



More than 40 tribal and state court judges, NCJFCJ leadership and staff, and other key partners participated in the Tribal Judicial Leadership Gathering held Dec. 15-16, 2010 at the Gila River Indian Community in Arizona.

TRIBAL JUDICIAL LEADERSHIP GATHERING: Working Together for Native Children and Families

By Judge Raquel Montoya-Lewis

On Dec. 15-16, 2010, the National Council of Juvenile and Family Court Judges held the first Tribal Judicial Leadership Gathering at the Gila River Indian Community's Wild Horse Resort near Phoenix, Ariz. After years of discussion about how the NCJFCJ could work with their colleagues who sit on the tribal bench, the Council took its first steps in bringing together its leadership and some selected judicial leaders from tribal courts to discuss how the Council could better serve tribal judges, courts, and communities. This is the first of what we all hope to be many fruitful discussions that will lead to a true and meaningful partnership between the NCJFCJ and tribal courts. While we have a long way to go to, all who participated in the Gathering found common ground.

As is the custom for all tribal gatherings, the Gathering began with an opening prayer from respected elder Judge Harriet James of the Gila River Indian Community Tribal Court. We

were honored to have Tribal Governor William R. Rhodes give opening remarks and welcome us to the land. NCJFCJ President Judge Michael Key, Interim Executive Director Judge Dale Koch, and Advisory Board Members Judge Katherine Lucero and Judge William Thorne welcomed us as well. To set the tone of our meeting, a group of children from Gila River Indian Community gifted us with song and traditional dance and honored each one of us with a handshake, a fitting reminder that we are coming together to ultimately improve the lives of our children.

The most critical statement made by the NCJFCJ came from Judge Key and Judge Thorne, both of whom acknowledged the Council's shortcomings with regard to working with tribal court judges in the past. Judge Thorne asked that those in attendance from the Council listen humbly but actively and those tribal judges present be honest with their concerns, recognizing that we arrived to the Gathering perhaps skeptical, but encouraged, by the

Council's effort to bring together this important meeting.

As tribal court judges, we deal on a daily basis with the effects of historical and present-day trauma and its impact on our families and communities. We come to this work because we care deeply for the health and well-being of our children, families, and communities. Many of us handle enormous caseloads with few support staff and less than state-of-the-art technology. In many of our courts, we are the only judges, handling criminal, dependency, juvenile, and all other civil matters. Many of us are on call 24 hours a day, 365 days a year, and several of us at the table had been on call 24/7 for years. As a result, few of us had the time to join a two-day Gathering like this to discuss how the Council could better serve us and our systems. But we came and we came for one reason: because we believe we have much to offer our state court counterparts and much to learn from you.

Over the course of the Gathering, we asked that the Council and its members support tribal court judges by giving us the respect of seeing us as peers and colleagues. Tribal courts, when they are considered at all, are often seen as secondary courts. Many judges told stories of our state court colleagues expressing surprise when they found us to be doing excellent work, often treating our well-written and researched orders as a surprise, even an aberration.

Similar to our state court judicial colleagues, we come to the work we do for the children and families, recognizing that the rewards are neither rich in monetary gain nor public accolade. However, unlike our state court colleagues, we find ourselves fighting to have our court orders recognized by state courts and state law enforcement, to be invited to state judicial trainings and conferences, and to be recognized for the difficult work we do. And like our state court colleagues, we struggle with finding the dollars to do our work well. But unlike those in state courts, tribal courts have no solid funding base—we are funded through federal grant dollars and “hard” dollars provided by tribal governments through monies raised via economic development projects. We have no access to Court Improvement Project funds, no access to state court databases or other information systems, and few to no cooperative agreements with state courts or agencies. Yet we often find ourselves working with the same families as our state counterparts. Our families and children come to us with severe issues that need to be addressed at the highest level of care, but we either have minimal services available or services that are not culturally appropriate to our communities.

A stark example of the challenges and disparities faced by those of us who work in tribal courts can be demonstrated by a sobering statistic Judge Thorne shared with us. The federal government reimburses the states approximately sixty cents per dollar spent on a child in state care. Tribes, however, are reimbursed approximately fifteen cents per dollar spent on a child in care placed through tribal court. While all child welfare cases are complex, tribal court judges regularly see families who have parents raised in institutional settings or out-of-home placement going back three or four generations. We see families who we would argue have the highest possible needs, but upon whom the fewest dollars are spent.

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Over these two days, the group came together to develop a plan of action that would see the Council reach out across the membership to engage state court judges in conversation with and in support of their tribal court colleagues. A few weeks after the Gathering, NCJFCJ's Board of Trustees passed two resolutions directly responding to the discussions.

First, the Council passed a resolution entitled “Resolution in Support of Tribal Courts,” which acknowledged that tribal courts and state courts are equal and parallel systems of justice. The Council emphasized its commitment to working with tribal courts and judges as full partners engaged in the mission of the NCJFCJ and meeting the needs of children and families. This acknowledgment includes recognizing and enforcing all laws as they pertain to Native children and families, including, but not limited to, the Indian Child Welfare Act and the Adoption and Safe Families Act “in a context that supports tribal culture.” The second resolution, “Resolution in Support of Policy Recommendations for Tribal Access to Federal Court Improvement Project (CIP) Funds,” recommended that “Congress appropriate new funding to provide direct CIP funding to tribal governments.”

In late January 2011, the Conference of Chief Justices passed Resolution 5 “To Encourage Greater Collaboration Between State Courts and Tribal Courts to Protect Native American Children.” This resolution reflected many of the concerns brought to light at the Gathering and provided those of us in attendance with further confirmation that the work

we undertook in December will have real effects in our work with children and families.

This Gathering was the first step in a long overdue path toward true collaboration between state and tribal court judges. A second meeting of the Tribal Judicial Leadership Gathering is being organized for Summer 2011. In addition, we hope to see tribal judicial inclusion in the NCJFCJ's Annual Conference and tribal voices on the Board of Trustees and Advisory Committees. These resolutions are statements of commitment on the part of the leadership of the NCJFCJ.

Your words are important; they are promises to us as tribal court judges and to yourselves as our state court colleagues. Now you must follow through on those words with your actions. As you do so, we will be there to meet you halfway. On behalf of those tribal and state court judges present during the two days at the Gila River Indian Community, I invite you to join us in conversation on these important issues and follow through on the commitment the NCJFCJ has made to each of us.



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