

Shining a Spotlight: Tribal Court – Promoting Cultural and Traditional Teachings within Dependency Cases

by *Patty Harris, Court Administrator (Nineteenth Judicial Circuit)*

In Florida, there are nearly 3,000 Seminole Indians living on six reservations located in Hollywood (the tribal headquarters), Big Cypress, Brighton, Immokalee, Ft. Pierce, and Tampa. As of 2015, the Seminole Tribe of Florida has operated its own court system at both trial and appellate levels. The Seminole Tribe Court System consists of lay judges appointed by the Seminole Tribal Council. These judges preside over civil cases, such as family court cases, child custody, and guardianship. The mission of the Tribal Court within the Seminole Tribe is to respect the customs and traditions of the Tribe and to ensure that the rights and powers, which are inherent to the Tribe's sovereign status, are secure.

Tribal courts stem from federal efforts aimed at addressing the aftereffects of historical and intergenerational trauma on tribal communities. In recognizing that American Indian children were being removed from their homes and communities at a high rate, the Indian

Child Welfare Act (ICWA) of 1978 was enacted to govern the removal and out-of-home placement of American Indian children. ICWA, 25 U.S.C. §1911, provides for transfer of jurisdiction of state court cases involving an Indian child to that child's Tribal Court. Specifically, ICWA provides that "[i]n any State court proceeding for the foster care placement of, or termination of parental rights to, an Indian child not domiciled or residing within the reservation of the Indian child's tribe, the court, in the absence of good cause to the contrary, shall transfer such proceeding to the jurisdiction of the tribe...."

In spirit of the ICWA, Circuit Judge Jose Izquierdo, Seventeenth Judicial Circuit, organized a process for ultimately transferring dependency cases to Tribal Court. At the core of this process is a collaborative partnership. This partnership was made possible when Judge Izquierdo and Tribal Court members met at a child protection summit in 2016.



Judge Jose Izquierdo, Seventeenth Judicial Circuit

This type of partnership is the first of its kind in the State of Florida.

The process begins with Judge Izquierdo first identifying cases that include Seminole Tribe members. He then schedules hearings within a special ICWA division so that these cases can be heard on the Seminole Tribe Reservation in Hollywood. Coordinating these hearings is a bit challenging as it involves scheduling appearances away from the traditional courthouse for several service providers, social workers, and child advocates from both the circuit and the Tribe. Conducting hearings on the reservation, however, is what makes the extra efforts of all parties worthwhile. Being on the Reservation provides tribal members a level of comfort as they are in familiar surroundings at their tribal courthouse. Parents have remarked they really appreciate being on the reservation, as it is much less stressful for their families

and makes attending court much less intimidating. Judge Izquierdo points out, "Dependency court is therapeutic in nature and has, as its goal, the reunification of children and their families. The ability to be heard, on what can be traumatic issues of abuse, abandonment, and neglect, on the reservation in familiar surroundings makes a great deal of difference to the families involved."

In 2020, a dependency case was transferred to Tribal Court resulting in a positive outcome for a mother with a substance abuse problem. Tribal Court allowed this mother to connect with other members of the Seminole Tribe. Because of her interactions among others she felt connected to, she became motivated to change her life. She found it important that her tribe leaders once again smile and be proud of her.

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Tribal Court, Seminole Tribe

(Shining a Spotlight, continued)

There are over 1,000 Seminole Tribe members living outside of the six reservations, many of them concentrated in South Florida. Thanks to Judge Izquierdo, there is now a foundation to help reduce trauma for these individuals and their families. The collaboration and cooperation demonstrated by both courts will greatly help benefit Florida's Native American citizens. The partnership will also serve as a model to promote collaboration between other state and tribal governments to solve problems of mutual concern. Certainly, new efforts such as this make it an exciting time to be involved in the child welfare and juvenile justice systems.

Upcoming Events Click the link for more information

Sep 23, 2021	1:00 pm to 1:45 pm EDT	Break from the Bench: What a judge needs to know about... Considerations in Cases Involving Firearms and Domestic Violence Webinar by NCJFCJ
Sep 24, 2021	12:30 pm to 2:00 pm EDT	Latest Developments in Substance Use & Justice Setting Work Webinar by AATOD, NIDA, and RADARS reporting system
Oct 12, 2021	12:00 pm to 12:45 pm EDT	Break from the Bench: What a judge needs to know about...Cyberviolence Webinar by NCJFCJ
Oct 13, 2021	3:00 pm to 5:00 pm EDT	Steering Committee on Problem-Solving Courts (PSC) Meeting via Zoom
Nov 9, 2021	1:00 pm to 1:45 pm EST	Break from the Bench: What a judge needs to know about ...Highlighting the SAFeR Approach to Custody Cases Involving Domestic Violence Webinar by NCJFCJ
Dec 16, 2021	1:00 pm to 1:45 pm EST	Break from the Bench: What a judge needs to know about...The Role of Judicial Leadership in Domestic Violence Cases Webinar by NCJFCJ
Jan 9-14, 2022		Florida Judicial College, Phase I, Kissimmee, FL
Mar 6-11, 2022		Florida Judicial College, Phase II, Kissimmee, FL

AT YOUR FINGERTIPS

Trauma-Responsive Courts

Family Court Tool Kit: Trauma and Child Development

<https://www.flcourts.org/Resources-Services/Court-Improvement/Family-Courts/Family-Court-Basics/Family-Court-Tool-Kit-Trauma-and-Child-Development>

The Big 10: 10 Practical Tools for Judges

<https://www.flcourts.org/Resources-Services/Court-Improvement/Family-Courts/Family-Court-Basics/Family-Court-Tool-Kit-Trauma-and-Child-Development/Court-Implications>

Trauma and Child Development Resources

<https://www.flcourts.org/Resources-Services/Court-Improvement/Family-Courts/Family-Court-Basics/Family-Court-Tool-Kit-Trauma-and-Child-Development/Resources>

Trauma Curriculum: Moving Toward a Trauma-Responsive Court

<https://www.flcourts.org/Resources-Services/Court-Improvement/Family-Courts/Family-Court-Basics/Family-Court-Tool-Kit-Trauma-and-Child-Development/Trauma-Curriculum>

Trauma-Responsive Court Practices Trainings and Webinars

<https://www.flcourts.org/Resources-Services/Court-Improvement/Family-Courts/Family-Court-Basics/Family-Court-Tool-Kit-Trauma-and-Child-Development/Training-and-Webinars>

Self-Care Tool Kit

<https://www.flcourts.org/content/download/404798/file/Self-Care-Tool-Kit-2016.pdf>