



JUDICIAL COUNCIL  
OF CALIFORNIA

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## FACT SHEET

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### Tribal/State Programs

Established in November of 2009, as part of the Center for Families, Children & the Courts, this unit assists the state judicial branch with the development of policies, positions, and programs to promote the highest quality of justice and service for California's Native American communities in all case types and implements tribal-state programs that improve the administration of justice in all proceedings in which the authority to exercise jurisdiction by the state judicial branch and the tribal justice systems overlaps.

#### Goals

The goals of the Tribal/State Programs Unit are to:

1. Conduct community outreach to California's Native American citizens who reside on reservations or rancherias and in urban communities to provide information about the judicial branch—the state courts and court-connected services;
2. Collaborate with tribes in California and California's Native American communities, organizations, and service providers to gather information about the justice-related needs of California's Native American citizens;
3. Develop and promote strategies and programs that are responsive to identified justice-related needs;
4. Provide education and technical assistance to state courts and court-connected services on Public Law 280, Indian law issues relating to domestic violence, dating violence, sexual assault and stalking, the Indian Child Welfare Act, and indigenous justice systems;
5. Act as a liaison between the state and tribal courts to build professional relationships and to improve access by tribal courts to education, technical assistance, and other resources;
6. Promote mutually beneficial intergovernmental cooperation among tribal courts, state courts, and appropriate tribal, state, and local agencies; and
7. Develop and disseminate justice-related information and reports needed by tribal and state agencies to work together effectively.

### **Activities for 2016-2017**

The unit's activities include assisting the state judicial branch with policies relating to tribal communities across all case types, promoting tribal/state partnerships, and providing education and resources on federal Indian law, and serving as a clearinghouse of information on California's tribal communities and tribal justice systems.

### **Policies**

#### *Tribal Court/State Court Forum (Forum)*

The Forum, established by the Chief Justice, comprised of tribal court judges and state court judges and justices, makes policy recommendations to the Judicial Council on issues 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. [www.courts.ca.gov/3065.htm](http://www.courts.ca.gov/3065.htm) and [www.courts.ca.gov/forum.htm](http://www.courts.ca.gov/forum.htm)

- Indian Child Welfare Act Omnibus Legislation and Rules of Court
- Legislative Study of the Impact of Senate Bill 406 (Stats. 2014, ch. 243)
- Recognition and Enforcement of Tribal Parentage Orders
- Recognition and Enforcement of Tribal Protection Orders
- Tribal Access to Juvenile Court Records- Conforming Rule of Court 5.552 with Welfare and Institutions Code Section 827

### **Partnerships**

- S.T.E.P.S. to Justice- Child Welfare- State/Tribal Education, Partnerships, and Services—Information for Tribal Court and State Court Judges on Child Welfare. The brochure describes local educational services and other technical assistance for tribal and state court judges, such as promoting local Indian Child Welfare Act (ICWA) Roundtables.
- S.T.E.P.S. to Justice- Domestic Violence- State/Tribal Education, Partnerships, and Services—Information for Tribal Court and State Court Judges on Child Welfare. The brochure describes local educational services and other technical assistance for tribal and state court judges, such as promoting cross-court educational exchanges.
- ICWA Roundtables in collaboration with Casey Family Programs and the National American Indian Court Judges Association
- Law Enforcement Collaboration to Promote Jurisdictional Tools (Collaboration includes California Department of Justice, California State Sheriff's Association, California Tribal Police Chief's Association, Peace Officers Standards and Training (P.O.S.T.))
- National Gathering of Forums (Collaboration with Tribal Law and Policy Institute)

## **Education**

### *Documentary on Tribal Justice*

This unit is consulting on the production of a documentary describing tribal justice systems and highlighting collaboration between these systems and the state justice system in California

### *Federal Indian Law*

This unit provides education and legal services to judges on federal Indian law as it applies to all civil and criminal cases.

[www.courts.ca.gov/27002.htm](http://www.courts.ca.gov/27002.htm)

### *Indian Child Welfare Act (ICWA)*

This unit provides education, technical assistance, and resources to comply with ICWA in juvenile dependency and delinquency cases, family custody and probate guardianship cases. Educational offerings include regional trainings and local collaborative workshops addressing the following topics:

- When ICWA applies
- Exclusive versus concurrent jurisdiction
- Duty of inquiry
- Determination of tribal membership or eligibility for membership
- Notice to tribes
- Tribal participation and intervention
- Active efforts, including culturally appropriate services
- Cultural case planning
- Placement preferences
- Qualified expert witnesses

## **Clearinghouse of Resources**

This unit serves as a clearinghouse of information on California's tribal communities and tribal justice systems.

- California's Tribal Communities  
[www.courts.ca.gov/3066.htm](http://www.courts.ca.gov/3066.htm)
- Tribal Justice Systems  
Resources about tribal courts  
[www.courts.ca.gov/3064.htm](http://www.courts.ca.gov/3064.htm)
- Tribal/State/County Collaborations  
<http://www.courts.ca.gov/17422.htm>
- Family Violence and Tribal Communities  
Resources relating to cases of domestic violence, dating violence, sexual assault, trafficking, elder abuse, and stalking and Native American communities  
[www.courts.ca.gov/14851.htm](http://www.courts.ca.gov/14851.htm)

- **Other Professional Resources**
  - California Tribal Courts Directory ([www.courts.ca.gov/14400.htm](http://www.courts.ca.gov/14400.htm))
  - California Tribal Court Map (<http://g.co/maps/cvdq8>)
  - Statewide Directory of Native American Services (<http://www.courts.ca.gov/5807.htm>)

### **Funding**

This unit is 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 (Cal OES), the U.S. Department of Health and Human Services, Court Improvement Program, and the California Department of Social Services.

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*Additional resources:*

[www.courts.ca.gov/programs-tribal.htm](http://www.courts.ca.gov/programs-tribal.htm)