

New Mexico Tribal-State Judicial Consortium



Annual Report for 2018-2019

Message from the Co-Chairs

As Co-chairs of the New Mexico Tribal-State Judicial Consortium (TSJC), we respectfully present the Annual Report for Years 2018-2019. We hope this report finds you in good health and looking forward to 2020 with optimism for a brighter future and continued progress. This report summarizes the progress, on-going work of the TSJC, collaboration with other agencies, as well as plans for 2020 including short-term and long-term goals.

While the Consortium was successful in its efforts to amend Supreme Court Rules, enact new legislation and promote the ICWA Specialty Court Pilot Project, we are especially proud of the quality of the collaboration between tribal and state judges. The strong relationships formed among tribal and state judges, as well as state, tribal and non-profit agencies, has been the foundation of our success. Partisanship among political parties, geographic regions and various religious or ethnic groups appears almost inevitable in today's world. Meaningful dialogue and the respectful exchange of opinions and ideas at times seem to have vanished. The Consortium stands in stark contrast to this. Tribal and state judges have convened quarterly for several years now to address cross-jurisdictional issues and continue to have lively discussions that are grounded in a deep respect for each other. This Consortium is an active and hardworking group eager to tackle the larger issues affecting the State of New Mexico and its tribes, especially as it relates to children and families. The Consortium has a renewed sense of urgency to accomplish our many goals and we look forward to continuing this work.

We would like to thank the New Mexico Supreme Court and Appellate Court for their contributions. These judges have provided their expertise and greatly added to our dialogue. And, finally we sincerely appreciate the Supreme Court's continued support of the Consortium's work. Please do not hesitate to contact us regarding the information contained within this report.

Thank you,



Judge Renee Torres
State Co-Chair
Bernalillo County Metropolitan Court



Judge Randolph Collins
Tribal Co-Chair
Pueblo of Acoma Tribal Court

Mission Statement

The Tribal-State Judicial Consortium is a Supreme Court advisory body consisting of seven state and seven Tribal judges.

The mission of the Consortium is to encourage and facilitate communication and collaboration between state and tribal court judges on common issues such as child welfare, domestic relations, and juvenile justice, drug/wellness courts and other concerns as they arise. From this mission statement three main goals have been set:

- 1) To create rapport between state and tribal judges;
- 2) To educate and train state and tribal judges and leadership; and
- 3) To review and support implementation of state services for Native children and families on- and off-the-reservation.

The Consortium holds annual quarterly meetings at either state or tribal locations to address cross-jurisdictional issues. The Consortium created the following committees to divide the work among its members while taking into consideration the varying expertise of its members:

- Full Faith & Credit/State Services Committee
- Rapport/Communication Committee
- Specialty Courts Committee (formerly the DV Court Committee)
- Juvenile Detention Alternatives Initiative (JDAI) Committee
- ICWA Committee
- Habeas Corpus Committee



Review of Years 2018 to 2019

Full Faith & Credit/State Services Committee

The Full Faith & Credit/State Services Committee continued to build on its work for improved services for tribes and pueblos by increasing tribal sovereignty and working on improved collaboration between the tribes and the state. The Committee built on its work in 2017 and 2018 where it led efforts to obtain NM Supreme Court approval of tribal model adult and juvenile involuntary commitment orders. The Supreme Court approved the proposed orders which became effective December 31, 2018. The proposed model orders are intended to be used by tribal courts for committing individuals to state mental health facilities. The basic idea is that these model orders would be recognized by state courts, without requiring the additional step of a district court domesticating the tribal court order.

Proposals to Amend NM Statutes

The Committee also reviewed possible improvements to the New Mexico statutes. In regards to **NM Statute 32A-1-8(E)**, “Jurisdiction of the court; tribal court jurisdiction,” the consideration is to propose the removal of references to the need for obtaining an intergovernmental agreement as a prerequisite for obtaining full faith and credit of tribal court orders when Native American juveniles are referred by tribal court to state services.

Another NM Statute the Consortium has been working on to propose changes is “**NMSA 32A-1-14**, Notice to Indian Tribes” and “**32A-2-5** Juvenile probation and parole services; establishment; juvenile probation and parole officers; powers and duties.” The Committee seeks to require the state to provide earlier notification to tribes when a tribal juvenile is referred to the juvenile justice system. In addition, the Committee wants to ensure that the tribes and the state would consult and collaborate regarding construction and implementation of treatment plans and/or adjudication.

The Committee recommended changes that were incorporated into legislation, **House Bill (HB) 149**, sponsored by State Representative Georgene Louis and supported by the All Pueblo Council of Governors (APCG) and the Children Youth and Families Department (CYFD). HB149 requires that a pueblo or tribe be notified by the state when a Native American youth is in the juvenile delinquency system at the time of filing a juvenile delinquency petition and not the later disposition of the case, as was previously required under NM law. Further, the bill required tribal and state consultation and collaboration.

Every year many Native American youth are caught in the state court’s juvenile delinquency system. These children have their cases decided in a state court that applies state remedies and not necessarily Native American culturally-appropriate solutions. Under the old notification law, New Mexico was required to provide notice to a pueblo or tribe when a juvenile was in the delinquency system so that a pueblo or tribe may take appropriate action. However, the notice was only required at the end, or the disposition of the juvenile’s case, when it is too late for the pueblo or tribe to take action. In fact, in many cases notice was not provided at all, as juvenile delinquency cases did not reach disposition. A study outlined in the [NM Juv. Justice Tribal Notification Policy Research Project: Final Report March 2015](#) concluded that the reasons for the failure of the current law were late notification to tribes, inconsistent application and no meaningful collaboration between the state and tribes.

Consequently, these children increasingly risked being separated from their pueblos and tribes, and their cultures and traditions. The change sought required that notice be provided to pueblos and tribes, not at the end of the juvenile proceeding, but rather at its initiation, when the juvenile delinquency petition is filed. Studies show that Native American youth have higher incidence of delinquency, arrest and detention and culturally-sensitive programs that promote tribal customs are more effective in reducing recidivism, providing restorative justice and reform. These studies also show that continued and improved exposure to tribal tradition are more likely if pueblo and tribal governments are involved in intervening and crafting remedies. Part of this solution is to have the pueblo, tribal courts and/or tribal governments involved early in the state process in juvenile delinquency proceedings. These efforts are less likely to alienate youth and families from the tribal community and tribal customs.

This legislation, HB149, was passed by both the NM House and Senate and signed by Governor Lujan Grisham. The Consortium is working with CYFD and other interested parties on implementation of this new law. This includes establishing clear procedures for applying the law such as identifying to whom the notice should be sent; improving collaboration including identifying better juvenile justice alternatives based upon restorative justice and the Juvenile Detention Alternative Initiative (JDAI) and improved reliance on tribes so tribal youth can maintain better connections with their families, communities and tribes. As part of this implementation effort, Consortium Judges Randolph Collins and Geoff Tager, and Nick Constales of CYFD made an extensive presentation at the Annual 2020 Children's Law Institute Conference in January.

Tribal Customary Adoption

This committee is also working with CYFD on **House Memorial (HM) 51** to propose statutory changes for implementing Tribal Customary Adoption (TCA). The legislature passed HM51 this past legislative session. In October 2019, Consortium Co-Chairs Judge Randolph Collins and Judge Renee Torres worked with CYFD representatives Cynthia Chavers and Donalyn Sarracino, under the direction of Secretary Brian Blalock, on a report submitted to the Indian Affairs Committee on October 29, 2019. This report, "Report to Indian Affairs Committee on Tribal Customary Adoption (TCA)" outlines a plan for obtaining recommendations to establish a new Tribal Customary Adoption law (see Appendix).

HM 51 resolves that CYFD work in consultation with New Mexico tribes to develop a tribal customary adoption plan, including policies and procedures. To meet this requirement, CYFD has joined with the TSJC, the NM Tribal Indian Child Welfare Consortium (NMTIC), and other subject matter experts to participate in a TCA Workgroup. This workgroup has been designated to establish the recommended rules for tribal customary adoptions.

Developing culturally-responsive practices for children in our foster care system is a major challenge for our nation's and New Mexico's child welfare system. There is growing recognition of the bias in our child protection system. Complicating this issue is the need to find permanent, stable placement for these children. Over half a million children are in foster care in the United States, with over representation by minority populations, including Native American children. As HM 51 recognizes, "American history has shown that federal and state policies based upon a western concept of 'family' have not worked in tribal communities ... [however New Mexico] has a difficult time finding enough Native American adoptive families..."

To meet these often competing challenges, HM 51 recognizes the need to develop better, more culturally-appropriate permanent placement options for Native American children in cases where reunification is not possible because a parents are not able to meet their parenting obligations. As HM 51 states, "...federal and state child welfare laws and policies express a clear preference for termination of parental rights and adoption of children who cannot be returned to their families." The Adoption and Safe Families Act (ASFA) of 1997 makes permanency the primary goal of this law. This goal is achieved by requiring foster care and child protective services that receive federal funds to comply with certain federal standards intended to reduce a child's stay in foster care. Where reunification cannot be achieved, ASFA imposes strict deadlines that lead to termination of parental rights so that adoption may be accomplished. Since the passage of ASFA the number of children emancipated from the system without ever being adopted or placed in a permanent setting has increased, which is a direct result of the terminations based upon ASFA's shortened deadlines. However, the number of adoptions has not kept pace. Between 2005 and 2007 the number of termination of parental rights increased from 74,000 to 84,000. This results in more children emancipating from, or "aging out" of the foster care system, also putting them at higher risk for negative life outcomes.

However, with respect to Native American children, ASFA's emphasis on termination of parental rights where reunification with parents is not possible is inconsistent with the Indian Child Welfare Act (ICWA). ICWA not only protects Native American children from unnecessary removal from their parents and families, it also protects tribal sovereignty in recognizing the importance of tribal decision-making in adjudications involving Native American children. Importantly, ICWA also emphasizes the maintenance of familial and tribal ties. Termination of parental rights is inconsistent with many tribe's customs and traditions. For example, the Pueblo of Acoma recognizes that children are a "sacred responsibility of the Tribe." Pueblo of Acoma Law & Order Code, § 4-7-1(1). The guiding principles of this Acoma law require acting in the child's best interests which in turn requires promoting permanency and the "preservation of the child's identity as a tribal member, member of an extended family and clan; ... providing the child with knowledge of and experience with [Acoma's] culture, religion, language, values, history, clan system... and ... way of life." *Id.* at § 4-7-1(2). Finally, Acoma Pueblo law states that suspension of parental rights and tribal customary adoptions are clearly preferred over termination as customary adoption is consistent with Acoma's customs and traditions and preserves the connection between the child and their family, clan and tribe while providing a sense of permanency. *Id.* at § 4-7-1(7).

Acoma is certainly not alone in this regard. Many other tribes carry similar provisions in their codes. *See e.g.*, Zuni Pueblo Code §§ 9-2-1(C); 9-2-2; Sisseton-Wahpeton Sioux Juv. Code § 38-01-01; White Earth Band of Ojibwe Judicial Code 4a-1(B); *see also* Gilla River Chap. 10. Adoption § 7.1001 – 7.1102. Also, closer to home, the Taos Pueblo recognizes tribal customary adoption, Taos Pueblo Children's Code, § 7-10-10.

Furthermore, a Navajo Supreme Court decision states:

The Navajo Common Law is not concerned with the termination of parental rights or creating a legalistic parent and child relationship because those concepts are irrelevant in a system which has obligation to children that extends beyond the parents.

Therefore, upon the inability of the parents to assist a child . . . children are adopted by family members for care which may be temporary or permanent, depending upon the

circumstances. The mechanism is informal and practical and based upon community expectation founded in religious and cultural belief. *In re J.J.S.*, 4 Navajo Repr. 192, P 40 (Navajo 1983).

It is with these circumstances in mind that HM 51 seeks plans, policies and procedures on tribal customary adoption (TCA), which allows a Native American child in state custody to be traditionally-adopted without terminating parental rights of the biological parents when reunification is no longer an option. TCA does not terminate parental rights but rather suspends parental rights. Although certain tribes, such as the Pueblo of Acoma, contain provisions in their law for TCA, the state itself has established no such provisions. Indeed, very few states contain allowance for TCA within their legal codes.

One exception is California. Welf. & Inst. Code. § 366.24. Under California law TCA is defined through tribal customs, traditions or law of a Native American child's tribe where adoption does not require termination of parental rights. *Id.* at § 366.24 subd. (a). Under California's TCA the juvenile court may continue the permanency hearing to provide a tribe recommending TCA sufficient time to conduct the required home study and produce a tribal customary adoption order. *Id.* at § 366.24, subd. (c)(6). Upon the state court affording full faith and credit to the tribes TCA order and the tribe's approval of the home study, the child is eligible for tribal customary adoptive placement. *Id.* at § 366.24, subd. (c)(8). Once the TCA process is complete, the adoptive parents have all rights and privileges afforded to any other adoptive parent. *Id.* at § 366.24, subd. (c)(13).

TCA is superior to termination because it does not sever a child's relationship with their tribe, family, clan. Moreover, it may have advantages over a guardianship because it offers greater permanency.

Full Faith & Credit/State Services Committee Goals - Established at the 2018 Retreat

Short-term Goals:

- Propose amended language in Children's Court Rule 10-211, Preliminary Inquiry; filing of petition, section D (pending);
- Propose amended language in NM Statute 32A-1-14 Notice to Indian Tribes (completed);
- Propose amended language in NM Statute 32A-2-5 Juvenile probation and parole services; establishment; juvenile probation and parole officers; powers and duties (completed);
- Develop Mental Health Juvenile/Adult Involuntary Tribal Commitment orders, recognized by State courts (completed);
- Develop a template probate order that would be recognized in State court (pending).

Long-term Goals:

- Work together to propose amended language in NM Statute 32A-1-8(E), Jurisdiction of the court; tribal court jurisdiction (pending).
- Work on the issue of Tribal Customary Adoption (pending - moved from the ICWA Committee).

Rapport/Communication Committee

As a result of this committee not being very active in 2017, the Consortium decided that outreach efforts need to be restored because several tribal jurisdictions are not involved in the Consortium. At the 2018 Retreat, plans were made to host an annual meet and greet with state and tribal leaders to revitalize participation by more tribal judges throughout the state. The Consortium recognizes the importance of ensuring the TSJC website is current and up-to-date. Therefore, this committee plans to regularly review and modify the website to make sure information regarding upcoming meetings, proposed agendas, requests for presentations, contact information and the roster of current members is available on-line.

Under the leadership of Justice Barbara Vigil the initiative of **Senate Bill (SB) 313** began when it was determined that state law did not have a provision to provide for the education of tribal judges. The bill's passage now allows the JEC to fund training for tribal judges, specifically to include them at the annual New Mexico Judicial Conclave without requiring payment of a registration fee.

SB 313 is directly in line with two of the Consortium's main goals of creating rapport between state and tribal judges; and educating and training State and Tribal judges and leadership. It encourages collaboration through tribal judge participation at State judicial training sessions such as the annual New Mexico Judicial Conclave. These continuing legal education opportunities are invaluable, as tribal judges receive updates on current state and federal case law allows tribal and state Judges to confer on legal topics and also gives state judges the opportunity to get the tribal perspective on issues. The annual judicial conclave provides the ideal opportunity for state and tribal judges get to know and learn from each other. Additionally, many tribal judges, work in rural areas where it is difficult, at times, to find the legal resources needed to continue the lifelong learning the law requires. This legislation goes a long way toward assisting judges in that learning endeavor, as well as furthering cooperation among the New Mexico judiciary as a whole. The Consortium is especially appreciative of Senator Candelaria for his sponsorship and Justice Vigil for her strong support for this legislation and leadership on Consortium issues.

Rapport/Communication Committee Goals - Established at the 2018 Retreat

Short-term Goals:

- Identify outside groups to which TSJC can present and/or invite to meetings;
- Continue to hold quarterly meetings at State and Tribal locations; and
- Prepare an introductory letter to send to community partners with a list of TSJC members, committees and chairs and follow up with phone calls.
- Schedule a meet and greet event for 2020.

Long-term Goal:

- To maintain communication with the Tribal Law and Policy Institute (TLPI) and National American Indian Court Judges Association (NAICJA) and present the Consortium's progress at their annual/biannual conferences.

Specialty Courts Committee (formerly the Drug and Wellness Court Committee)

This committee has focused primarily on establishing a procedure for transferring cases between New Mexico jurisdictions. The Consortium as a whole has recognized the need to transfer potential participants (either adult or juvenile) to state specialty courts or tribal Healing to Wellness Courts based on a defendant's residence instead of remaining in the jurisdiction of the conviction and sentence. There has been informal collaboration among tribal and state judges to allow individuals to participate in alternative programs based on where they reside. This practice currently takes place with the Taos Tribal Court and Taos Magistrate Court who developed a state-approved MOU allowing such transfers. However, the State of New Mexico does not have a law or regulation to allow a probationer to transfer regular probation between counties. Therefore, the TSJC may need to seek legislative assistance to accomplish this goal. The need is to develop a model Memorandum of Understanding (MOU) or other type of jurisdiction-specific agreements or to enact state law that allows such jurisdictional transfers.

In addition to a resource list, this Committee is working on a position memo to support the establishment of drug courts and other tribal specialty courts such as Domestic Violence Court, Veterans Court, Early Intervention Court and other types of specialty courts that address the individual needs of defendants. Consortium members were provided a copy of Bernalillo County Metropolitan Court's Domestic Violence Court and Early Intervention Program's policies and procedures for future discussion on this issue.

Another serious concern is the implications of enacting the Brady Act into State law, which applies to defendants in tribal court. This law requires individuals with convictions on specific violence-related charges to surrender their firearms. Consortium members have had lengthy discussions on this issue and as a result, this committee is reviewing state forms that may be used to notify defendants of this law at the time of entering a guilty plea for the charges enumerated in the law. State-wide training for state judges and court staff was also made available to tribal judges on June 20, 2019.

The Consortium received a request from Justice Barbara Vigil (per the Conference of Chief Justice Resolution) to solicit input from tribal judges on the how the national opioid epidemic can be addressed and the needs of native communities. The consensus of the Consortium was that other substances such as heroin and methamphetamine should be included in this effort and input is needed from treatment providers before recommendations can be made. This committee is tasked with making recommendations to TSJC which will be submitted to Justice Vigil.

Specialty Courts Committee Goals - Established at the 2018 TSJC Retreat

Short-term Goals:

- Review current methods of diversion of supervision;
- Develop a resource list that includes funding agencies; and
- Develop a TSJC Policy Statement in support of Wellness/Specialty Courts.

Long-term Goals:

- Create NM Supreme Court-approved forms or orders authorizing transfer of supervision to other jurisdictions; and
- Develop a transfer process inclusive of all specialty courts.

Juvenile Detention Alternatives Initiative (JDAI) Committee

The JDAI pilot project initiated at the Pueblo of Isleta (POI) and funded by The Annie Casey Foundation continues to operate as the second tribal JDAI site and is in its third year of operation. POI JDAI has been working with CYFD and Bernalillo County to receive immediate notification when a tribal child associated with the Pueblo of Isleta is about to be detained.

POI JDAI has brought together the service providers, court and law enforcement for shared resources and meetings. In 2018, Isleta JDAI had at least eight children under the age of 14 participating in JDAI. The Court holds informal hearings and cases are immediately put on a diversion track to avoid prosecution, the goal of which is rehabilitation. Counseling and services are provided for the entire family and the child is given a consent decree. However, if the terms of the consent decree are not met the case is returned to court. Isleta JDAI also utilizes peacemaking and its pre-adjudication process is not in writing.

The Pueblo of Isleta (POI) JDAI has developed a risk assessment tool, with the assistance of service providers, to assist in creating a comprehensive treatment plan for clients in need of treatment and/or intervention. Additionally, a site visit was held at the Bernalillo County Juvenile Detention Center with Pueblo of Isleta JDAI and JDAI partners inviting tribes to learn more about JDAI as it relates to juvenile justice. POI JDAI staff also attended a three-day training in Ruidoso, New Mexico focused on equitable results and racial disparities. POI JDAI has not provided additional data regarding the number of juveniles served and outcomes achieved. Other tribal courts interested in establishing a JDAI Program, include Pueblo of Taos, Pueblo of Acoma, Ohkay Owingeh and Pueblo of Laguna.

JDAI Committee Goals - Established at the 2018 TSJC Retreat**Short-term Goals:**

- Continue to follow POI JDAI's progress (pending);
- Maintain contact with San Juan County regarding their progress with the Navajo Nation (pending);
- Continue to participate in the Statewide Leadership Team meetings (pending); and
- Follow-up with the Burns Institute to look into expanding JDAI into other areas of Indian Country, independently from CYFD efforts (pending).

Indian Child Welfare Act (ICWA) Committee

After approximately one year of planning, the Second Judicial District Court Children's Court established an ICWA Specialty Court to ensure the requirements of the Indian Child Welfare Act (ICWA) are met. Judge Marie Ward, Presiding Children's Court Judge Second Judicial District Court and Judge T. David Eisenberg, Taos Pueblo Tribal Court co-chaired the ICWA Court Leadership committee. Special Master Catherine Begaye chaired the work group on court processes and is presiding over cases referred to the ICWA Specialty Court.

The ICWA Specialty Court has a team consisting of service providers, social workers, attorneys assigned to eligible families to ensure full compliance with ICWA and improve outcomes for Native American families and children. The ICWA Specialty Court will work with tribal representatives such as tribal ICWA Social Workers to ensure that the interests of tribes and pueblos are met. The Second Judicial District Court ICWA Specialty Court is the sixth ICWA Specialty Court in the United States. The Second Judicial District Children's Court in Bernalillo County handles, on a state-wide basis, the most ICWA cases due to the high population of urban Native American children and families in the Albuquerque area, thus, makes the Second Judicial District Children's Court the ideal location for piloting an ICWA Specialty Court. The Second Judicial District Court ICWA Specialty Court began taking ICWA cases January, 2020.

The objective of the ICWA Specialty Court is two-fold: first, to rigorously adhere to a legal approach that documents every decision based on federal ICWA requirements; and second, to adhere to the requirements of the New Mexico Children's Code, all while focusing on needs of the family and children. This Court ensures: active efforts are used, ICWA placement preferences are followed and culturally-appropriate and responsive service are available to parents and children.

Throughout the planning, development and implementation of the ICWA Specialty Court Pilot Project the Consortium was represented by Judge T. David Eisenberg. Judge Eisenberg spent numerous hours working with the planning committee and continually kept the Consortium informed of the progress through presentations made at quarterly meetings throughout 2019.

Prior to initiation of the ICWA Specialty Court, this committee was working to address difficulties in the CYFD process for selecting Qualified Expert Witnesses (QEW)s for ICWA cases. Additional concerns are: the need for State judges to use the QEW list and recognize the qualifications and roles of QEWs; and ensuring tribal membership of Native American children is determined by tribes. The Consortium is working closely with CYFD and state courts to ensure that specific types of data are properly collected, tracked and analyzed.

ICWA Committee Goals - Established at the 2018 TSJC Retreat

Shor-term Goals:

- Support the legislative effort to secure \$100,000 for Highland University Social Worker's Program (pending);
- Identify and collect data in CYFD and Court systems (pending);
- Continue supporting Children's Code and Children's Court Rules efforts to address ICWA compliance (pending);

Short-term Goals (continued)

- Develop comprehensive training (pending);
- Create a tribal motion to intervene with best practices and tip sheet (pending);
- Develop a resource for families on kinship/guardianship (pending);
- Develop meaningful, collaborative relationships with Children’s Court Improvement Committee (CCIC) (pending); and
- Encourage State to Tribal transfers (pending).

Long-term Goals:

- Work on the issue of Tribal Customary Adoption (work pending with the State Services/Full Faith & Credit Committee); and

Habeas Corpus Committee

In 2018, the Consortium established a Habeas Corpus committee to address the influx of Habeas Corpus petitions filings originating from tribal court proceedings. To address the issue of tribal habeas corpus petitions, an Ad Hoc committee was formed with representatives from different organizations including TSJC, UNM Law School, New Mexico Center on Law and Poverty, the office United States Attorney, private law firms and the National American Indian Court Judges Association (NAICJA).

At the 2018 Retreat this committee established and met its short-term goal of attending and presenting at larger group meetings. On September 26, 2018, the Ad Hoc committee members presented at the American Indian Law Center’s 9th Annual Tribal Leadership Conference: Transitions. The TSJC was represented by Taos Pueblo Tribal Court T. David Eisenberg, who gave a presentation on the requirements of the Indian Civil Rights Act and proactive approaches to habeas corpus in tribal court proceedings.

The Ad Hoc committee also coordinated, through numerous meetings, a presentation at the 2018 NAICJA annual conference in October 2018. A Habeas Corpus panel consisting of tribal court judges, Carrie Garrow, Gregory Bigler and David Eisenberg, Assistant United States Attorney Michael Murphy and Cheryl Fairbanks moderator, presented at the NAICJA conference. The panel discussion included an overview of habeas corpus law and issues, tribal court judges’ perspectives, federal court habeas proceedings and a tribal appellate court perspective. In 2019, the Habeas Corpus committee was not active due to a substantial reduction in habeas filings arising out of tribal court proceedings.

TSJC Invitation to Plan the First SW Regional-State and Tribal Courts Conference

The Chief Counsel of the Administrative Office of the Courts of the Arizona Supreme Court contacted the TSJC in August of 2019 inviting the Co-chairs to be involved in planning a Southwest Regional-State and Tribal Courts Conference that would involve tribal and state courts of Arizona, California, Colorado, Nevada and Utah. Co-chairs Renee Torres and Randy Collins have since participated in a conference call to plan for such a conference. The goal of the conference is to convene on issues these states have in common, including tribal customary adoption/guardianship, orders of protection enforcement, specialty courts and cross-jurisdictional cooperation, and juvenile detention alternatives. The Consortium believes such

collaboration is mutually beneficial for state and tribal courts of these bordering states and is directly in-line with the work of the TSJC.

2018-2019 Partnerships and Collaborations

In addition to the work among tribal and state judges, the TSJC regularly collaborates with numerous state and private agencies in and around the state of New Mexico, some of which include the following:

- New Mexico Tribal Indian Child Welfare Consortium (NM-TIC)
- 2nd Judicial District Children’s Court/ICWA Pilot Court, Judge Marie Ward and Special Master Catherine Begaye
- Bernalillo County Juvenile Detention Center/JDAI, Gerri Bachicha
- NM Partners/Casey Foundation, Melissa Clyde
- New Mexico Children, Youth and Families Division (CYFD)
- NM Kids Matter Inc., Veronica Montano-Pilch
- Corrine Wolfe Center for Child and Family Justice/Beth Gillia
- SW Regional-State and Tribal Courts Conference, AOC of the Arizona Supreme Court

2018-2019 Committee Presentations

- Indian Affairs Committee: Update and identification of priorities by Judge Randolph Collins and Judge Kim McGinnis.
- All Pueblo Council of Governors: Presentation on the ICWA Court Pilot Project by Judge David Eisenberg and Spec. Master C. Begaye
- All Pueblo Council of Governors: Presentation on Early Notification and Tribal-State Collaboration regarding tribal juveniles referred in juvenile delinquency matters by Judge Collins

Summary

In many ways the Consortium’s work has just begun, as the State strives to meet the needs of all New Mexico children and families, the collaborative work of judges across the state is incredibly important. The Consortium is proud of its accomplishments and continued collaboration to address cross-jurisdictional issues.

The Consortium regularly invites participation from various groups such as Administrative Office of the Courts (AOC) attorneys, Children Youth and Families Division (CYFD), the Casey Family Foundation, tribal social workers and others who are interested in TSJC’s efforts and would like to contribute to our discussions. The Consortium looks forward to continuing our work together to meet the short and long-term goals set and establish new goals that will benefit the State of New Mexico and tribes across the state.

Appendix

- 2019 TSJC Budget
- 2018 TSJC Budget
- 2019 Roster of Consortium Members
- 2018 Roster of Consortium Members
- Written Report to Indian Affairs Committee