

7th Annual Tribal State Court Consortium

“An Intersection of Courts and MMIWG”

SUNDAY, SEPTEMBER 22, 2019

12:00 PM – 1:30 PM

HEATHMAN LODGE, VANCOUVER, WA

Workgroup Updates

Court Rule

Thank you workgroup members:

Judge Cindy Smith, Judge Lori K. Smith, Justice Barbara Madsen, Justice Susan Owens, Commissioner Michelle Ressa, Judge Randy Doucet, Judge Loritha Umtuch, Judge Tanya Thorp

Updates as of September 2019:

Rule changes, amendments to Superior Court Civil Rule 82.5, regarding communication between tribal and state court judges were proposed and the comment period was open until April 2019. Workgroup members reviewed comments received, adjusted language and the proposed changes were submitted to the Rules Committee. The proposed amendments have been adopted and will become effective when published in the Washington Reports, likely on September 24, 2019. The latest information will be shared at the in-person TSCC meeting.

DV Protection Order Enforcement

Thank you workgroup members:

Judge Lori K. Smith, Judge Cindy Smith, Justice Susan Owens, Chief Judge Whitener, Judge Colegrove, Judge Leonard

Updates as of September 2019:

We are looking to start up this workgroup again. Please let us know if you are interested in joining or continuing with this workgroup. We have several projects with draft outlines and will need input and feedback in late September to kick off the projects. Projects that this workgroup would oversee in 2019 -2020 include,

- Data Gathering/Survey Project – to gather information on the PO process and primary enforcement issues and make key recommendation on policies, procedures and personnel topics.
- Distribution of the Attorney General’s Opinion on state court PO enforcement and registration.
- Survey Follow up/Recommendation Implementation – this could include cohorts of courts that want to implement changes or discuss implementation.

ICWA Bench Card

Updates as of September 2019:

This workgroup is on hold until more members join or express interest.

Joint Jurisdiction Wellness Court Pilot

Thank you Workgroup Members:

Judge Colegrove, Judge Lucas, Cindy Bricker, Chief Judge Whitener, Alicia Horne,

Updates as of September 2019:

The workgroup held an in-person meeting November 9, 2018 at the Tulalip Tribal Court, including three Superior Court Judges from Snohomish County and three Tulalip Tribal Court Judges, along with several other tribal and state court staff. The group is working towards creation of a Joint Jurisdictional Wellness Treatment Court for tribal members involved in dependency cases and possibly juvenile offenders.

There was concern expressed about the previous attempt five years ago to have a joint effort regarding truancy cases that fizzled, so it was decided that the concept should be presented to the tribal council to make sure they are on board before we get too far into planning. Chief Judge Whitener, Court Administrator Alicia Horne and Judge Colegrove all met with the Tribal Council. The Council was receptive to the concept and wanted to explore further, and a retreat is being set up in the near future. Once the Tribal Council is on board, a meeting will be held with the Department of Children, Youth and Families (DCYF) to discuss this pilot program and explore who at DCYF and Attorney General's Office we need to work with regarding this effort.

Also, last spring, Judge Colegrove and Cindy Bricker presented information regarding the joint jurisdiction wellness court concept to the National Court Improvement Program Indian Child Welfare Constituency Group.