

## New VAWA Tribal Criminal Jurisdiction Provisions and Best Practices for Tribal Communities

Focus upon new Expanded VAWA “Special Domestic  
Violence Criminal Jurisdiction” over Non-Indians

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## Overview of Presentation

- VAWA Reauthorization Signing Ceremony (March 7, 2013)
- Overview of VAWA Title IX (Safety for Indian Women)
- Section 904: New Expanded VAWA “Special Domestic Violence Criminal Jurisdiction” over Non-Indians
- VAWA DV Jurisdiction: Scope and Limitations
- Due Process rights of defendants in TLOA Enhanced Sentencing and VAWA DV Jurisdiction (TLOA Plus)
- Clarification of Tribal authority to issue Civil Protection Orders
- Looking at Best Practices for Tribal Communities
- Overview of TLPI Programs/Resources

### March 8, 2013 statement of Acting Associate Attorney General Tony West at Federal Advisory Task Force

*We have had a lot to celebrate the last couple days, and yesterday I was proud to witness President Obama sign the reauthorization of the Violence Against Women Act into law. The reauthorization not only includes the provisions that Vice President Biden fought so hard for 20 years ago to protect all women, but it also includes the critical tribal jurisdiction provisions to help Indian tribes combat violence against Native women. From the time non-Indians first came to this continent, and right up through the founding of our Nation, Indian tribes routinely exercised authority over all individuals who committed acts of violence on Indian lands. In 1978, in the **Oliphant v. Suquamish Indian Tribe** case, the U.S. Supreme Court took that power away, holding that tribes lacked criminal jurisdiction over non-Indians, absent express authorization from Congress. Last week, thanks largely to your efforts, we got that authorization, and now perpetrators of domestic and dating violence will be held accountable, whether they're Indian or non-Indian. And countless Indian women will enjoy safer lives as a result.*

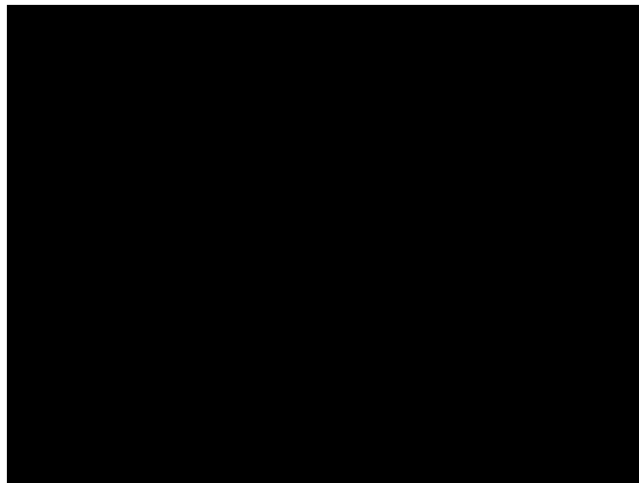
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### President Obama Signing VAWA on March 7, 2013



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## President Obama on the Tribal Provisions in VAWA



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[http://youtu.be/kMX3j6VX\\_rY](http://youtu.be/kMX3j6VX_rY)

## Title IX – Safety for Indian Women

- Section 901: Grants to Indian Tribal Governments
- Section 902: Grants to Indian Tribal Coalitions
- Section 903: Consultation
- **Section 904: Tribal Jurisdiction over Crimes of Domestic Violence**
- **Section 905: Tribal Protection Orders**
- Section 906: Amendments to the Federal Assault Statute
- Section 907: Analysis and Research on Violence Against Indian Women
- **Section 908: Effective Dates; Pilot Project**
- Section 909: Indian Law and Order Commission; Report on the Alaska Rural Justice and Law Enforcement Commission
- Section 910: Special Rule for the State of Alaska

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## VAWA Section 904: Tribal Jurisdiction over Crimes of Domestic Violence

- Section 904 of the re-authorization of the Violence Against Women Act (VAWA) of 2013 makes several amendments to the Indian Civil Rights Act (ICRA) of 1968.
- Most notably, it authorizes tribes to exercise “special domestic violence criminal jurisdiction” over non-Indians.
  - A “participating” tribe is a tribe that has opted to exercise this special domestic violence criminal jurisdiction.

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## What VAWA Section 904 Covers

- A participating tribe may exercise “special domestic violence criminal jurisdiction” over a non-Indian defendant for
  - Acts of domestic violence or dating violence that occur in the Indian country of the participating tribe; and
  - Violations of Protection Orders that are violated in the Indian country of the participating tribe.

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## VAWA Section 904 Definitions: *Dating and Domestic Violence*

- Dating Violence – “violence committed by a person who is or has been in a **social relationship of a romantic or intimate nature** with the victim, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.”
  - Note: This definition does NOT include “hook-ups.”
- Domestic Violence – “violence committed by a current or former **spouse or intimate partner** of the victim, by a person with whom the victim **shares a child** in common, by a person who is **cohabitating** with or has cohabitated with the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the victim under the domestic- or family-violence laws of an Indian tribe that has jurisdiction over the Indian country where the violence occurs.”

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25 U.S.C. § 1304 (a)(1)-(5)

## VAWA Section 904 Definitions: *Protection Order*

- “any injunction, restraining order, or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person; and
- includes any temporary or final order issued by a civil or criminal court, if the civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of the person seeking protection.”

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### Requirements in order to criminally prosecute for Violation of Protection Orders under VAWA Section 904

- Special Domestic Violence Criminal Jurisdiction over violation of protection orders applies *only* if the violation is of the portion of the protection that
  - Protects against violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person;
  - Was issued against the defendant;
  - Is enforceable by the participating tribe; and
  - Is consistent with 18 U.S.C. § 2265(b), governing Full Faith and Credit given to Civil Protection Orders
    - Includes jurisdictional and notice requirements

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### What VAWA Section 904 Does NOT Cover

- Victim and Defendant are both non-Indian - A tribe may not exercise special domestic violence criminal jurisdiction if neither the defendant nor the alleged victim is an Indian.
- Non-Indian Defendant Lacks Sufficient Ties to the Indian Tribe – Defendant must either
  - Reside in the Indian country of the participating tribe;
  - Be employed in the Indian country of the participating tribe; or
  - Be a spouse, intimate partner, or dating partner of a tribal member, or an Indian who resides in the Indian country of the participating tribe.
- The crime did not take place in the Indian Country of a participating tribe

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## What VAWA Section 904 Does NOT Cover – Sexual Assault

- Special domestic violence criminal jurisdiction does NOT cover sexual assault.
  - Note, if sexual assault occurs within the context of either domestic violence, dating violence, or a violation of a protection order, then the defendant *can* be prosecuted, but only for those three distinct crimes.
  - However, if sexual assault occurs during a “hook-up” or otherwise outside a “domestic” or “dating” relationship, then tribes still lack jurisdiction to prosecute the non-Indian offender.

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## What VAWA Section 904 (and 905) Does Not Cover- Alaska

- In the State of Alaska, special domestic violence criminal jurisdiction only applies to the Indian country of the Metlakatla Indian Community, Annette Island Reserve.

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**VAWA SEC. 910. SPECIAL RULE FOR THE STATE OF ALASKA.**

**(a) *Expanded Jurisdiction.*--In the State of Alaska, the amendments made by sections 904 and 905 [i.e. recognition of civil dv jurisdiction over "any person"] shall only apply to the Indian country (as defined in section 1151 of title 18, United States Code) of the Metlakatla Indian Community, Annette Island Reserve.**

**(b) *Retained Jurisdiction.*--The jurisdiction and authority of each Indian tribe in the State of Alaska under section 2265(e) of title 18, United States Code (as in effect on the day before the date of enactment of this Act)--**

- (1) shall remain in full force and effect; and
- (2) are not limited or diminished by this Act or any amendment made by this Act.

**(c) *Savings Provision.*--Nothing in this Act or an amendment made by this Act limits or diminishes the jurisdiction of the State of Alaska, any subdivision of the State of Alaska, or any Indian tribe in the State of Alaska.**

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## What VAWA Section 904 Does Not Cover – External and Practical Limitations

- While Congress has authorized this special domestic violence criminal jurisdiction over non-Indians, tribes may nevertheless be otherwise restricted or at least currently unable to assert this expanded jurisdiction.

Possible restrictions include:

- Congressional Recognition/Settlement Acts that specifically limit jurisdiction over non-Indians
- Limitations within Tribal Constitutions
- Tribes not currently exercising criminal jurisdiction

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## VAWA Section 908

### Effective Date of VAWA Section 904

- Tribes may *not* exercise special domestic violence criminal jurisdiction for 2 years (March 7, 2015).
- There is a small exception for tribes that request to operate a *pilot program* from the Attorney General.

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## VAWA Section 904

### Due Process Requirements

- Before exercising jurisdiction, tribes must provide added due process protections.
- Special Domestic Violence Jurisdiction under VAWA requires ALL of the same due process protections included within the Tribal Law and Order Act (TLOA).
  - (TLOA – expands tribes’ ability to sentence defendants from 1 year and a \$5,000 fine to 3 years and a \$15,000 fine.)
- In addition to the TLOA requirements, VAWA requires several other due process protections.

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## Tribal Law and Order Act

Public Law 111–211, H.R. 725, 124 Stat. 2258, enacted July 29, 2010, being signed into law by President Barack Obama



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## TLOA Background

- Primary Causes of Indian Country Violence:
  - Underfunded tribal justice systems
  - Broken and Divided System
    - Handcuffed tribal justice systems
    - Lack of federal accountability
    - Jurisdictional maze
- TLO sought to address system and funding

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## TLOA Overview

- Increased Federal Accountability
- Increased Tribal Authority
- Authorized increased Tribal Funding, but only authorization (virtual funding) – not appropriations (actual funding)
- Established Tribal Law and Order Commission

[www.indianlawandordercommission.com](http://www.indianlawandordercommission.com)

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## TLOA Local Control: Expanding Tribal Court Authority

- *Result: Sec. 234. Tribal Court Sentencing (25 U.S.C. 1302)*
  - Enhanced tribal court sentencing authority
    - 1-3 years imprisonment, \$15,000 fine, or both
    - 9-year cap on stacked sentencing
  - Tribal courts can stack sentences
  - Protections for accused where D is subject to 1+ year
    - Licensed counsel for indigent defendants
    - Licensed / law trained judges
    - Trial must be recorded (audio or video)
    - Must publish laws, rules of evidence/procedure
    - Sentencing options: tribal, BOP, state, alternatives

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## TLOA Enhanced Sentencing Due Process Requirements

- Defendant has right to effective assistance of counsel at least equal to that guaranteed by the United States Constitution
- Tribal Government will provide indigent defendants assistance of defense attorneys licensed to practice law
  - by ANY jurisdiction in the United States
  - that applies appropriate professional licensing standards and effectively ensure the competence and professional responsibility of its licensed attorneys.
    - This can potentially include tribal bar associations.

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## TLOA Enhanced Sentencing Due Process Requirement

- Judge presiding over the criminal proceeding
  - Has sufficient legal training to provide over the criminal proceeding; and
  - Is licensed to practice law by ANY jurisdiction in the United States
    - Note, this does not require a license to practice law from a state.
- The tribe's criminal law (including regulations and interpretative documents), rules of evidence, and rules of criminal procedure are made publicly available; and
- Maintain a record of the criminal proceeding.

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## VAWA Section 904 DV Jurisdiction Additional Due Process Requirements

- Defendants have the *right to petition a federal court for habeas corpus* to challenge any conviction and to stay detention prior to review.
- Any non-Indian defendant has the *right to a trial by jury* drawn from sources that do not systematically exclude any distinctive group in the community, including non-Indians.
- Any Indian tribes that has ordered the detention of anyone under the special domestic violence criminal jurisdiction provision has a *duty to notify* that person of all their rights.
- Defendants must be provided “all other rights whose protection is necessary under the Constitution of the United States in order for Congress to recognize and affirm the inherent power of the participating tribe.

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## Considerations for Complying with Due Process Protections under TLOA/VAWA

- No Need to Entirely Transform Court
  - Only the “criminal proceeding” must comply with the judge, defense counsel, recording, and jury requirements. Thus, a tribe can ensure that a certain proceeding is compliant, while other proceedings comply only with the relevant tribal law and ICRA.
- Licensed Judge and Defense Counsel
  - Licensing can be from ANY jurisdiction, including tribal bar associations (with additional licensing standards required for Defense Counsel, but not for the Judge)

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| TLOA and VAWA Due Process Requirements |   | TLOA | VAWA |
|--|---|------|------|
| 1.                                     | Defendants are provided with effective assistance of counsel equal to at least that guaranteed in the U.S. Constitution.  | ✓    | ✓    |
| 2.                                     | Tribal government provides to an indigent defendant a defense attorney licensed to practice by any jurisdiction in the United States.   | ✓    | ✓    |
| 3.                                     | Defense attorney is licensed by a jurisdiction that applies appropriate licensing standards and effectively ensures the competence and professional responsibility of its licensed attorneys. | ✓    | ✓    |
| 4.                                     | Judges presiding over criminal proceedings subject to enhanced sentencing/non-Indian defendants have sufficient legal training to preside over criminal trials.                               | ✓    | ✓    |
| 5.                                     | Any judge presiding over criminal proceedings subject to enhanced sentencing/non-Indian defendants are licensed to practice law by any jurisdiction in the United States.                     | ✓    | ✓    |
| 6.                                     | The tribe's criminal law, rules of evidence, and rules of criminal procedure are made available to the public prior to charging the defendant.  | ✓    | ✓    |

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| TLOA and VAWA Due Process Requirements |  | TLOA | VAWA |
|--|--|------|------|
| 7.                                     | Tribal court maintains a record of the criminal proceeding, including an audio or other recording.   | ✓    | ✓    |
| 8.                                     | Any defendant sentenced under either Act is sentenced to a facility that passes the BIA jail standards for enhanced sentencing authority.  | ✓    | ✓    |
| 9.                                     | Tribal court has a process for determining that the defendant has sufficient ties to the community, including either residence on the reservation, employment on the reservation, or a relationship with a tribal member or Indian resident. |      | ✓    |
| 10.                                    | Tribal court provides the defendant the right to a trial by an impartial jury.   |      | ✓    |
| 11.                                    | Tribal court ensures that the jury reflects a fair cross section of the community.   |      | ✓    |
| 12.                                    | Tribal court ensures that juries are drawn from sources that do not systematically exclude any distinctive group in the community, including non-Indians.  |      | ✓    |

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| TLOA and VAWA Due Process Requirements |   | TLOA | VAWA |
|--|---|------|------|
| 13.                                    | Tribal court ensures that anyone detained under the special domestic violence criminal jurisdiction is “timely notified” of his/her rights and responsibilities.  |      | ✓    |
| 15.                                    | Tribal court ensure that a defendant is notified of their right to file “a petition for a writ of <i>habeas corpus</i> in a court of the United States.”  |      | ✓    |
| 14.                                    | Tribal court ensures that “all other rights whose protection is necessary under the Constitution of the United States in order for Congress to recognize and affirm the inherent power of the participating tribe to exercise special domestic violence criminal jurisdiction over the defendant” are provided. |      | ✓    |
| 15.                                    | Tribal court ensures that “all applicable rights under the special domestic violence criminal jurisdiction provisions” are provided.  |      | ✓    |

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## \$5 million authorized to assist with implementing VAWA Section 904

- VAWA authorizes the Attorney General to award grants to the governments of Indian tribes to
  - strengthen tribal criminal justice systems to assist in exercising special domestic violence criminal jurisdiction
  - to provide indigent criminal defendants with effective assistance of licensed defense counsel
  - to ensure that jurors are summoned, selected, and instructed in a manner consistent with all applicable requirements; and
  - to assist victims of domestic violence, dating violence, and violations of protections orders.
- However, funds have not yet been actually appropriated.

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### Clarifying Full Tribal Civil Jurisdiction to Issue and Enforce Tribal Protection Orders against *All Persons*

- Section 905 of VAWA Title IX fulfills the intent of VAWA 2005 regarding tribal civil jurisdiction to issue protection orders.
- VAWA 2005 intended for tribes to have full civil authority to issue and enforce protection orders against Indians and non-Indians alike. Unfortunately, at least one federal court has suggested that tribes lack civil jurisdiction to issue and enforce protection orders against non-Indians who reside on tribal lands. That ruling undermines the ability of tribal courts to protect victims.
- Section 905 of VAWA Title IX carries out the congressional intent of VAWA 2005 by clarifying that every tribe has full civil jurisdiction to **issue** and enforce protection orders *against all persons* regarding matters arising on tribal lands, and that such orders are entitled to full faith and credit by non-tribal jurisdictions.

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### Old VAWA (*still applies to Alaska*)

#### **18 U.S.C. § 2265. Full faith and credit given to protection orders**

(e) Tribal Court Jurisdiction.— For purposes of this section, a tribal court shall have full civil jurisdiction to enforce protection orders, including authority to enforce any orders through civil contempt proceedings, exclusion of violators from Indian lands, and other appropriate mechanisms, in matters arising within the authority of the tribe.

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### New VAWA Section 905: Clarifies Full Civil Jurisdiction to *Issue and Enforce* Tribal Protection Orders Over *All* Persons

- *In addition to VAWA Section 904 authority to criminally prosecute violators of protection orders, VAWA Section 905 clarifies tribal court civil protection order jurisdiction:*

“full civil jurisdiction to issue and enforce protection orders involving any person, including the authority to enforce any orders through civil contempt proceedings, to exclude violators from Indian land, and to use other appropriate mechanisms, in matters arising anywhere in the Indian country of the Indian tribe or otherwise within the authority of the Indian tribe.”

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## Tribal Law and Policy Institute

The Tribal Law and Policy Institute (TLPI) is a Native American owned and operated non-profit corporation organized to design and deliver education, research, training, and technical assistance programs which promote the enhancement of justice in Indian country and the health, well-being, and culture of Native peoples.

Tribal Court Clearinghouse

[www.tlpi.org](http://www.tlpi.org)

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## About TLPI

- Training and Technical Assistance
  - Healing to Wellness Courts
  - Child Welfare – [www.NRC4Tribes.org](http://www.NRC4Tribes.org)
  - Tribal-State Collaboration – [www.WalkingOnCommonGround.org](http://www.WalkingOnCommonGround.org)
- Research
  - Needs Assessments
  - Community Surveys
- Resource Development
  - Code Development Resources
  - Tribal Legal Studies Series
- Tribal Court Clearinghouse – [www.tlpi.org](http://www.tlpi.org)



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## Tribal Law and Policy Institute Current Projects



### **Walking on Common Ground: Collaborative Promising Practices:**

Under a grant from the Bureau of Justice Assistance, TLPI launched the current [www.WalkingOnCommonGround.org](http://www.WalkingOnCommonGround.org) website into an on-going permanent comprehensive resource highlighting tribal/state collaboration promising practices and providing resource toolkits to assist those wishing to replicate.

TLPI will identify specific tribal state court forum promising practices (along with establishing tribal state court forum learning/mentoring sites) and publicize these promising practices and how to replicate through both hard copy and on our website. In addition, TLPI is identifying specific Public Law 280 promising practices (along with establishing Public Law 280 learning and mentoring sites) and publicizing how to replicate them through our website and in hard copy.

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## Promising Strategies

- The *Promising Strategies* series provides insight into real, on-the-ground realizations of sovereignty and good-governance, and the inherent issues faced by tribes in those endeavors.
- Two recently Bureau of Justice Assistance (BJA) publications, now available on [www.WalkingOnCommonGround.org](http://www.WalkingOnCommonGround.org)
  - *Tribal-State Court Relations*
  - *Public Law 280*

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## Promising Strategies Publications Selection Criteria and Methods

- ◇ **INNOVATIVE:** The programs are distinctive and involve innovative processes that appear to present promising solutions to everyday challenges affecting Indian Country justice. The programs contain a coherent strategy or vision that promises to improve a significant aspect of justice relations.
- ◇ **REPLICABLE:** The programs can be replicated or adapted in other tribal communities, their approaches can be used in other settings, and the level of investment needed to achieve similar outcomes and sustain the programs is not insurmountable.
- ◇ **SUSTAINABLE:** The programs can be sustained when external funding sources are expended and when the programs are not dependent upon any one person for their continued success.
- ◇ **CULTURALLY COMPATIBLE:** The programs, as situated within a broader justice system, are in accord with the current beliefs, understandings, values, and future goals of the community.
- ◇ **COMMUNITY COMPONENT OF SERVICES:** The programs are strengthening the relationship of the Indian person to his or her community. The programs are well received and have support from the surrounding community and tribal government.
- ◇ **GOVERNMENT OR NONPROFIT OPERATION:** The programs operate within the tribal nations' governments or operate as nonprofit organizations.
- ◇ **RESPECT FOR AND ENHANCEMENT OF TRIBAL AUTHORITY:** The programs demonstrate respect for the jurisdiction of native nations and states and promote tribal administration of justice in tribal territory.

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## Promising Strategies Publications Selection Criteria and Methods

- ◇ **FAIRNESS:** The programs uphold non-arbitrary, just, impartial, and nondiscriminatory treatment of all persons.
- ◇ **INTERGOVERNMENTAL COOPERATION:** The programs achieve benefits of coordinated, consensual, and mutually respectful relations between tribal and nontribal justice agencies.
- ◇ **MANAGEMENT EFFECTIVENESS:** Once program goals are established, the programs are carried out so that goals will be achieved (e.g., appropriate rules, lines of responsibility, personnel selection, communication, and allocation of resources).

In addition, when looking at the group of promising strategies that was selected, the following criteria to exam the group as a whole were used:

- ◇ **CULTURAL DIVERSITY:** The programs include a variety of different cultural backgrounds. Each program has unique cultural aspects and traditions.
- ◇ **GEOGRAPHIC DIVERSITY:** The selected tribal programs represent a variety of different locations and jurisdictional circumstances within the United States.

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## Promising Strategies: Tribal–State Court Relations

- |   |  |
|---|--|
| <p><b>1. National Center for State Courts and National American Indian Court Judges Association</b></p> <ul style="list-style-type: none"> <li>• Extending Project Passport</li> </ul>                        | <p><b>6. Arizona Supreme Court and Arizona Tribal Courts</b></p> <ul style="list-style-type: none"> <li>• Rule Providing State Recognition of Tribal Court Judgments</li> </ul>                                    |
| <p><b>2. State of Arizona and Arizona Tribal Courts</b></p> <ul style="list-style-type: none"> <li>• Recognition and Enforcement of Tribal Court Involuntary Commitment Orders</li> </ul>                     | <p><b>7. Ninth District of Wisconsin and Five Signatory Tribes</b></p> <ul style="list-style-type: none"> <li>• Tribal/State Protocol for the Judicial Allocation of Jurisdiction (AKA Teague Protocol)</li> </ul> |
| <p><b>3. Leech Lake Band of Ojibwe Tribal Court and Minnesota's Ninth Judicial District Court for Cass and Itasca Counties</b></p> <ul style="list-style-type: none"> <li>• Joint Powers Agreement</li> </ul> | <p><b>8. Yurok Tribal Court and Counties of Del Norte and Humboldt, California</b></p> <ul style="list-style-type: none"> <li>• Coordinated Adult and Juvenile Probation</li> </ul>                                |
| <p><b>4. Michigan State Bar and Michigan Tribes</b></p> <ul style="list-style-type: none"> <li>• Michigan Bar Journal's Annual Directory</li> </ul>   | <p><b>9. New York Federal-State–Tribal Courts Forum</b></p> <ul style="list-style-type: none"> <li>• Listening Conference</li> </ul>   |
| <p><b>5. Idaho State/Tribal Court Forum and Idaho State Judiciary</b></p> <ul style="list-style-type: none"> <li>• Idaho Tribal Court Benchbook</li> </ul>  | <p><b>10. New Mexico Tribal–State Judicial Consortium and Cross-Cultural Exchanges</b></p>   |

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## Promising Strategies: Public Law 280

1. Kake Peacemaking Court System
2. Joint Powers Policing Agreement between the Hoopa Valley Tribe and the County of Humboldt
3. Intergovernmental Policing Agreement between the Hopland Band of Pomo Indians and Various Federal and County Agencies
4. State Peace Officer Status to Tribal Police in Oregon
5. Intertribal Court of Southern California
6. Memorandum of Understanding, Protecting of Battered Indian Women in Minnesota
7. Washington State Joint-Executive Legislative Workgroup on Tribal Retrocession
8. Wisconsin Joint Legislative Council's Special Committee on State-Tribal Relations
9. Wisconsin State Gaming Appropriations and Policing Grants
10. Wisconsin Tribal Judges Association
11. Tribal Representatives in the Maine Legislature

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## Tribal Law and Policy Institute Current Projects



**National Indian Nations Conference Justice for Victims of Crime**- TLPI has successfully designed, developed, and delivered a national conference for Victims of Crime in Indian Country in Palm Springs, California, in December [2002](#), [2004](#), [2006](#), [2008](#), [2010](#), and the [2012 Conference](#) under a grant from the Office for Victims of Crime.

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## T/TA Network Brochure - NRC4Tribes (page 9)

### The Children's Bureau Training & Technical Assistance Network 2012 Directory



National Resource Center  
for Tribes (NRC4Tribes)  
<http://www.nrc4tribes.org>

The NRC4Tribes engages Tribes to increase their access to and use of the T/TA Network, brokers T/TA, assists in the provision of T/TA as needed, facilitates peer-to-peer consultation between Tribes regarding child welfare issues, and increases cultural competence and sensitivity to Tribal voices in the T/TA Network and in State child welfare systems.

The NRC4Tribes addresses child welfare needs identified by Tribes, supports efforts for improved Tribal child welfare practice, and works with Tribal child welfare staff to achieve greater safety, permanency, and well-being for children and families. The NRC4Tribes also promotes the delivery of culturally appropriate services to American Indian and Alaska Native children, youth, and families.

**GOAL:** Enhance the capacities of Tribal agencies, courts, and organizations to support successful child welfare programs and provide effective child welfare services.

**HOW WE HELP**

- Broker T/TA for Tribes through the T/TA Network.
- Function as a case manager in providing T/TA to Tribes.
- Arrange activities to engage Tribes.
- Support peer-to-peer mentoring and networking among Tribal agencies.
- Support family-centered and community-based practices.
- Develop and disseminate toolkits, resource manuals, and other products.
- Offer training Webinars, conference calls, and other opportunities for information dissemination.

**FOR MORE INFORMATION**

Address: NRC4Tribes  
1215 Santa Monica Blvd., Suite 211  
West Hollywood, CA 90046  
Phone: 323.450.5467  
E-mail: [katy@nrc4tribes.org](mailto:katy@nrc4tribes.org)  
Contact: Kathy Deserly, Associate Director  
Joe Walker, Tribal Child Welfare  
Specialist, [joew@nrc4tribes.org](mailto:joew@nrc4tribes.org)

National Resource Center for Recruitment  
and Retention of Foster and Adoptive Parents  
at AdoptUSKids (NRCRRFAP)  
<http://www.adoptuskids.org/recruitment>

The NRCRRFAP at AdoptUSKids provides T/TA to States, Tribes, territories, and courts (STTCs) to increase their capacity to recruit and retain foster, adoptive, and kinship families.

**GOALS**

Assist STTCs in building capacity to recruit and retain foster, adoptive, and kinship families and creating sustainable, systemic changes that support effective recruitment and retention efforts.

**HOW WE HELP**

- Supporting STTCs in their efforts to develop a sufficient, diverse pool of prospective families that reflect the diverse characteristics of children who need foster and adoptive homes.
- Increasing the effective use of cross-jurisdictional resources to facilitate timely permanent options for children who are waiting to be adopted.
- Ensuring that recruitment, response processes, and retention are driven by promoting practice and achieve desired outcomes for families and children.

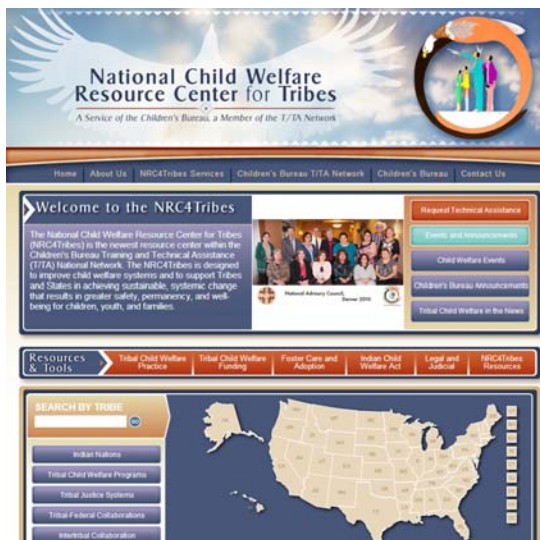
**RESOURCES**

A variety of publications, products, tools, and tip sheets on recruitment and retention topics, as well as a variety of on-site and off-site T/TA forums and delivery mechanisms are available. In addition, the AdoptUSKids Web site ([www.adoptuskids.org](http://www.adoptuskids.org)) for professionals/line resources) houses many recruitment and retention publications and resources.

**FOR MORE INFORMATION**

Address: NRCRRFAP at AdoptUSKids  
8015 Corporate Drive, Suite C  
Beltsville, MD 21156  
Phone: 303-726-0198  
E-mail: [NRCRRFAP@adoptuskids.org](mailto:NRCRRFAP@adoptuskids.org)  
Contact: Alicia Gresh, Interim Director

## www.NRC4Tribes.org



## Tribal Healing to Wellness Courts

- TLPI provides training and technical assistance for Tribal Healing to Wellness Courts.
- Also known as Drug Courts, Healing to Wellness Courts bring together alcohol and drug treatment, community healing resources, and the tribal justice process through a team approach.



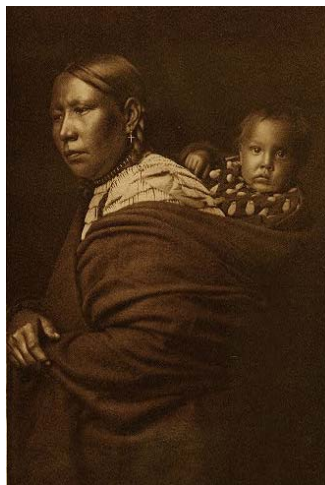
## Tribal Healing to Wellness Courts Training and Technical Assistance Project

TLPI and partners with other organizations in designing, developing, and delivering a Tribal Healing to Wellness Court Training and Technical Assistance (T/TA) Program with 3 overall goals:

- (1) to provide a wide array of T/TA to assist tribal jurisdictions in developing tribal adult, juvenile, and/or family wellness courts;
- (2) to provide T/TA to strengthen existing tribal wellness courts; and
- (3) to provide the field with state-of-the-art information and resources on effective strategies for addressing substance-abusing offenders in tribal drug courts.

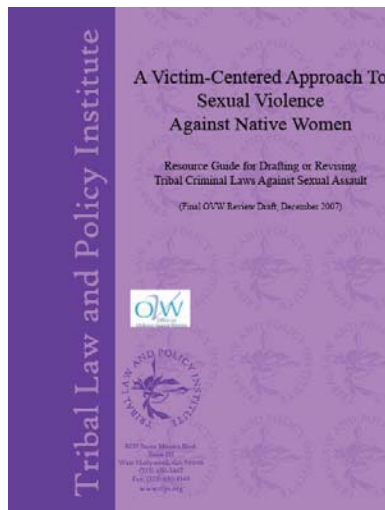
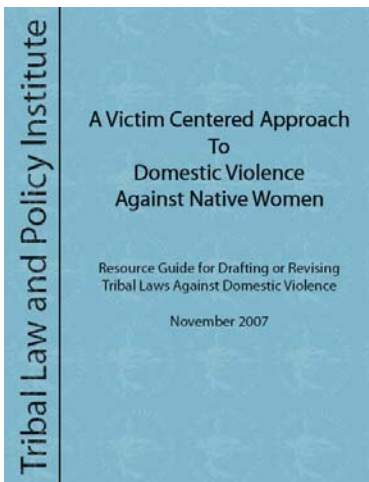
## Listen to the Grandmothers Video

THE GOAL OF THIS VIDEO:  
*To use lessons from elders to help tribal governments and communities improve their support systems and ground their methods and techniques of supporting and protecting women in their cultural traditions.*



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## RESOURCES

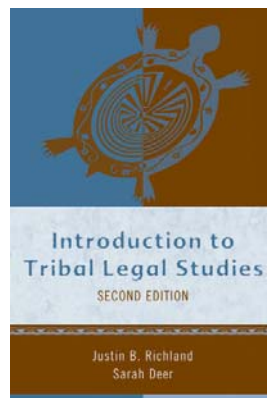


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## Tribal Legal Studies Textbooks

- 2<sup>nd</sup> Edition - *Introduction to Tribal Legal Studies*
- Power of tribal courts and tribal legal systems as key to the exercise and expansion of tribal sovereignty
- Structures and practices of tribal justice systems
- Efforts to balance tribal legal heritage and Anglo-American law
- Scope of criminal and civil jurisdictions
- Traditional dispute resolution mechanisms in contemporary tribal law

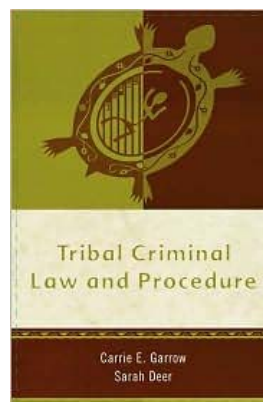


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## Tribal Criminal Law and Procedure

Tribal criminal law and procedure from a tribal perspective

- Histories, structures and practices of tribal justice systems
- Comparisons of traditional tribal justice with Anglo-American law and jurisdictions
- Elements of criminal law and procedure
- Alternative sentencing and traditional sanctions



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## Sharing our Stories of Survival: Native Women Surviving Violence

A general introduction to the social and legal issues involved in acts of violence against Native women, this book's contributors are lawyers, advocates, social workers, social scientists, writers, poets, and victims. In the U.S. Native women are more likely than women from any other group to suffer violence, from rape and battery to more subtle forms of abuse, and *Sharing Our Stories of Survival* explores the causes and consequences of such behavior. The stories and case-studies presented here are often painful and raw, and the statistics are overwhelmingly grim; but a countervailing theme also runs through this extremely informative volume: Many of the women who appear in these pages are survivors, often strengthened by their travails, and the violence examined here is human violence, meaning that it can be changed, if only with much effort and education. The first step is to lay out the truth for all to see, and that is the purpose accomplished by this book.



### Sharing Our Stories of Survival

NATIVE WOMEN SURVIVING VIOLENCE

Edited by Sarah Deer, Bonnie Clairmont,  
Carrie A. Martell, and Maureen L. White Eagle

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