Tribal-State Relations for the 21st Century

**Description:** Beyond the trust relationship between tribes and the federal government is the trust that is emboldened or broken between tribes and the states. Presentations in this session will highlight ways in which to strengthen tribal-state relationships in key arenas such as child welfare, juvenile justice, health and wellness, and transportation—as well as how tribal leaders can initiate these efforts and sustain collaboration for maximum community benefit.

**Policy Applications:** Information shared at this session will be used to inform policy development on child and juvenile welfare system development and accountability, tribal infrastructure, and health outcomes.

**Co-Facilitators:**
Chairman W. Ron Allen, Jamestown S’Klallam Tribe
Cierra Fields, Cherokee Nation

**PRESENTATIONS:**

*Tribal Notification for Native Youth in the State of New Mexico Juvenile Justice System: A Policy Research Project*

**Dr. Jen Rountree** is research manager at the National Indian Child Welfare Association in Portland, Oregon. Her doctoral research in psychology featured a case study of one Maya community’s process of self-determination in the context of current and historical social, economic, environmental, and political issues. She has written several peer-reviewed articles on development, social justice, and cultural sovereignty for Indigenous communities, and is co-author of a text on global structural violence, *The hidden structure of violence: Who benefits from global violence and war* (Monthly Review, 2015).

**Jack F. Trope** is a Senior Director in Indian Child Welfare Programs at Casey Family Programs. Prior to joining Casey, he served as Executive Director of the Association on American Indian Affairs (AAIA) for more than 13 years and as Director of the Western Area Office in Albuquerque for the Save the Children Federation. Prior to joining Save the Children, Mr. Trope held a number of legal positions, including having been a partner with the law firm of Sant’Angelo & Trope for 8
years, a senior staff attorney with AAIA for 6 years and an Assistant Counsel to two New Jersey governors in the 1980s. He has worked on Indian child welfare matters since 1985, work that has expanded over the last five years to include juvenile justice issues.

**ABSTRACT**

The tribal notification provision for Native youth entering the state juvenile justice system, unique to the State of New Mexico, has been identified as a method to address the disproportionate number of American Indian and Alaska Native (Native) youth in the juvenile justice system. This project considered the efficacy of tribal notification as it is currently implemented and how it can be adjusted to work more effectively and become a model to improve outcomes for Native youth in the juvenile justice system across Indian Country. The study found that tribal notification is not practiced consistently among State of New Mexico Children, Youth, and Families Department juvenile probation officers (CYFD JPOs), particularly in regard to identifying Native status and the timing of notification, as there are no clear procedures for the administration of tribal notification. Based on interviews with tribal participants as well as public discussions with tribal personnel, tribal notifications are not consistently received. However, when notification is achieved, it has been utilized, by at least one of the participating tribes in the study, to prompt transfer of the case to the jurisdiction of the tribal court. The presentation will provide insights as to how both tribal and state juvenile justice stakeholders informed, validated, and directed the research design at all stages of the research project. Emergent themes from interviews and discussions with tribal participants touch on important cultural nuances, and bring the voices and ideas of tribal participants to a broader audience to inform policy that benefits Native youth. This presentation will advance justice for tribal nations through the identification of potential models, tools, and practical recommendations to increase tribal-state collaboration and improve outcomes for Native youth entering state juvenile justice systems.

**Forever Fragile: Tribal-State Relations and Tribal Health Inequities**

**Dr. Gail Dana-Sacco** (Passamaquoddy Tribe) currently serves as an Assistant Research Professor in the Margaret Chase Smith Policy Center at the University of Maine. Her work has sought to sustainably improve public health outcomes for communities and organizations by critically examining and addressing the structural drivers of health inequities. Dr. Dana-Sacco earned her PhD in Health and Social Policy at the Johns Hopkins University where she remains affiliated with the Center for American Indian Health as a faculty associate.

**ABSTRACT**

This research investigates how the quality of the tribal-state relationship in Maine affects the development of law and policy to improve tribal health. This research examines the context within which the Maine State legislature resolved to address Passamaquoddy tribal health disparities in 2009 using an in-depth case study approach. Certain legal parameters and formal institutional structures established to facilitate the tribal-state relationship are investigated along with the political and legal
context within which the relationship operates, in order to assess how effectively tribal health disparities are addressed through these mechanisms. The primary focus is on critically examining the structural limitations of political institutions and identifying the mediating factors affecting the tribal-state relationship. Documentary data, observational data and in-depth interviews with 22 key informants provide insight. Results indicate that the process utilized for development and implementation of state laws, regulations, policies and protocols significantly impacts the quality of the tribal-state relationship and collective tribal health outcomes. Implications for research and practice are included.

**Strengthening Tribal-State Relationships by Measuring ICWA Performance**

**George McCauley** (Omaha Nation) is the Project Director/Training Coordinator for the QUICWA Compliance Collaborative Project, a project of the Indian Child Welfare Program at the Minneapolis American Indian Center. Mr. McCauley will talk about how the project started and the building of relationships with tribes/organizations/Universities from across the country to monitor compliance with the Indian Child Welfare Act (ICWA). Mr. McCauley is the lead person for the recruitment, training and collaboration of the Quicwa Project.

**Brenda Bussey** (Anishinaabe and Mohawk) is the Director of American Indian Projects at the University of Minnesota-Duluth where she is responsible for the development and implementation of community-based projects that focus on American Indian Child Welfare. She holds a Bachelor of Arts degree in American Indian Studies and English and her Master of Social Work from the University of Minnesota-Duluth. Ms. Bussey also provides regional training and consultation to social workers, foster parents, and other service professionals about American Indian Child Welfare-related topics. Ms. Bussey will talk about the recruitment process of social work students for court monitoring and the changes that occurred after meetings with State Court Judges.

**Raquel Franklin** (Hunkpapa Sioux) is the Director of the ICWA program at Standing Rock Sioux Tribe where she is responsible for carrying out the program responsibilities per the Federal ICWA law and work in conjunction with applicable Tribal, State and Federal agencies. She holds a Bachelor of Science degree in Human Services and Sociology from Black Hills State University, South Dakota and a Master of Science degree in Business Administration from University of Mary, North Dakota.

**Understanding Transportation Safety Risks on Tribal Lands: Learning from a Collaborative Research Project with American Indian Communities in Minnesota**

**Dr. Guillermo Narváez**, is a Research Associate at the University of Minnesota’s Humphrey School of Public Affairs. His current research is on public deliberation and policy decision-making in local roads system in Minnesota. He is also researching traffic safety in American Indian
communities. Dr. Narvaez has a Ph.D. in Anthropology from the University of California, Irvine, and has previously worked as an electronic and computer engineer.

**Dr. Kathy Quick**, is an Assistant Professor at the University of Minnesota's Humphrey School of Public Affairs. Her research settings involve a range of policy content areas (often transportation, urban planning, and environmental management). She is particularly interested in how inclusive processes for defining problems, generating solutions, and collaborating on implementation among diverse stakeholders may build resources to support social and ecological resilience.