

MINUTES
ARIZONA STATE, TRIBAL & FEDERAL COURT FORUM
Indian Child Welfare Act Committee

Friday, November 2, 2012, 1:30 - 4:30 p.m.
Arizona Courts Building, Room 119
1501 West Washington
Phoenix, AZ 85007

- I. **Registration** - (Beginning at 1:38 p.m.)
- II. **Call to Order and Greeting** - Com. Kathleen Quigley and Judge Kami Hart
- III. **Introductions by Members and Participants**
- IV. **Committee Business**
- A. Approval of Minutes**
Kathleen Quigley made a motion to approve the minutes for August 16, 2012, Michelle Nimmo second the motion, which was unanimously approved.
- B. Work Group Reports**
1. Law and Rules
Judge Steinle reported that permission was received from Michigan to use their Court Resource Guide for the purpose of developing an Arizona Court Resource Guide.
2. Education
Caroline Lauth-Owens and Victor Machiche reported that an ICWA Conference flyer will be ready for the committee's review at the next meeting. The work group has been planning activities for the conference such as: having practice groups, presenters such as Sandy White to speak on native adoption, case studies presentations, working lunch, and plenary at beginning and end. Judge Steinle suggested that a real life case study be presented step-by-step from the beginning of the process until the end. Barbara Atwood suggested Chrissi Nimmo, Assistant Attorney General for the Cherokee Nation, as a lunch time speaker. Ms. Nimmo recently handled a high profile native child custody case.
- May 3, 2013, was selected by the committee as the date for the ICWA Conference.
- Action Item:** Victor Machiche to prepare an ICWA Conference flyer for review at the next ICWA meeting.
- Action Item:** Gwenda Gorman to provide David Withey with ITCA event information on the upcoming ICWA Seminar, November 27-29, 2012 and Indian Child and Family Conference, December 6-7, 2012.

3. Cross-Jurisdictional and Interagency Cooperation

Kathleen Quigley and David Withey reported that priorities were reviewed and the following points were discussed as possible ways to best address them:

- Train individual professionals
- Research or educate where there is a need
- Develop guidelines for various groups
- Consistency with ICWA of ASFA and Arizona
- CPS – using local liaisons
- Developing more specific materials in the field of ICWA issues

Edwin Gonzalez-Santin stated that ITCA is currently circulating a white paper. Kathleen Quigley and Barbara Atwood suggested that the white paper could be a research project for law students at University of Arizona.

Action Item: David Withey to contact the Tribal Law Program at University of Arizona to request their participation in researching the white paper.

Action Item: Edwin Gonzalez-Santin to provide David Withey with a name for the person in charge of ITCA white paper.

Action Item: Dennis Swain to advise David Withey who from the Casey Family Programs would be available to participate in this work group.

4. Topics and actions chart - coordination and tracking

David Withey went over the action chart and requested that the work groups use this as tool so as not to duplicate efforts and track progress. David requested that any duplications be reported to Brenda Lee Dominguez (bdominguez@courts.az.gov).

Action Item: David Withey to provide a blank copy of the action chart to the conveners of each work group.

C. Discussion of ICWA Committee Priorities

1. AZ resource guide development - Michigan model and experience.

David Withey reported on the conversation he had with Mary Beth, Administrative Office of the Courts in Michigan, regarding matters involved in creating the Michigan Resource Guide:

- tribes were frustrated by the courts not meeting ICWA requirements
- tracking cases a problem and not having data available
- the NARF guide too long and not used
- guardianship and notification big issues
- tribal contact lists important component
- town hall approach was used to develop the model – 12 tribes worked together and resolved matters at the meetings while writing the guide
- CIP funds used

Action Item: Brenda Lee Dominguez to post the 2012 Michigan Resource

Guide on the Arizona ICWA webpage.

Dennis Swain posed the questions of who updates the Michigan Resource Guide and are the tribes contributing to the updates.

Action Item: David Withey to check with the Administrative Office of the Courts in Michigan and report back at the next meeting.

2. Tribal/State coordination re: placement priorities (including kinship), court reports, and home studies.

Kathleen Quigley stated coordination is a major issue and questioned whether the upcoming ICWA Conference could address this issue. She recommended adding an additional half-day session involving training from both tribal members and CPS employees.

Action Item: Dennis Swain volunteered to check on how these placement priorities, court reports and home studies are handled in other states.

Action Item: Dennis Swain to provide chart of contacts for 21 Arizona tribes to David Withey.

3. Development of guardian ad litem/child's attorney ICWA guidelines.
Committee voted to retain this matter on the priority list.
4. Research consistency with ICWA of ASFA and AZ expedited process for child under 3 - legislation/rule changes needed?
Committee recommended reviewing the "white paper" and to see where to go from there.
5. Agreement of qualified expert witness qualifications?
Committee voted to retain this matter on the priority list.

D. Electronic Notification Program Follow-up

Michelle Nimmo provided an update of the electronic notification pilot program. She stated the next step is for NCSC to identify potential sites for the pilot and if Arizona is selected they may not be interested in taking on this pilot program.

E. Future Meetings

The following dates were voted on for the first two meeting of 2013: January 30, 1:30 – 4:30 pm and March 21 or 22, 1:30 – 4:30 pm.

Action Item: Brenda Lee Dominguez to schedule conference rooms and email a notice of meeting dates, times, and locations.

V. Open Forum

No issues discussed.

VI. Adjournment

Meeting adjourned at 4:06 pm.