

5th Annual Noojimo'iwewin The Violence Against Women Act and Indian Child Welfare Act Training

Presented by Bay Mills Indian Community | Gnoozhekaaning and OJS Tribal Justice Support

Aug 2-4, 2023 at Bay Mills Resort & Casino

2023 THEME

Best Practices In Motion: Growing Into our Best Systems

UNIT FORMAT | 2 hr

Each interactive, in-depth unit includes: Each unit has 1-2 faculty/presenters.

- 50 minutes Lecture
- 10 minutes Q&A
- 10 minutes Break
- 45 minutes Activity
- 5 minutes Break

DAY 1 | August 2 | 12:30-4:00pm ET

3.25 CLEs

Registration begins at 12:00pm

Optional and Informal Hatchery Meetup at 7:00pm (in-person only)

DAY 2 | August 3 | 10:00-4:30pm ET

5.25 CLEs

DAY 3 | August 4 | 10:00-12:30pm ET

2 CLEs

TOTAL: 10.5 CLEs

Event website here: twgtrainings.com

12:30-1:00 Welcome and Opening Song

**President Whitney Gravelle, Bay Mills Indian Community
Daraka and Tyler Detloff**

1:00-2:15 Practice Panel | 1.25 Credits Getting to Know and Working with Domestic Violence Coalitions

According to the National Institute of Justice, “more than four in five American and Alaska Native women (84.3 percent) have experienced violence in their lifetime.” Of the 84.3 percent of American Indian and Alaska Native women who have experienced violence in their lifetime, 56.1 percent have experienced sexual violence, 55.5 percent have experienced physical violence by an intimate partner, 48.8 percent have experienced stalking, and 66.4 have experienced psychological aggression by an intimate partner. Tribal coalitions are addressing this alarming issue by supporting Tribes and empowering Native American survivors. This panel will explore Tribal Domestic Violence Coalitions from the perspective of Executive Directors from various Tribal coalitions. The panel will explain what Tribal domestic violence coalitions are and discuss the work that each coalition performs. It will also educate participants on how to best support Tribal coalitions and advocates in the work that they do.

Pamela Johnson, Executive Director, American Indians Against Abuse

Pam Johnson, a member of Lac Courte Oreilles and executive director of American Indians Against Abuse in Hayward, Wisconsin. American Indians Against Abuse (AIAA) is a tribal domestic violence and sexual assault coalition serving Wisconsin’s eleven tribes with support and technical assistance to strengthen the response to victims of these abuses in our communities. AIAA provides domestic violence and sexual assault training, awareness and collaborative events designed to be reflective of and have relevance to our local, regional and national indigenous people and culture. Service tribes include the Bad River, Red Cliff, Lac Courte Oreilles, Lac de Flambeau, Sokaogon and St. Croix Chippewa, Ho-Chunk Nation, Menominee Nation, Oneida Nation, Forest County Potawatomi and Stockbridge-Munsee Mohican Nations.

Rachel Carr-Shunk, Executive Director, Uniting Three Fires Against Violence

Rachel Carr-Shunk is an enrolled member of the Sault Ste. Marie Tribe of Chippewa Indians. Utilizing her experience working with and for tribal communities, she has presented on a variety of topics, including domestic violence and sexual assault in Indian Country, historical trauma, and improving the tribal systemic response to domestic violence and sexual assault (DV/SA). In addition to her professional experience, she recently completed her MSW to strengthen her ability to understand and broaden her perspective on complex social issues. Ms. Carr has also advocated for domestic violence legislation, including the Violence Against Women Act (2013), on the local, state and national level. Rachel currently serves as the Executive Director for Uniting Three Fires Against Violence (U.T.F.A.V). Prior to her

current role, Ms. Carr served as the Policy Specialist for UTFAV and as a Victim Advocate for the Sault Ste. Marie Tribe of Chippewa Indians/Advocacy Resource Center.

2:15-2:30 BREAK

2:30-4:30 UNIT 1 | 2 Credits Intersection of Child Welfare and Domestic Violence: Collaborative, Culturally Based Responses to Native Families Impacted

The session will provide overview of domestic violence impact on victims and their children and their need for safety, and responses that are culturally based. Victims access services through many doorways including law enforcement, advocacy, child welfare and the courts. Bonnie will discuss with participants early and proper identification of domestic violence, child abuse/neglect, concerns of the non-offending parents and victim-centered responses.

Participants will be provided with an actual case study, testimony provided to TLPI for Green Book Study. The case involves a battered woman who lost children to child welfare on her reservation. Participants will also be provided a brief overview of the path that many battered women must walk when they escape domestic violence.

Bonnie Clairmont, Victim Advocacy Specialist, Tribal Law and Policy Institute

Bonnie Clairmont (Citizen of the Ho-Chunk Nation of Wisconsin) works at the Tribal Law and Policy Institute (TLPI) in St. Paul, MN, as the Victim Advocacy Program Specialist, providing training and technical assistance to tribal communities to better enable them to respond to violence against Native people. She has more than 25 years of experience advocating for victims of sexual assault, sex trafficking, domestic violence, and children exposed to violence, providing multidisciplinary training/collaboration and improving services for Native victims of crime to include the creation of Sexual Assault Response Teams in many tribal communities.

7:00-8:00 (Optional) Pendills Creek National Fish Hatchery Meet-Up

DAY 2 | Aug 3

10:00-12:00 UNIT 2 | 2 Credits Healing to Wellness Courts

This session will look at how the healing to wellness model is being applied to child welfare cases, what the key components of a family healing to wellness court are, and strategies for developing one in your court system. Healing to wellness courts are specialized programs designed to address the unique needs of tribal community members who are struggling with substance abuse, mental health issues, or both. These courts emphasize healing and restorative justice principles rather than traditional punitive measures. In these courts, healing is deeply rooted in cultural traditions, values, and the understanding that a person's well-being is interconnected with their community, family, and spirituality. This session will also outline the role Healing to Wellness courts may or may not play in domestic violence cases.

Hon. Ron Whitener, Co-owner, The Whitener Group

Hon. Ron Whitener is a founding member of The Whitener Group. In 1994, Ron graduated from the University of Washington Law School and was the first in-house legal counsel for his tribe, the Squaxin Island Tribe. In 2000, Ron was asked to join the faculty of the University of Washington Law School where he created the Tribal Court Public Defense Clinic through which he represented thousands of Native American clients in criminal and juvenile cases. Through the University of Washington, Ron was funded by the MacArthur Foundation to develop public defense resources for juveniles involved in tribal justice systems, including developing model juvenile codes and methods for providing legal representation using video conferencing to rural tribal communities where the youth would be otherwise unrepresented. In 2011, Ron was named a Champion of Change by President Barack Obama for his work on providing public defense to juveniles in tribal courts. While conducting his clinical teaching, Ron also served as the Presiding Judge for the Confederated Tribes of the Chehalis Indian Reservation, and an appellate justice for several courts in the Pacific Northwest. In 2014, Ron left the Law School to serve as Chief Judge for the Tulalip Tribes, where he participated in the development of the Tulalip Wellness Court, which he presided over for several years, which is the only current tribal court named as a "mentor court" by the National Drug Court Institute. Ron retired from the Bench in 2020. Finally, for the past 8 years as part of The Whitener Group, Ron has led BIA Tribal Court Assessments in Alaska and the Northwest, engaged in tribal justice system strategic planning and improvement, and healing to wellness court development and evaluation. Ron has visited, studied and provided system recommendations to more than 80 tribes in Alaska, 18 tribes in Washington, Idaho and Oregon, and other tribes nationally, providing information and assistance for the development of their justice systems.

12:00-1:00 LUNCH

**1:00-3:00 UNIT 3 | 2 Credits Law Enforcement
Response to Domestic Violence**

Upon completion of this refresher course about what our minds and bodies experience before, during, and after traumatic events, attendees will be able to:

- 1) Identify how trauma impacts memory.
- 2) Demonstrate victim interviewing without impacting the victim's memory.
- 3) Develop ways to strengthen community partnerships to build trust, promote healing, and further investigations.

Attendees will complete three activities about trauma. Together they'll decide the cascading sequence of first alert to body recovering; they'll decide which part of the brain is engaged at each phase. Attendees will also analyze how to navigate interview questions without impacting memory. Finally, attendees will brainstorm the benefits of involving multiple roles, such as attorneys, victim advocates, and law enforcement, with the overall goal of strengthening relationships to promote trust between all agencies involved in a victim's healing.

Dawn Davis, Law Enforcement Instructor/Detective Retired, Private Instructor

Dawn Davis is a U.S. Army Veteran and a graduate of Oregon State University. Dawn retired after a 25-year career with the Albany (Oregon) Police Department. Dawn was a patrol supervisor for twelve years, but chose a career of investigation over supervision, and spent the rest of her years in the detective unit. She is a Certified Forensic Computer Examiner, Fire and Arson Investigator, a Field Training Officer, a Deputy Medical Examiner and a Child Forensic Interviewer. Dawn also served as a lead firearms instructor with the Oregon Department of Public Safety Standards and Training.

For the past eight years, Dawn has had the opportunity to deliver STOP/VAWA and Sexual Assault Investigation training to law enforcement, nurses, victim advocates and prosecutors throughout the United States.

3:00-3:15 BREAK

3:15-4:30 Keynote | 1.25 Credits Keynote: Sacred Justice: A Different Worldview Regarding Justice (Unleashing the Power of the Circle)

This panel will discuss new approaches to tribal court practices. The speaker will discuss how and why these new approaches were introduced and discuss his experiences in working with these new systems in his own tribal court.

Native conceptions of Justice are founded on a very different worldview. In this era of self-determination and cultural reinvigoration, we should look to who we are as Native people. Courts are alien institutions superimposed over our communities. The traditional uses of circles are cultural relevant and are consistent with our values.

A significant judicial invocation is the use of the circle in child protection proceedings to: (1) identify concerns, issues, and needs; and (2) develop consensus problem-solving solutions.

Hon. Michael Petoskey, Chief Judge, Pokagon Band of Potawatomi

Michael Petoskey is a fellow Anishinabe who grew up in Petoskey. He is a citizen Elder of the Grand Traverse Band of Ottawa & Chippewa Indians. Judge Petoskey began his judicial career at GTB while he was a staff attorney at Michigan Indian Legal Services.

In addition to being the first judge at GTB, Judge Petoskey has worked with four other Anishinabe tribes in Michigan to plan, implement, and develop their court systems from their separate dreams of having their own judicial systems. Those other tribal communities are the: (1) Little Traverse Bay Bands of Odawa; (2) Pokagon Band of Potawatomi; (3) Nottawaseppi Huron Band of Potawatomi; and Gun Lake Tribe of Pottawatomi. Judge Petoskey recently was appointed to his sixth four-year term as the Chief Judge of the Pokagon Band of Potawatomi. In addition, he last year he began serving his fourth four-year term as the Chief Judge at the Gun Lake Tribe of Pottawatomi.

Judge Petoskey is a member of the Native American Rights Fund (NARF) Board of Directors. He has served on NARF's Indigenous Peacemaking Initiative Advisory Group for a number of years. He has had a career long interest in developing court systems and processes that are consistent with who we are as Native people, our values, and our world view regarding Justice. Judge Petoskey also serves on the American Indian Law Center (AIRC), University of New Mexico, Board of Directors. AIRC runs the nationally acclaimed Pre-Law Summer Institute (PLSI) for American Indians. Judge Petoskey is a PLSI and University of New Mexico School of Law graduate. Judge Petoskey is a Vietnam Veteran having served as an infantry medic.

DAY 3 | Aug 4

10:00-12:00 **UNIT 4 | 2 Credits** *Brackeen*: What the decision said and how to move forward

This session will go through the entirety of the *Haaland v. Brackeen* decision from the United States Supreme Court. We will discuss the holdings, and how they do or do not change Indian Child Welfare Act practice. We will also consider how the decision affects state ICWA laws, what tribes can do in response, and what issues may arise next.

For its interactive portion, participants will strategize on how to best protect children and parents in the post-*Brackeen* world as well as engage in some active self-care and time in community.

Prof. Kate Fort, Director of Clinics, Michigan State School of Law

Kathryn (Kate) E. Fort is a nationally recognized scholar in the field of federal Indian law, with specific expertise in the Indian Child Welfare Act and tribal child welfare systems. Kate is the Director of Clinics at Michigan State University College of Law and runs the Indian Law Clinic, where she teaches the Clinic class and other classes in federal Indian law. In 2015, she started the Indian Child Welfare Act Appellate Project, which represents tribes in complex ICWA litigation across the country. In this role, she works closely with tribal in-house attorneys.

She is the author of *AMERICAN INDIAN CHILDREN AND THE LAW*, published by Carolina Academic Press. Prof. Fort has written articles on laches, land claims, and has researched and written extensively on the Indian Child Welfare Act. Her publications include articles in the *Harvard Public Health Review*, *George Mason Law Review*, *Family Law Quarterly*, *Saint Louis University Law Journal*, *American Indian Law Review* as well as chapters in *CRITICAL RACE JUDGEMENTS* (Cambridge University Press, 2022) and *CHILD WELFARE LAW AND PRACTICE* (National Assoc. of Counsel for Children, 2023). She co-edited *FACING THE FUTURE: THE INDIAN CHILD WELFARE ACT AT 30* (Michigan State University Press 2009) and she is a contributing editor to the *COHEN'S HANDBOOK OF FEDERAL INDIAN LAW*. She co-edits the influential Indian law blog, *TurtleTalk* with Prof. Matthew Fletcher. Prof. Fort has represented tribes in the Washington Supreme Court, the Colorado Supreme Court, the Michigan Supreme Court, the Ohio Court of Appeals, the Illinois Court of Appeals, and the Second, Fourth, Fifth, Eighth and Ninth U.S. Circuit Courts of Appeals, as well as the United States Supreme Court.

Her work for The Whitener Group includes tribal court assessments, child welfare program assessments, and code writing and review. Prof. Fort graduated magna cum laude in from Michigan State University College of Law with the Certificate in Indigenous Law and is licensed to practice law in Michigan. She received her B.A. in History with honors from Hollins University in Roanoke, Virginia.

12:00-12:30 Closing and Song

Jennifer O'Brieter

Michele Wellman-Teeple