policing and forest and fisheries management, among other services.

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Tribal/State Programs Link:
http://www.courts.ca.gov/program_tribal.htm

FORUM LEGISLATIVE PROPOSALS

Visit forum's home page

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

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.

[Race Question in Supreme Court Adoption Case Unnerves Tribes](#)

New York Times – November 7, 2022

The issue is whether a federal law that seeks to place Native American foster children in Native American homes is constitutional. The case could turn on whether the justices see tribes as racial groups or sovereign nations.

[The Supreme Court May Ensure Native Kids' Ancestry Is Erased-Just Like Mine Was](#) (Commentary)

Slate - November 08, 2022

It's racist against white people and racist against Native Americans. It keeps neglected Native children out of the loving arms of white parents. It's the federal government overstepping and trampling states' rights. These are the outlandish charges being made against the 44-year-old federal law known as the Indian Child Welfare Act of 1978 (ICWA).

[The Supreme Court Will Decide the Future of Native American Foster Children](#)

Time – November 9, 2022

The U.S. Supreme Court seen in Washington, D.C. The Court is hearing a case that challenges the legality of the Indian Child Welfare Act, which prioritizes the placement of Native American children in foster care or adoption with relatives, other tribal members, or in other Native homes.

[Alaska could see effects of Indian Child Welfare Act lawsuit, as Supreme Court considers Native preference in adoptions](#) (Includes audio)

Alaska Public Media - November 09, 2022

Community reporting fellow Chen Chen with KTOO has been following the case - called Haaland v. Brackeen - and reporting on what ICWA means to Alaska. And because Native children represent about 55% of all children in state custody, Chen says overturning ICWA would have huge implications for Alaska. At the same time, Native people only make up a little over 20% of the population, so there's a disparity, she says, and a feeling that the state hasn't done enough to implement ICWA to begin with.

[In Prayer and Protest, People of Indian Country Gather Outside the Supreme Court to Defend the Indian Child Welfare Act](#) (Commentary)

Imprint - November 09, 2022

An Indigenous dancer from Canada, adopted into a white family along with her eight siblings. The grandson of several "stolen" American Indian generations from Minnesota. A Cherokee attorney from Oklahoma, with her small child in tow. They joined hundreds of people from across Indian Country who gathered outside the Supreme Court today, vowing to fight for the Indian Child Welfare Act and its 44-year-old protections of the family bonds among tribal members. Also: [Supreme Court Probes Constitutionality of Indian Child Welfare Act](#)

[Law on placement of Native American children divides Supreme Court](#) (Includes audio)

Washington Post - November 09, 2022

The Supreme Court seemed split Wednesday as it considered the constitutionality of a federal law, intended to rectify past government abuses, that prioritizes the foster care and adoption of Native American children by other relatives and tribes. Also: [Justices seem to favor most of Native child welfare law](#) (Commentary)

[The Supreme Court Just Heard Another Case Where the Idea of Equality Is Warped to Privilege White People](#) (Opinion)

Mother Jones - November 09, 2022

At the heart of the case is the question of whether prioritizing Native adoptive parents over non-Native ones when placing Native children for adoption is an unconstitutional racial preference. But tribes are political entities, as established by the Supreme Court and U.S. law, not racial ones. Thus, the case against ICWA is a threat not only to Native families and communities but also to tribal sovereignty, because it could reclassify tribes as racial instead of political entities.

[Justices seem to favor most of Indian Child Welfare Act](#)

Indian Country Today – November 9, 2022

The justices heard more than three hours of arguments in a broad challenge to the [Indian Child Welfare Act](#), enacted in 1978 to address concerns that Native children were being separated from their families and, too frequently, placed in non-Native Homes.

[ICWA Ruling Will Be Felt for Generations](#) (Opinion)

Native News Online - November 10, 2022

As a children's court judge presiding over ICWA cases for more than 17 years, I learned that judicial competence requires knowledge, experience, compassion and empathy that will be lacking if you devote your time to only hearing cases, entering rulings and moving on to the next case. In short, judges and other child protection stakeholders must experience their community away from the courthouse and the office.

[Native American tribes issue statement following Supreme Court arguments in Brackeen v. Haaland](#)

(Press release)

Protect Indian Kids - November 10, 2022

Cherokee Nation Principal Chief Chuck Hoskin, Jr., Morongo Band of Mission Indians Chairman Charles Martin, Oneida Nation Chairman Tehassi Hill and Quinault Indian Nation President Guy Capoeman issued the following statement: "In arguments, we heard clearly how ICWA adheres to the U.S. Constitution and congressional authority and how this critical law has kept generations of Native children connected to their tribes, culture, and heritage....We believe the Supreme Court will rule on the side of families and of history. To do otherwise would be a devastating blow to not only Native children and the rights of tribes, but to principles in place dating back to the United States' founding. We look forward to seeing ICWA once again upheld."

[Utah tribes pushing for state protections for Native children amid Supreme Court challenge](#) (Opinion)

KSL - November 11, 2022

Growing up on the Confederated Tribes of the Goshute Reservation, Rupert Steele remembers running and hiding when outsiders visited. "I remember that as a little boy, anytime a non-Indian would come to the house - even for a visit with the parents - we'd go hide because we were scared they would come and get us," Steele said, explaining that his fear was rooted in seeing other children removed from the reservation. It was a phenomenon he said happened many times. "What I seen out there was a lot of people would be using alcohol and all it would take would be one call to the state - in our case Tooele - and they'd come and get their kids," Steele said.

['Our voices were heard': Tribal nations await SCOTUS decision in ICWA case](#) (Includes audio)

KOSU - November 11, 2022

In *Brackeen v. Haaland*, 23 states, the District of Columbia and 27 child welfare and adoption agencies filed amicus or 'friend of the court' briefs supporting ICWA in addition to a non-Native couple who adopted a Native child after making exhaustive efforts to place the child with their biological family or Native foster parents. But several states including Oklahoma filed amicus briefs supporting the plaintiff's case that ICWA violates their right to adopt a child based on race. Also: [Brackeen v. Haaland](#)

[Native American children are under threat - again](#) (Opinion) (Includes audio)

Washington Post - November 15, 2022

Native American children are far more likely than White children to be taken from their parents and placed in the foster care system. Now, the situation may get much worse. On Wednesday, the Supreme Court heard arguments in *Brackeen v. Haaland* regarding the constitutionality of the Indian Child Welfare Act. If the court dismantles the act, thousands of Native families could lose their children.

[A search for truth - and children's remains - at a former Indian boarding school](#)

NBC News - November 16, 2022

Inching forward on her knees, Marsha Small scraped away at the earthen floor in search of a bone, a tooth, any human fragment at all. This grim task consumed Small and her team of archeologists for five days in mid-October. They were hunting for the remains of Indigenous children beneath a former Native American boarding school that represents a dark chapter in American history. The boarding school system was used as a "weapon" not only to break the children's bonds with their families and culture but to take Indigenous peoples' land, according to a Senate report released in 1969.

[Utah lawmakers want to protect Native American adoptions - no matter how the Supreme Court rules](#)

(Includes video)

Salt Lake Tribune - November 16, 2022

Utah's attorney general - along with those from 25 other states - has joined the case on the side of the tribes, arguing in favor of upholding the law as protection for Native children. The court has also heard from families who believe there shouldn't be racial preferences with foster care. If the law is stricken, Utah legislators talked Tuesday about plans to enact a nearly identical version statewide that would codify the same preference for

continuing to place Native kids with Native foster parents. The Native American Legislative Liaison Committee voted unanimously in support of running that bill for the upcoming session that starts in January.

[If Indian Child Welfare act is overturned, tribes would face genocide by separation](#) (Opinion) (May require subscription)

Oklahoman - November 16, 2022

This month, the U.S. Supreme Court heard oral arguments in a case that could dramatically harm Native American families across the country. The case challenges the constitutionality of the Indian Child Welfare Act, often known as ICWA. One of the most important parts of the act concerns Native American children who have been removed from their parents' custody or who are orphaned, among other situations. Also: [Colorado advocates of Indian Child Welfare Act say not having it in place would be 'terrifying'](#) (Includes video)

[WA tribes wary as Native child welfare law challenged in Supreme Court](#) (May require subscription)

Seattle Times - November 18, 2022

Washington tribes are anxiously watching the court as it reviews the challenge to the Indian Child Welfare Act, a move tribal leaders say would not only jeopardize the well-being of Native American children, but could also alter the legal rights of tribal nations. All 29 of Washington's federally recognized tribes have submitted briefs in support of the law to the court, which heard oral arguments last week in *Haaland v. Brackeen*.

[Opinion: I'm a Jersey girl born into the Salt Clan. My Navajo identity was taken from me](#)

CNN – November 21, 2022

Hilary C. Tompkins, a member of the Navajo Nation, served as the Solicitor of the US Department of the Interior during the Obama administration. She currently practices law in Washington, DC. The views expressed in this piece are her own. Read [more opinion](#) at CNN.

[California Tribal Families Coalition establishes "The California ICWA Institute" think tank to help protect Indian Child Welfare Act and tribal children](#) (Press release)

California Tribal Families Coalition - November 22, 2022

The California Tribal Families Coalition (CTFC) announced today that it is assembling the best and most innovative minds in tribal social services and Indian Child Welfare practice to create a new think tank to advance and defend protections for Indian children, families and tribal sovereignty. The California ICWA Institute, a new collaborative project of California Tribal Families Coalition, will provide a strong and unified voice on behalf of tribal youth by crafting legal, policy and political strategies to protect Indian children and families, tribal child welfare systems and tribal sovereignty.

[Yurok Tribe announces partnership for treatment and housing initiative](#)

Lake County News – November 22, 2022

The Yurok Tribe and Friendship House, a Native-led nonprofit serving urban Indians in San Francisco, are partnering to build a residential treatment center in Yurok territory and two housing projects in San Francisco. The projects will serve Native people living in both rural and urban areas in Northern California

[Heritage Under Fire: Native Americans fight for culture, history, survival](#) (Opinion)

Southern Poverty Law Center - November 25, 2022

Our nation's Indigenous people have seen their visibility rise in recent years. But as the nation marks Native American Heritage Month, the struggle for the First Nations to maintain autonomy and cultural identity is as fraught today as it was 10, 20, even 50 years ago. Also: [Struggling with Cultural Repression](#)
Also: [Indian Child Welfare Act is needed to protect Native American children from a return to the Dark Ages](#)

[Native American boarding schools are a bleak, dark period in U.S. history that not enough people know about - 1 TikToker is trying to change that](#) (Includes video)

Yahoo In The Know - November 28, 2022

In May 2022, the U.S. Department of the Interior published a 100-page report on the Native American boarding schools that were implemented throughout the country from 1819 to 1969. It was not until 1978, when the Indian Child Welfare Act passed, that Native American parents could even have a legal say as to whether their children could attend an off-reservation school. The U.S. Department of the Interior's study found that the U.S. ran or supported 408 residential schools during that time that housed tens of thousands of Native children. Roughly 500 Native American children died from the abuse endured while they were at the U.S. boarding schools - a number that is only increasing as more investigations are underway. Also: [Federal Indian Boarding School Initiative Investigative Report](#)

[Search For Indigenous Children's Remains Underway At Site Of Former South Dakota Boarding School](#)

Second Nexus – November 28, 2022

Officials at the [Red Cloud Indian School](#) on the Pine Ridge Reservation in South Dakota brought in a team of specialists to excavate a basement on its campus. The school is a private Catholic school open to residents of the surrounding area. The school serves about 600 Indigenous students from kindergarten through high school. In 2019, the school launched a Truth and Healing initiative to reconcile its problematic past. Red Cloud alumnus Maka Black Elk (Oglala Lakota) was appointed as executive director of Truth and Healing in 2020.

[Indigenous sovereignty could be on the line in Supreme Court case](#) (Video)

ABC News - November 29, 2022

A Supreme Court battle wages on between a White family who wants to adopt a Native American child, and the Navajo Nation who is asking the court to uphold the Indian Child Welfare Act.

PUBLICATIONS

[At a Crossroads: The roadmap from fiscal discrimination to equity in Indigenous child welfare](#)

[British Columbia] Representative for Children and Youth. March 2022

This is a report that, on the surface, appears to be about money. Dig a little deeper and, in fact, it's a report about human rights – the human rights of the thousands of First Nations, Métis, Inuit and Urban Indigenous children and families receiving child welfare services in British Columbia. In 2022, First Nations, Métis, Inuit and Urban Indigenous children still outnumber non-Indigenous children in B.C. government care by a ratio of almost three to one even though they make up only 10 per cent of the total population of children in B.C. Currently, 68 per cent of children in care are First Nations, Métis, Inuit or Urban Indigenous – a shameful situation that has often been called a continuation of the residential school system.

[Administration for Children and Families: Tribal Advisory Committee Reference Handbook](#) (February 2022)

This document includes information for Administration for Children and Families (ACF) Tribal Advisory Committee (TAC) delegates. The intent is to assist delegates:

- understand the vision, mission, organizational structure, national priorities, budget, grant programs, and initiatives of the Agency
- have ready access to information to enhance their participation in ACF TAC meetings
- provide input to improve human services in tribal communities
- be prepared to share accurate and timely information with other tribal leaders in their regions and tribal organizations at the national level about ACF's work with tribal communities

[Tribal Legal Development Clinic: UCLA School of Law](#), Van-Schilfgaarde, Lauren and Sekaquaptewa, Patricia. California Legal History Volume 17, 2022 pp. 231

The UCLA School of Law's Tribal Legal Development Clinic is designed to introduce students to the complexities of tribal law, federal Indian law, and the considerations of group, government, and cross-cultural representation. The Tribal Legal Development Clinic connects law students with tribal governments and organizations to engage in non-litigation, legal development projects on behalf of the tribal client, using both classroom teaching and experiential learning methods. This article overviews the history, approach, and impact of the Tribal Legal Development Clinic.

[Why Our Stories Matter: A Perspective on the Restatement from the State Bench](#)

[Raquel Montoya-Lewis](#), *Supreme Court of Washington*, 97 Wash. L. Rev. 713 (2022).

Justice Montoya-Lewis provides her reflections on serving on the Supreme Court of Washington state.

[Reflections on the Restatement of the Law of American Indians](#)

[Matthew L.M. Fletcher](#), 97 Wash. L. Rev. (2022)

I'm a descendant of a man named Leopold Pokagon. He is the namesake for which the Pokagon Band of Potawatomi Indians here in Michigan is named. He's a great, great, great grandfather of mine. I don't know how many greats, but several. And also, just a legendary figure. There are many stories about Leopold. He's the reason that the Pokagon Potawatomi Nation is not either terminated, extinguished, or residing somewhere in Iowa or Oklahoma.

[Tribal Sovereignty and Economic Efficiency Versus the Courts](#)

[Robert J. Miller, Sandra Day O'Connor College of Law, Arizona State University](#), 97 Wash. L. Rev. 775 (2022)

Abstract: American Indian reservations are the poorest parts of the United States, and a higher percentage of Indian families across the country live below the poverty line than any other ethnic or racial sector. Indian nations and Indian peoples also suffer from the highest unemployment rates in the country and have the highest substandard housing rates.

[Bringing Congress and Indians Back into Federal Indian Law: The Restatement of the Law of American Indians](#)

[Kirsten Matoy Carlson, Wayne State University Law School](#), 97 Wash. L. Rev. 725 (2022)

Abstract: Congress and Native Nations have renegotiated the federal-tribal relationship in the past fifty years. The courts, however, have failed to keep up with Congress and recognize this modern federal-tribal relationship. As a result, scholars, judges, and practitioners often characterize federal Indian law as incoherent and inconsistent. This Article argues that the Restatement of the Law of American Indians retells federal Indian law to close the gap between statutory and decisional law.

[Spotlight: The Gun Lake Tribal Public Safety Department](#)

Office of Justice Programs (2022)

Abstract: BWC policy for tribal agencies must adhere to tribal, state, and federal law. FOIA requests and redaction requirements vary by jurisdiction (i.e., state law allows public release, but tribal law only affords tribe members access to video). BWC video captured on tribal land is regulated by sovereign community.

[The role of the law in Native sovereignty : A Comparison of Canadian and American Approaches to Sovereignty.](#)

Soria, Clare J., [Canada-United States Law Journal](#), Vol. 46, No. 1 (2022).

Abstract: Indigenous peoples have fought a centuries long battle for the preservation and restoration of their culture, identity, and way of life. The American and Canadian legal systems are critical pathways to reasserting sovereignty, but have fallen short as effective tools toward autonomy and self-governance. Comparatively, the Canadian approach exemplified in *Tsilhqot'in Nation v. British Columbia*, fails to achieve even the most lenient definition of self-governance. The American approach, most recently defined by Justice Gorsuch in *McGirt v. Oklahoma*, may seem better, but ultimately falls short of true autonomy. This paper will explore the successes and pitfalls of each nation's approach and what both nations need to do to facilitate meaningful justice for Native peoples.

[Bringing Congress and Indians back into federal Indian law : The Restatement of the Law of American Indians.](#)

Carlson, Kirsten Matoy, [UCLA Journal of Environmental Law & Policy](#), Vol. 40, No. 2 (2022). Cite 97 Wash. L. Rev. 725

Abstract: Congress and Native Nations have renegotiated the federal-tribal relationship in the past fifty years. The courts, however, have failed to keep up with Congress and recognize this modern federal-tribal relationship. As a result, scholars, judges, and practitioners often characterize federal Indian law as incoherent and inconsistent. This Article argues that the Restatement of the Law of American Indians retells federal Indian law to close the gap between statutory and decisional law.

[Tribal sovereignty and economic efficiency versus the courts.](#)

Miller, Robert J., [UCLA Journal of Environmental Law & Policy](#), Vol. 40, No. 2 (2022). Cite: 97 Wash. L. Rev. 775

Abstract: American Indian reservations are the poorest parts of the United States, and a higher percentage of Indian families across the country live below the poverty line than any other ethnic or racial sector. Indian nations and Indian peoples also suffer from the highest unemployment rates in the country and have the highest substandard housing rates. The vast majority of the over three hundred Indian reservations and the Alaska Native villages do not have functioning economies. This lack of economic activity starves tribal governments of the tax revenues that governments need to function. In response, Indian nations create and operate business entities to bring jobs and income to Indian Country, improve the standard of living for their citizens, and earn profits to help fund their governments.

[Off-reservation treaty hunting rights, the restatement, and the Stevens treaties.](#)

Tweedy, Ann E., [UCLA Journal of Environmental Law & Policy](#), Vol. 40, No. 2 (2022). Cite: 97 Wash. L. Rev. 835

Abstract: The underdevelopment of the law of off-reservation treaty hunting and gathering poses challenges for treatises like the groundbreaking Restatement of the Law of American Indians ("Restatement"). With particular attention to sections 83 and 6 of the Restatement, this Article explores those challenges and offers some solutions for dealing with them in subsequent editions of the Restatement. Specifically, this Article explores the

potential usefulness of historical law in interpreting treaties, the need to tie treaty interpretation to the language of the treaty when an explicit right is at issue, the proper application of the reserved rights doctrine and the Indian canons, and how the canons should be applied in the face of conflicting tribal interests. This piece also celebrates the successes of those two sections and of the Restatement in general.

[Embracing Tribal Culture to Build Research Partnerships](#)

National Institute of Justice, November 2022

Abstract: Tribal communities carry rich cultural histories that are a longstanding source of pride. For centuries, these communities have practiced the traditions of their ancestors on historical lands. Previous research has been conducted on Tribal land without respecting the diverse and rich cultural beliefs that make American Indian and Alaska Native tribes unique. Oftentimes, tribes have been left out of the planning of research in their own communities and they have not been consulted in the interpretation or sharing of research findings. This has led to negative perceptions and other concerns about research being conducted within these communities. As a result of past research mistakes, The National Institute of Justice (NIJ) has made it a priority to ensure that tribal research programs are collaborative and sensitive to Native American heritage, culture, and diversity.

[Preemption, Commandeering, and the Indian Child Welfare Act](#), Fletcher, Matthew L.M., Khalil, Randall F., 2022 Wisconsin Law Review 1199.

Abstract: We argue that the anti-commandeering challenges against ICWA are unfounded because all provisions of ICWA provide a set of legal standards to be applied in states which validly and expressly preempt state law without unlawfully commandeering the states' executive or legislative branches. Congress's power to compel state courts to apply federal law is long established and beyond question.

[Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle: First Nations Workbook \[Canada\]](#). Assembly of First Nations. 2022

The vision for long-term reform is to address and end Canada's discriminatory funding practices within the First Nations Child and Family Service (FNCFS) Program and in Canada's narrow implementation of Jordan's Principle, and to put in place accountability measures to ensure that the discrimination does not recur.

[Advancing Indigenous Health and Data Equity](#). United Way Greater Toronto. 2022

The COVID-19 pandemic has highlighted the importance of collecting accurate and timely data across sectors—disaggregated by social identity categories such as gender, race, ethnicity, Indigenous identity and sexual orientation—to identify and understand underlying structural vulnerabilities and inequities and guide policy and program decisions to address them. For our health systems in particular, the collection and analysis of social identity data is critical to measuring and monitoring inequities and implementing systemic changes to advance greater health equity.

[Serving Native American Households Using ERA: Learning from High-Spending Programs](#). The report investigates the unique characteristics of high-spending emergency rental assistance (ERA) programs administered by Native American Tribes or Tribally Designated Housing Entities (TDHEs).

[United States Advisory Council on Human Trafficking Annual Report 2022](#). United States Advisory Council on Human Trafficking 2022. Human trafficking is not just an international issue. It happens domestically all too often and must be viewed within a larger historical and social justice lens to understand it. If we seek to collectively eradicate human trafficking, we must dig deeper into our understanding of it to be nimble in the face of new challenges, grow, and forge new and stronger partnerships.

[Human Trafficking Data Collection Activities, 2022](#). United States Department of Justice. Office of Justice Programs. Bureau of Justice Statistics 2022. The information in each data collection contributes to a general profile of human trafficking in the United States. Some differences exist across collections due to varying definitions of human trafficking, data availability, and other reasons.

ANNOUNCEMENTS

[Governor Newsom Proclaims Native American Heritage Month](#)

Sacramento – November 28, 2022

Governor Gavin Newsom today issued a proclamation declaring November 2022, as Native American Heritage Month.

[U.S. Department of the Interior Announces New Office of Strategic Partnerships](#)

Washington D.C. – November 30, 2022

Secretary Deb Haaland just announced the new Office of Strategic Partnerships to Tribal leaders gathered in DC at the White House Tribal Nations Summit. NAP is honored to partner with the Department of the Interior to support this office. It seeks to build long-term sustainable partnerships with Tribal leaders, philanthropy, nonprofit, and governmental partners to strengthen Tribal conservation, education, and economic development initiatives. This partnership was made possible through support from the Skoll Foundation and the Marguerite Casey Foundation.

[NICWA 2023 Annual Conference Call for Presentations](#) National Indian Child Welfare Association 41st Annual Protecting Our Children Conference. Healing our Spirits: Nurturing and Restoring Hope. April 2-5, 2023 We welcome all topics, but we are particularly interested in unique tribal programs, culturally based services, ICWA, youth engagement, family engagement, boarding schools, human trafficking, healing, self-care practices for social workers, lessons learned from the pandemic, serving LGBTQ+ youth, and data management. We are accepting presentation proposals for our conference tracks: youth and family involvement; judicial and legal affairs; children's mental health; and child welfare, foster care, and adoption services. Presenters receive discounted conference registration as well as professional development and support at our presenter orientation. **The deadline for submission is December 2, 2022, and presenters will be announced on February 1, 2023.** Questions? Email training@nicwa.org.

[California Tribal Families Coalition establishes "The California ICWA Institute" think tank to help protect Indian Child Welfare Act and tribal children](#) (Press release)

California Tribal Families Coalition - November 22, 2022

The California Tribal Families Coalition (CTFC) announced today that it is assembling the best and most innovative minds in tribal social services and Indian Child Welfare practice to create a new think tank to advance and defend protections for Indian children, families and tribal sovereignty. The California ICWA Institute, a new collaborative project of California Tribal Families Coalition, will provide a strong and unified voice on behalf of tribal youth by crafting legal, policy and political strategies to protect Indian children and families, tribal child welfare systems and tribal sovereignty.

[Letters of Interest for Vacant Seat: Wilton Rancheria Courts' Appellate Panel Judge](#)

December 1, 2022

The Wilton Rancheria and Wilton Tribal Court is soliciting letters of interest and qualifications from individuals interested in serving as an Appellate Panel Judge. **There is one vacant seat to be filled.** Wilton Rancheria is in the heart of the State of California. With headquarters in Elk Grove, California, located just south of the State Capital, Sacramento, Wilton Rancheria is the only Federally Recognized Tribe in Sacramento County. The Tribe's Constitution provides that the judicial branch of the Tribe shall be the Tribal Court. The Wilton Tribe's judicial branch consists of the Tribal Court, The Appellate Panel and the Traditional Court. Together they are known as the Wilton Courts. The Appellate Panel Judge will be expected to work independently without assistance from the Chief Judge as to substantive matters. While experience hearing or handling appellate cases may be helpful, applicants of all experience levels are encouraged to apply. The expected appellate caseload is as low as no appeals in a year to potentially four or five. Appellate Panel Judges have an advisory role in development and improvement of court procedure. Those appointed are expected to attend regular court development meetings related to court procedure. Appellate Panel Judges may be required to participate in training specific to their role. While the time commitment is not expected to be significant, Appellate Panel Judges are expected to engage with the tribal leadership, staff, and larger community in a meaningful way. Only applicants dedicated and interested in tribal nation building should apply. **If interested, please submit a letter of interest and resume to Tribalcourtinfo@wiltonrancheria-nsn.gov. Submissions must be received by December 15, 2022.**

ONLINE RESOURCES

[NativeDATA](#) (website)

NativeDATA is a free online resource that offers practical guidance for Tribes and [Native-serving organizations](#) on obtaining and sharing health data. We also offer [data sharing](#) success stories, as well as tips for those seeking to respectfully collaborate with Tribes and [Native-serving organizations](#).

[Best Practices and Wisdom from Tribal Practitioners](#)

Webinar Series from the Capacity Building Center for Tribes

Learn from this recent webinar series about the development of the New Mexico Tribal Indian Child Welfare Consortium and how they partnered with the New Mexico Children Youth and Families Department to create a State Office of Tribal Affairs and pass the Indian Family Protection Act, establishing higher standards for ICWA.

- Part 1: [Creating the New Mexico Tribal Indian Child Welfare Consortium](#)
- Part 2: [New Mexico's Tribal-State Child Welfare Partnership](#)
- Part 3: [Effectively Implementing Stronger ICWA Protections in New Mexico](#)

[Listen to the Reclaiming the Child Welfare Narrative Podcast Season 1](#)

Join Jackie Crow Shoe, enrolled member of the Turtle Mountain Band of Chippewa, as she connects with child welfare experts across Indian Country to address the importance of building tribal child welfare programs that are reflective of their community values and culture – reclaiming the narrative from a dominant system to one that reflects Indigenous worldviews and emphasizes responsibilities to children.

Episodes included in Season 1 of Reclaiming the Child Welfare Narrative:

- Episode 1: Looking Back to Understand Where We Are Now
- Episode 2: The Interconnectedness of Language and Culture
- Episode 3: Restoring Our Children to Their Original Value of Sacred Beings
- Episode 4: Making Communities Whole Through Restorative Justice
- Episode 5: Are Child Welfare Decisions Better Using Peacemaking Circles?

Torres Martinez Tribal TANF

The Torres Martinez Tribal Temporary Assistance for Needy Families (TANF) is a social service program which provides assistance to eligible Native American families with children. Torres Martinez Tribal TANF (TMTT) is built on a foundation of education, employment, self-sufficiency and strengthening families while preserving and restoring Tribal customs, traditions and language. (TMTT) programs and services are designed to assist Native American families set and achieve their personal goals and self-sufficiency. TMTANF.ORG

text "TANF" to (760)454-7575

1-888-787-TANF

FACEBOOK.com/TribalTANF

UPCOMING CONFERENCES, WEBINARS AND TRAININGS

[17th National Indian Nations Conference \(Hybrid\)](#)

The Office for Victims of Crime

December 6-9, 2022

Location: Agua Caliente Band of Cahuilla Indians Reservation in California

OVC has rescheduled the 17th National Indian Nations Conference for December 6-9, 2022.

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. If you have questions, please email IndianNations2022@saxmanone.com.

[35th annual Indian Law Symposium \(Virtual\)](#)

University of Washington School of Law

Dec. 9, 2022

The symposium will feature a full set of topics from panelists across the country. Programming includes updates on litigation and federal legislation, an ethics session about cultural considerations for competent tribal legal representation, and sessions on tribes, mining and opportunities for reform; the Indian Child Welfare Act; and the Supreme Court. The program will be held in a virtual format on Zoom. It is co-sponsored by the Washington Law Review and [Native American Law Center](#).

[Indigenous Leadership to End Violence from a Woman's Perspective \(Virtual\)](#)

National Indigenous Women's Resource Center

December 14, 2022 – 12:00pm-1:30pm

During this webinar, we will discuss the importance of Indigenous women in leadership in ending intimate partner violence (IPV) against our Indigenous relatives. We will take a glimpse into the host of roles Indigenous women fulfill in strengthening and protecting communities.

[2022 National Tribal Youth Conference](#)

Office of Juvenile Justice and Delinquency Prevention (OJJDP) & Tribal Youth Resource Center

December 14-15, 2022

San Diego, California

This meeting is a national gathering of OJJDP Tribal Youth Program and Tribal Juvenile Healing to Wellness Court grantees as well as other interested federally recognized Tribes, tribal service providers, and state entities that serve tribal communities. Training topics at this event will support participants working in Tribal-and-State Collaboration, Tribal Juvenile Reentry, Tribal Youth Prevention, Intervention and Diversion, Court-Based Services, Tribal Juvenile Healing to Wellness Courts, and other programs that support Tribal Youth. [Register Now](#)

[2023 National Conference on Juvenile Justice](#)

National Council of Juvenile and Family Court Judges (NCJFCJ)

March 19-22, 2023

Dallas Renaissance Addison Hotel

The conference will feature amazing presentations on current and cutting edge topics that will inspire you, broaden your knowledge, and provoke discussions about issues facing the juvenile and family court system. Plenary and breakout sessions on juvenile justice, trafficking, child welfare, all while highlighting court best practices, innovative solutions, and self-care.

COVID-19 SPECIFIC GRANT OPPORTUNITIES

[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](#).

[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

[Extreme Risk Protective Order and Firearm Crisis Intervention Training and Technical Assistance Initiative](#)

**U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance
O-BJA-2022-171462**

Grants.gov Deadline: January 04, 2023

JustGrants Deadline: January 09, 2023

This solicitation seeks three training and technical assistance (TTA) providers to support grantees selected through a companion solicitation, entitled "BJA FY 2022 Byrne State Crisis Intervention Program (SCIP) Formula Solicitation." The companion solicitation provides funding to states and subrecipients for the creation and/or implementation of state crisis intervention court proceedings, extreme risk protection order (ERPO) programs, and related gun violence reduction programs/initiatives. These programs can include efforts to leverage the capacity and expand the scope of existing problem-solving courts such as drug courts, mental health courts, and veterans' treatment courts to assess the risks and needs of persons with gun offenses and provide research-driven approaches to address their underlying needs to prevent further violence.

[Grants to Support New Investigators in Conducting Research Related to Preventing Interpersonal Violence Impacting Children and Youth](#)

**Department of Health and Human Services
Centers for Disease Control and Prevention - ERA
RFA-CE-23-003**

Deadline: January 4, 2023

The purpose of the Centers for Disease Control and Prevention National Center for Injury Prevention and Control (NCIPC) Mentored Research Scientist Development Award (K01) is to provide support for an intensive, supervised (mentored) career development experience in violence prevention research leading to research independence.

[National Center for a System of Services for Children and Youth with Special Health Care Needs](#)

**Department of Health and Human Services
Health Resources and Services Administration
HRSA-23-075**

Deadline: January 26, 2023

The purpose of this program is to advance the system of services for children and youth with special health care needs (CYSHCN) by supporting the implementation of the Blueprint for Change: Guiding Principles for a System of Services for Children and Youth with Special Health Care Needs.

[YouthBuild](#)

**Department of Labor
Employment and Training Administration
FOA-ETA-23-17**

Deadline: February 7, 2023

YouthBuild is a community-based alternative education program for youth between the ages of 16 and 24 who left high school prior to graduation that also have other risk factors, including being an adjudicated youth, youth aging out of foster care, youth with disabilities, migrant farmworker youth, youth experiencing housing instability, and other disadvantaged youth populations.

[National Criminal History Improvement Program Supplemental Funding](#)

**U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics
O-BJS-2023-171464**

Application Grants.gov Deadline: February 21, 2023

Application JustGrants Deadline: February 28, 2023

This funding will assist state record repositories, state courts, and tribes with finding ways to make a greater share of eligible records available to NICS, including records in NCIC, criminal history record information available through the Interstate Identification Index (III), and records in the NICS Indices. Therefore, through the funded activities, BJS expects that more records (including improved quality, completeness, and timeliness) will become available in these systems.

PREVIOUSLY REPORTED GRANT OPPORTUNITIES

The [Fiscal Year 2022 Department of Justice Grants Program Plan](#) summarizes details about OVC funding opportunities that we expect to release, or have released, this fiscal year. The Program Plan also provides information about funding from other Department of Justice grant-making Components.

[Funding for Older Americans Act Title VI Native Americans Programs](#)

**Department of Health and Human Services
Administration for Community Living
HHS-2023-ACL-TITLEVI-2301
Deadline: December 6, 2022**

The purpose of Title VI of the OAA is to promote the delivery of nutrition, supportive and caregiver services to American Indians, Alaskan Natives, and Native Hawaiians that are comparable to services provided under Title III of the OAA. The goal of these programs is to support the independence and well-being of tribal elders and caregivers living in their communities with nutrition, supportive and caregiver services consistent with locally-determined needs.

[Integrated Substance Use Disorder Treatment Program](#)

**Department of Health and Human Services
Health Resources and Services Administration
HRSA-23-090
Deadline: December 21, 2022**

The purpose of the program is to expand the number of nurse practitioners, physician assistants, health service psychologists, and social workers trained to provide mental and substance use disorder services in underserved community-based settings that integrate primary care and mental and substance use disorder services.

[Children's Safety Network](#)

**Department of Health and Human Services
Health Resources and Services Administration
HRSA-23-080
Deadline: January 4, 2023**

The purpose of this program is to increase the capacity of Title V agencies¹ to adopt and implement evidence-based child and adolescent safety programs, practices, and policies, with a specific focus on injury and violence prevention-related Title V performance and outcome measures, such as injury hospitalizations, bullying, safe sleep, and suicide, as well as leading causes of injury-related deaths among children and adolescents (e.g., motor vehicle crashes, firearms, and poisonings). The overarching goal of this program is to reduce infant, child, and adolescent injury hospitalizations and deaths.

[AmeriCorps State and National Native Nations Planning Grants](#)

**AmeriCorps
AC-08-18-22**

Deadline: April 5, 2023

AmeriCorps is committed to working on a Nation-to-Nation basis with Native Nations and upholding the federal government’s Tribal trust responsibility. AmeriCorps planning grants provide support to a grant recipient to develop an AmeriCorps program that will engage AmeriCorps members in implementing evidence-based interventions to solve community problems.

[AmeriCorps State and National Native Nation Grants](#)**AmeriCorps****AC-08-19-22****Deadline: April 5, 2023**

AmeriCorps is committed to working on a Nation-to-Nation basis with Native Nations and upholding the federal government’s Tribal trust responsibility. AmeriCorps grants are awarded to eligible organizations (See Section C. 1 Eligible Applicants) proposing to engage AmeriCorps members in interventions/ practices to strengthen communities. An AmeriCorps member is an individual who engages in community service through an approved national service position. Members may receive a living allowance and other benefits while serving. Upon successful completion of their service, members earn a Segal AmeriCorps Education Award that they can use to pay for higher education expenses or apply to qualified student loans.

[Risk and Protective Factors of Family Health and Family Level Interventions](#)**Department of Health and Human Services****National Institutes of Health****PAR-21-358****Deadline: May 7, 2025**

The purpose of this initiative is to advance the science of minority health and health disparities by supporting research on family health and well-being and resilience. The NIMHD Research Framework recognizes family health, family well-being, and family resilience as critically important areas of research.

[Advancing Equity in Child Support](#)**Department of Health and Human Services****Administration for Children and Families - OCSE****HHS-2023-ACF-OCSE-FD-0022****Deadline: May 25, 2023**

State and tribal child support agencies applying for this funding will be expected to engage with other state and tribal agencies and related entities (public assistance agencies, courts, employment programs, domestic violence organizations, fatherhood organizations, military and veterans’ associations, etc.), as well as equity experts to assess current inequities in a sample of jurisdictions.

[State-Tribal Partnerships to Implement Best Practices in Indian Child Welfare](#)**Department of Health and Human Services****Administration for Children and Families - ACYF/CB****HHS-2023-ACF-ACYF-CW-0055****Deadline: June 21, 2023**

These five year grants are intended to generate evidence for how best to effectively implement child welfare practices and ongoing active efforts to maintain AI/AN families by funding state and tribal partnerships to jointly design and operate Indian child welfare best practice implementation demonstration sites.

[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.