Oregon Department of Justice Annual Government to Government Report 2013
Pursuant to ORS 182.166(3)

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I. Introduction

The Department of Justice (DOJ) is unique among state agencies in that it functions in two capacities. The Department administers programs pursuant to the Attorney General's independent statutory authority. However, much of the Department's work involves providing advice and representation to other state agencies in the pursuit of the programs and policies of those agencies. DOJ does not set policy for those agencies.

The Department's tribal relations policy, as well as this report, reflects DOJ's role both as advisor to other state agencies and as administrator of its own independent programs.

II. Tribal Relations Policy

A. Policy

DOJ Executive Staff and the Attorney General have adopted the attached Tribal Relations Policy, which has been incorporated into the Department's Policy Manual.

B. Dissemination of Policy

As noted above, the Tribal Relations Policy has been incorporated into DOJ's Policy Manual, which is presented to all new employees. In addition, the Tribal Key Contact annually circulates an email reminder regarding the policy. Discussion of the policy has also been incorporated into DOJ's New Employee Orientation program.

III. Updated List of Department of Justice Programs that Affect Tribes

Below is an updated list of DOJ programs compiled pursuant to the Tribal Relations policy. It is noted where the programs are known to affect tribes. Pursuant to the policy, DOJ will continue to confer internally and with tribal representatives to identify additional DOJ programs that may have further potential impacts on tribes.

A. Advice and Representation of State Agencies
(General Counsel, Steve Wolf, Division Administrator)

As noted above, much of DOJ's work is to advise state agencies about their legal options in the course of pursuing the programs they administer and to represent state agencies in litigation, including appeals. Many of the Department's efforts involve working to build good relationships with tribal attorneys, including in situations in which we are adverse to tribes in litigation.

In addition, in connection with advising state agencies, the DOJ pursues some specific programs:

Client Legal Training/Public Law Conference. On occasion the Department holds seminars for state agencies about various areas of public law, and Indian law has often been included in the program.

Legal Sufficiency Review. Pursuant to statute, the Department is required to review certain kinds of contracts for "legal sufficiency." This responsibility affects tribal-state agreements.

B. Ballot Titles (Appellate Division, Anna Joyce, Solicitor General)

DOJ drafts ballot titles for initiatives and litigates challenges to ballot titles. On more than one occasion in the past, the subject matter of the initiative (e.g., lottery authority, private casino, fishing regulations) potentially affected tribes.

C. Criminal Appeals
(Appellate Division, Anna Joyce, Solicitor General)

From time to time DOJ handles appeals of criminal cases involving tribes or questions of criminal jurisdiction relating to tribes.

D. Law Enforcement Programs of the Criminal Justice Division
(Darin Tweedt, Division Administrator)

The Criminal Justice Division engages in a variety of law enforcement programs: Investigation and prosecution of Election Law, Official Corruption and Organized Crime; Criminal Intelligence Unit (investigation and information collection and dissemination); High Intensity Drug Trafficking Area (HIDTA) law enforcement support; Internet Crimes Against Children (ICAC); the Terrorism Intelligence and Threat Assessment Network (TITAN); the Oregon TITAN Fusion Center; District Attorney Assistance; and the Annual Institute for Prosecutors (training program).

District Attorney Assistance Program. DOJ provides occasional assistance to district attorneys in criminal prosecutions of interest to tribes or cases in which questions of tribal criminal jurisdiction arise.

Domestic Violence Prosecution. Domestic Violence Prosecutor Erin Greenawald routinely provides training, technical assistance and legal expertise to law enforcement

and service providers throughout the state on a coordinated response to family violence. Tribal law enforcement officers have participated in these efforts.

Internet Crimes Against Children (ICAC). The Criminal Justice Division has a number of memoranda of understanding (MOUs) with Oregon Tribes.

Oregon High Intensity Drug Trafficking Area Program (HIDTA).

In 2010, the Oregon HIDTA program worked with the Confederated Tribes of the Warm Springs Reservation successfully petition for status as a HIDTA – the first ever designated reservation HIDTA in the country. DOJ/HIDTA provides updated technology, training and criminal intelligence resources to WSPD as the fiduciary agency for HIDTA. WSPD works with and shares information on drug trafficking related investigations with the CODE Team (Central Oregon Drug Enforcement).

DOJ/HIDTA also supports the Umatilla Tribal Police in similar ways as they participate in the Blue Mountain Enforcement Narcotics Team (BENT).

E. The Crime Victims Services Division (CVSD) (Shannon Sivell, Director)

CVSD administers certain programs that are available to tribal members:

Victim Compensation Program. The Crime Victim's Compensation Program provides financial assistance related to the expenses incurred by victims of person crimes.

Federal and State Granting Funding. CVSD has administered the VAWA grant program since 2006. In 2013 CVSD offered domestic violence grants directly to tribes for the first time.

Address Confidentiality Program. The Address Confidentiality Program is a free mail forwarding service to help survivors of domestic violence, sexual assault, trafficking or stalking protect their physical address information.

F. Financial Fraud/Consumer Protection

DOJ engages in a variety of consumer protection programs, including responding to consumer complaints, Unlawful Trade Practices Act enforcement, enforcement of Oregon antitrust law and consumer education. The consumer education program has included work with tribes.

Scam Alert Network. This network coordinates the Department's regular scam alerts with the media, elected leaders, consumer watchdogs and advocates for the elderly and disabled in partnership with the Department of Consumer and Business Services, Oregon

District Attorneys' Association, Oregon State Sheriffs' Association, Oregon Association of Police Chiefs, AARP and Elders in Action.

G. Medicaid Fraud (Rodney Hopkinson, Attorney in Charge)

The Medicaid Fraud Unit deters, investigates and prosecutes fraud by Medicaid providers and physical or financial abuse/neglect of residents of Medicaid-funded facilities.

H. Charitable Activities (Elizabeth Grant, Attorney in Charge)

A number of tribally affiliated charities register with DOJ as Oregon charitable corporations.

I. Public Records Laws (Michael Kron, Government Transparency Counsel)

The Attorney General issues orders on petitions under the Public Records Law.

J. Appropriate Dispute Resolution (Mike Niemeyer, ADR Coordinator)

DOJ promotes and provides training with respect to appropriate dispute resolution, which may include disputes involving tribes.

K. Civil Rights Unit (Stephanie Parent)

The DOJ Civil Rights Unit was established in 2009 to fight discrimination based on age, race, ethnicity, gender, sexual orientation, disability and national origin; protect Constitutional free speech and reproductive rights; and defend Oregon veterans at work and in the marketplace. Such discrimination may include Native Americans.

L. Division of Child Support (Kate Richardson, Administrator; Gene Gustin, Field Operations Manager/DCS Tribal Liaison)

The Division of Child Support (DCS) interacts and collaborates with tribes on the establishment and enforcement of child support orders.

M. Environmental and Cultural Resources Enforcement Unit. (Stephanie Parent) In 2013, DOJ established the new Environmental and Cultural Resources Enforcement Unit. The new unit combines the functions of the Environmental Crimes Unit (focused on prosecuting violations of Oregon environmental laws), with a civil enforcement function. The unit also may provide resources with respect to violations of Oregon archeological resource protection laws.

IV. Training

DOJ representatives have participated in a variety of seminars and Continuing Legal Education programs relating to Indian Law and culture.

A. Training pursuant to ORS 182.166(1)

Members of DOJ attended Tribal Government Day 2013.

B. Other Training

Representatives of DOJ attended the following programs during the year:

Melisse Cunningham from DOJ's Tax Section attended a webcast CLE sponsored by the American Bar Assciation regarding the new BIA leasing regulation and its effect on state and local taxation.

Domestic Violence Summit.

DOJ's Domestic Violence prosecutor Erin Greenawald, as well as representatives from the Crime Victims Services Division, attended the Tribal, State and Federal Domestic Violence Summit hosted by the Confederated Tribes of the Umatilla Indian Reservation.

State and Tribal Intergovernmental Case Management. In October, Division of Child Support Tribal Liaison Gene Gustin attended training at the Western Interstate Child Support Enforcement Council national conference that focused on the differences in state and tribal child support cases.

Cultural Resources. Patrick Flanagan from the Environmental and Cultural Resources Protection Unit attended Oregon Parks and Recreation Department's Heritage Program's "Archeology Training Conference" April 9-12.

Patrick also attended the Columbia River Intertribal Fisheries Enforcement Archeological Enforcement Training May 14-15.

Indian Child Welfare Act.

All new Child Advocacy Section attorneys and law clerks are required to attend a training on ICWA and staff are trained on the application of ICWA to DOJ processes in juvenile dependency cases, including tribal notice and service requirements.

In 2013 DOJ held a department-wide Continuing Legal Education program, ***"Nuts and Bolts of ICWA."*** Presenters included Shannon Dennison, who came to DOJ with ICWA experience from the Native American Program of Oregon Legal Services.

The Attorney in Charge of the Child Advocacy Section continues to serve on two juvenile law CLE committees that promote ICWA presentations at CLEs. One of those is the Juvenile Law

Training Academy, which is sponsored by a number of agencies and nonprofits, including the Department of Justice. In 2013, ten Assistant AG's attended, and ICWA topics addressed included the burden of proof under ICWA, and the Baby Veronica United States Supreme Court case.

In addition, DOJ attorneys, including the Tribal Key contact and the Attorney in Charge of the Child Advocacy Section, have been involved in planning a Continuing Legal Education program to be held in February 2014, co-sponsored by the Juvenile Law Section of the Oregon State Bar and the Indian Law Section. That program is expected to address specific tribal issues such as organization of tribal courts, delinquency matters in tribal courts, and ICWA expert witness testimony. The Honorable Cal Gantenbein, Chief Judge of the Siletz Tribal Court, will also present.

CLE Library. DOJ maintains a library of Continuing Legal Education videotapes, audiotapes and materials, including Indian law presentations.

V. Efforts to Promote Good Government to Government Relations

A. Annual Summit

Attorney General Ellen Rosenblum attended the 2013 summit.

B. Cluster Participation

In 2013 DOJ representatives participated in Public Safety and Cultural Resources clusters.

Public Safety. DOJ Tribal Key Contact Stephanie Striffler and Crime Victims' Grant Fund Coordinator Diana Fleming participated in cluster meetings.

Ellen Klem, DOJ Outreach Coordinator, presented regarding consumer protection issues.

Cultural Resources. DOJ Tribal Key Contact Stephanie Striffler and Environmental Crimes prosecutor Patrick Flanagan participated in cluster meetings, and Patrick made a presentation regarding the Gieselman looting case.

C. Special Activities

Attorney General Ellen Rosenblum visited the Cow Creek Tribe and met with tribal leaders in October.

Attorney General Ellen Rosenblum and Assistant Attorney General Sarah Villanueva attended the First Salmon Dinner at the invitation of the Grand Ronde Tribe and the Willamette Partnership in May.

Tribal Key Contact Stephanie Striffler participated in meetings with the Board of Trustees of the Umatilla Indian Reservation and Governor's Office representatives, including meeting at the Umatilla Reservation in August.

Tribal Key Contact Stephanie Striffler participated in meetings with the Grand Ronde Tribal Council and Governor's Office representatives, including meeting at the Grand Ronde Reservation in December.

Stephanie Striffler attended the Coquille Tribe's annual Restoration Day celebration.

Division of Child Support Key Contact Gene Gustin attended the Klamath Tribes Restoration Day celebration and staffed an information booth alongside representatives from the Klamath Tribes Child Support Program and the Tribal Court.

In addition, Stephanie Striffler spoke on "Indian Country Criminal Jurisdiction" issues at the Oregon District Attorney's Association annual meeting, with Assistant U.S. Attorney Craig Gabriel.

Oregon State Bar. Tribal contact Stephanie Striffler continues to serve on the Executive Committee of the Oregon State Bar Indian Law Section and will serve as Secretary in 2014.

D. Representation of State Agencies

As noted above, much of DOJ's work involves representation of the State or other state agencies. Such work often invites DOJ interaction with Oregon tribes on behalf of client agencies. In doing so, the Department strives to develop and maintain respectful and productive relationships with tribes and tribal attorneys, even when taking differing positions in litigation.

It is not possible to detail all of these efforts, some of which are confidential. Some examples of efforts in the course of representing the State or other state agencies follow:

Department of Revenue Tax Workgroup. Melisse Cunningham of the Tax Section has participated with the Department of Revenue in meetings with tribal representatives to discuss the ramifications of new leasing regulations adopted by the Bureau of Indian Affairs that purport to preempt state and local taxes on both property and activity of non-Indian lessees on tribal trust land. These discussions are ongoing and DOR has proposed a rulemaking, with a possible advisory committee with tribal representatives.

Child Advocacy. DOJ has assigned Child Advocacy Section Assistant Attorney-in-Charge Rahela Rehman, along with Deputy Chief Counsel Joanne Southey, to serve as DOJ's Indian Child Welfare Act point of contact with the Department of Human Services.

The Child Advocacy Section works with its Department of Human Services Child Welfare client in staffings and consultations to follow their procedures and policies to work closely with tribes, tribal representatives and tribal expert witnesses. Any placement decisions regarding an Indian child needs a level of review within the agency to ensure any tribal placement preferences are being honored. We also promote tribal caseworker participation in court hearings and assist in arranging for telephone appearance when the court may not. We assist our client in determination of active efforts to ensure cases are not delayed and the most appropriate permanent plan can be achieved for the child.

One 2013 juvenile case serves as an example, involving members of an Oregon tribe. The children were previously placed in a tribal guardianship but unfortunately came to the attention of the Juvenile Court due to neglect. DOJ and DHS worked closely with the Tribe and tribal worker. The court responded by demonstrating great deference to the tribe and significant efforts were made to allow the children to remain in their tribal placement. Subsequently the tribal placement disrupted but after another successful partnership between DOJ, DHS and the Tribe, efforts were made to achieve a return home to the biological mother, herself a tribal member. The relationship between the Tribe alongside DHS has been instrumental in offering services and assuring the safety of the placement.

United States v. Oregon (ongoing Columbia River treaty rights case).
The parties continue to implement the 2008 10-year agreement guiding harvest and hatchery production. DOJ is working to maintain good relationships and open channels of communication while the parties negotiate (and potentially litigate) the allocation of the largest fall chinook return seen. The 2013 spring, summer and fall seasons were conducted without resort to litigation.

Klamath Basin Negotiations and Adjudication. DOJ attorneys continued to participate in implementing and amending the "Klamath Basin Restoration Agreement" with the Water Resources Department, Oregon Department of Fish and Wildlife, the Department of Environmental Quality, the Klamath Tribes and other governmental and private parties, and in advising and representing the Water Resources Department in the Klamath Basin Adjudication.

On March 7, 2013, the Oregon Water Resources Department issued its Findings of Fact and Order of Determination in the Klamath River Basin Adjudication (FFOD). Among the federal reserved water right claims addressed in the order are claims made by the Klamath Tribes and the United States for instream and consumptive water uses based on the purposes of the Klamath Treaty of 1864. The FFOD recognized many of these claims and denied certain others. The FFOD is subject to circuit court review. DOJ attorneys are participating in the initial stages of the review process in Klamath County Circuit Court.

After issuance of the FFOD, the Water Resources Department began implementation of the FFOD, including responding to calls for water made by holders of water rights recognized in the FFOD. The Klamath Tribes and United States were among the parties who made water right calls in 2013. The Water Resources Department responded to those calls and regulated for the benefit of senior water right holders, including the Klamath Tribes and United States. Despite drought conditions and the uncertainty surrounding the first season of water use regulation based on the FFOD, the regulatory process went smoothly.

DOJ Criminal Justice Division's Fusion Center participated by providing threat assessments to OSP and the Governor's Office and by being a point of contact for information sharing between various law enforcement entities during that time.

DOJ has also worked with the Governor's Natural Resources Office and the Water Resources Department in discussions pertaining to the settlement of water use, economic and fisheries issues in the Klamath Basin with irrigators, the Klamath Tribes and the United States. These discussions resulted in the signing of an Agreement in Principle between the negotiating parties in December 2013, which is intended to form the basis for a final settlement agreement in 2014.

Yakama Nation v. USA (Hanford natural resources damages assessment litigation). DOJ continued to coordinate with Columbia River tribes in reaching a settlement agreement with the USA.

Portland Harbor. DOJ advises the Oregon Department of Fish and Wildlife (ODFW) in its role as trustee for the state's claim for natural resource damages in the Portland Harbor Superfund, and in that capacity works with the other natural resources trustees, a group that includes the Umatilla, Grand Ronde, Warm Springs, Siletz and Nez Perce Tribes as well as the US Fish & Wildlife Service and NOAA. The trustees meet monthly to pursue a collective natural resources damage claim against all potentially responsible parties.

E. Gaming

The DOJ Tribal Key Contact serves on the Governor's negotiating team for tribal gaming compacts. In 2013 an agreement regarding allocation of costs for gaming related litigation was concluded with the gaming tribes.

Challenge to Validity of Gaming Compacts. Ongoing litigation challenging the Governor's authority to enter into tribal gaming compacts continued into 2013. DOJ worked cooperatively with tribal attorneys, obtaining a successful decision in the Oregon Court of Appeals in November, *State ex rel Dewberry v. Kitzhaber*, 259 Or App 389, ___ P3d ___(2013). That decision also provides general support for the Governor's authority to enter into cooperative agreements with tribes pursuant to ORS 190.110.

F. *Amicus Curiae* Brief Decision Making

DOJ continues to use an email list to alert tribal attorneys about cases in which the Attorney General is called upon by other states or associations to participate in appellate court briefing in an *amicus curiae* role by joining briefs that have been drafted by other states. This process has resulted in meaningful input from tribal representatives in the state's decision-making process. In 2013, as a result of that process, , DOJ consulted tribal attorneys and declined to sign on to one amicus brief.

In addition, in consultation with Oregon tribes, the Department joined an amicus brief on the side of the tribe in the U.S. Supreme Court Indian Child Welfare Act case known as the "Baby Veronica" case.

G. Law Enforcement Coordination

Domestic Violence resources.

DOJ's Domestic Violence prosecutor Erin Greenawald participated in the Tribal, State and Federal Domestic Violence Summit on the Umatilla reservation in August 2013 and joined with Umatilla tribal prosecutor Brent Leonhard on a presentation regarding tribal restraining orders.

Erin Greenawald has continued to collaborate with Umatilla tribal prosecutor Brent Leonhard regarding issues related to the entry of tribal restraining orders in the Law Enforcement Database. (LEDS).

Criminal Appeals. In 2013 DOJ consulted with tribes regarding criminal appeals, including consulting with the Confederated Tribes of the Umatilla Indian Reservation regarding an appeal involving a crime that took place on tribal land.

H. Cultural Resources

***State v. Gieselman* looting case.** In 2013, DOJ's environmental crimes prosecutor Patrick Flanagan coordinated with tribes regarding the prosecution and sentencing of a looting case in Coos County, *State v. Gieselman.* After trial in January, we were successful in obtaining convictions on two counts of violation of state archeological protection laws. Tribal representatives from the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw, as well as the Coquille Tribe testified at the trial and sentencing.

In addition, Patrick Flanagan worked with tribal representatives in seeking forfeiture of artifacts seized from the same defendant during the execution of a search warrant. The proceeding was successful; in December, the court ordered the artifacts forfeited and they will not be returned to the defendant.

I. Consumer Protection

Ellen Klem, DOJ Director of Consumer Outreach and Education, presented at the July 2013 Public Safety Cluster meeting. In part as a result of that presentation, she has distributed a significant number of consumer protection outreach materials, including (a) more than 500 copies to the Burns Paiute Tribe, (b) more than 200 copies to the Yellowhawk Tribal Health Center, and (c) more than 500 copies to the Native American Youth Association. She plans to make a follow up presentation at the Public Safety Cluster in July 2014.

In addition, Ellen made a presentation on consumer protection issues at the Umatilla Tribal Senior Center, and also toured the Umatilla Tribe's Justice Center.

We are pleased that the Warm Springs tribal newspaper, Spilyay Tymoo, has published information from DOJ "Scam alerts," including "Walmart.com Phishing Scam," in July, 2013, and "Do you know how to distinguish a scammer from the real Cover Oregon?" in October, 2013.

J. Charitable Activities

The Charitable Activities Section worked with an Oregon tribe in efforts to recover assets from a tribal-funded charity that went out of business.

K. Crime Victim's Services

The Crime Victims Services Division (CVSD) has continued to focus on increasing understanding and enhancing partnerships and community collaboration with Oregon tribes.

In May 2013, the Crime Victims' Services Division released its report on the Tribal Nation Listening Tour following a review by Oregon tribes. The tour, initiated in 2011 and concluded in July 2012, involved the nine Oregon tribes and their community partners, with the goal of identifying barriers and strengths to provision of domestic and sexual violence services for tribal victims. The 2013 report summarized the barriers and the work that CVSD accomplished during the listening tour following 29 meetings with District Attorney Victim Assistance Programs (DAVAP), non-profit Domestic Violence and Sexual Assault Program Executive Directors and tribal leaders from the nine tribes. As indicated in the report's "next steps to strengthen collaboration," the collaborative work between CVSD and tribes as well as statewide and community partners are ongoing.

Diana Fleming made presentations about the Listening Tour and report at the Public Safety Cluster in April and July, 2013. The April presentation included Desireé Coyote from the Confederated Tribes of the Umatilla Indian Reservation and addressed how the listening tour informed the work at CVSD and the initial changes that were made to meet the needs of tribal victims.

CVSD made a presentation in September 2013 to the Legislative Commission on Indian Services (LCIS) with a brief overview of the Listening Tour Report and a question and answer period

regarding next steps in strengthening domestic and sexual violence service provision between community non-profit and tribal programs. CVSD provided copies of the listening tour report and a PowerPoint with an outline of specific changes to the Statewide Implementation Plan for administration of the Violence Against Women Act (VAWA) grant funding and the VAWA Reauthorization Act of 2013.

Since the report was released in May, 2013, CVSD has taken the following steps:

- **Domestic and sexual violence program funding.** In July 2013, Oregon's tribes were directly included in the FY 2013-2015 non-competitive joint application for domestic and sexual violence funds. The funding to tribes will help to ensure equal access to services for all victims across the state, and communication with the tribes will increase because they will be routinely invited to attend statewide training events, and will receive on-site visits on the same schedule as other grantees. To integrate tribes into the state grant system, CVSD assigned five fund coordinators to one or more tribes to consult with them during the development of the application process and to provide technical assistance throughout the application process through December 2013. In addition, CVSD will continue to provide technical assistance and resources for tribal victim service programs upon request.

- Additional **funding opportunities** were shared with tribes.

- **Training and networking opportunities.** CVSD provided training and networking opportunities to all nine tribes at events including CVSD's Victim Service Program Director's Day and the Tribal, State and Federal Domestic Violence Summit hosted by the Confederated Tribes of the Umatilla Indian Reservation. At the Summit, CVSD participated in a panel discussion on "Practical Case Studies for Victim Services" that addressed challenges across services with state, county and tribal partners at the table. CVSD's presentation on "Oregon's Implementation of Violence Against Women Act (VAWA) and Statewide Funding Priorities," included an overview of VAWA's protections for women on tribal land and the State's funding priorities that will build upon the progress made during the listening tour. Gail Mavity provided an overview of the Address Confidentiality Program services, including eligibility and how tribal victims access the program and an overview of Victims Compensation.

- The **CVSD Advisory Committee and Implementation Planning Subcommittee** enhanced the funding priorities for the VAWA grant funds which includes strengthening the state goals and objectives for the FY 2014 – 2016 STOP VAWA Implementation Plan for Oregon. The focus is on domestic and sexual violence funding priorities for underserved, marginalized and oppressed communities and Tribal Nations. This includes improving and enhancing culturally specific services, increasing the cultural competency in the delivery of victim services, and improving the cultural responsiveness of prosecution, law enforcement and the courts.

- **Website.** CVSD is working on resources for the CVSD website that will encourage outreach and collaboration with tribes.

DOJ CVSD Advisory Committee. The DOJ CVSD Advisory Committee continues to have representation from two Oregon tribes, which helps ensure that concerns of tribal victims are represented during planning, allocation and application review. Tribal board members continue to provide their expertise to improve collaboration with state partners and stakeholders as well as domestic violence and sexual assault service providers.

K. Child Support

The DCS Tribal Liaison attended the Tribal Government Day activities along with several branch DCS tribal liaisons.

DCS Director Kate Cooper Richardson and DCS Field Operations Section Chief Tammy Kramer visited the IV-D program of the Confederated Tribes of the Umatilla Reservation (CTUIR) at the Nixyáawii Governance Center. The visit included a tour of the facilities, a meeting with the IV-D program director, and discussion of cases and matters of mutual interest.

Director Richardson attended an annual meeting in Seattle on September 25, 2013, that included the federal Region 10 staff of the Office of Child Support Enforcement Region 10 State IV-D directors, and Region 10 Tribal IV-D directors.

In June, DCS hosted a "Division of Child Support and Tribal Conference," attended by representatives of the Klamath, Siletz and Umatilla Tribes. DCS attendees included Director Kate Richardson, DCS tribal contact Gene Gustin and DOJ Attorney- in-Charge Claudia Groberg.

IV-D Programs:

Tribal IV-D Child Support Meetings. The Division of Child Support continued its Tribal IV-D Child support meetings, which were originally structured for tribes that had applied for tribal child support start-up funds or already had a child support program. They were later expanded to include all tribes with an interest in child support or that have expressed an interest in applying for federal funding. The focus of these meetings is to improve communication among DCS leadership, individual branch offices, tribal courts, and child support staff.

Statewide Child Support Collection Activities. DCS maintains tribal liaisons in DCS branch offices throughout the state, who work in cooperation with tribes to collect child support. As a result of these efforts, during 2013, DCS and tribal programs were able to collect more than $5.5 million on behalf of Native American families.

The Confederated Tribes of the Umatilla Reservation. The Confederated Tribes of the Umatilla Reservation (CTUIR) has a tribal child support program with a caseload of now over 200 cases, including those from the Oregon Child Support Program, new cases from

tribal members, and interstate cases referred directly from other jurisdictions. Pendleton DCS tribal liaisons and CTUIR work in collaboration to reconcile cases, which allows some custodial parents to receive child support directly from the CTUIR child support program. CTUIR has begun establishing child support orders using a hybrid model of the Oregon Child Support Guidelines.

The Cow Creek Band of Umpqua Tribe of Indians. The DCS Roseburg branch office continues to receive notices for registration of orders with the tribal court. The branch liaison processes all requests for registration and works closely with tribal court clerks to ensure that orders are registered timely to expedite the provision of money and health care coverage to families. In addition, the DCS tribal liaison has met with the social services director to provide information regarding establishment of paternity, cash child support and medical support. DCS provides assistance to tribal members referred directly to the liaison with questions regarding enforcement, modification, DNA testing, and paternity establishment. The liaison also facilitates contact with out-of-state tribes and child support programs when necessary.

In January 2013, Roseburg liaison Debbie Williams and Branch Manager Mike Lewis met with Cow Creek Tribal Court Administrator, Jhana McCullum, regarding registration of state orders in Tribal Court.

The Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians. The Tribe continues to honor wage and medical withholdings, but has not yet begun to require registration of foreign orders with its tribal court. The DCS tribal liaison has met with the social services director and staff to provide information regarding establishment of paternity, cash child support and medical support. The liaison provides direct assistance to tribal members with questions regarding enforcement, modification, DNA testing and paternity establishment and facilitates contact with out of state tribes and child support programs as necessary.

Coquille Indian Tribe. The Coquille Tribe has an established process for registering orders for the enforcement of cash and medical child support. The DCS tribal liaison and Assistant Attorney General are working with tribal counsel and the tribal court clerk to continue moving forward. The Roseburg DCS liaison is currently processing all registrations for DCS. The liaison provides direct assistance to tribal members with questions regarding enforcement, modification, DNA testing and paternity establishment and facilitates contact with out of state tribes and child support programs as necessary.

The Klamath Tribes. The Medford DCS branch office tracks cases transferred to the Klamath Tribes to establish or register orders and reciprocal requests from the Tribe for unemployment compensation attachment on tribal orders. Klamath Tribes Child Support Enforcement (KTCSE) is beginning to distribute payments directly to the family or through the tribal Temporary Assistance for Needy Families (TANF) program rather than DCS on Oregon orders registered at DCS request. KTCSE also shares enrollment information on tribal child support cases, enhancing support enforcement activity on non-transferable cases. A process has also been developed to certify for attachment dividend (per capita) payments from the Klamath Tribes.

The Confederated Tribes of the Siletz Indians. The program continues to work successfully with the Siletz Tribe and tribal court. DCS continues to provide training to the Tribal TANF office. The DCS branch liaison meets with the Tribal TANF office twice a month for at least half a day. During that time DCS provides training as well as case staffing for general case questions and provides paternity testing services. DCS worked to improve its relationship with the satellite offices for the Siletz Tribes by reintroducing its branch tribal liaisons to some of the outlying offices. DCS meets quarterly with the Siletz satellite offices to provide additional support.

Attorney-In-Charge Claudia Groberg continued to represent DCS monthly in the Siletz Tribal Court on income withholding hearings. She also appeared in trial court to represent DCS in 165 per capita hearings in early July, where $82,675.33 was collected from tribal dividends for child support. In addition, as a result, eleven child support cases were paid off in full.

As in prior years, Albany DCS hosted an annual two-day training to the Tribal self-sufficiency staff in the Albany DCS office. This year it was held on December 4-5.

Local liaisons Coleen Hartford and Brandy Maldonado were invited to be guest speakers at the tribes' annual IYC (Increase Your Success) Conference in Lincoln City at Chinook Winds on July 23 to discuss paternity establishment, child support, custody, parenting time orders, and parties' rights and responsibilities.

Confederated Tribes of the Warm Springs Reservation: The Division of Child Support and the Confederated Tribes of Warm Springs continue to work cooperatively by referring customers to the appropriate office for establishment and enforcement actions.

Policy 2-95 Tribal Relations Policy

Applicability: *All full and part time employees, temporary employees and volunteers*

References:

(1) Purpose

This tribal relations policy is adopted pursuant to ORS 182.162 – 182.168, which requires state agencies to develop and implement tribal relations policies.

(2) General Policies and Principles

It is DOJ's policy to promote the principle stated in Executive Order No.96-30 that "[a]s sovereigns the tribes and the State of Oregon must work together to develop mutual respect for the sovereign interests of both parties." DOJ interacts with tribes in differing roles: in its role as legal advisor to and representative of other state agencies; and in its role as independent administrator of certain DOJ programs. In all of its roles, it is DOJ's policy to promote positive government to government relations with the federally recognized tribes in Oregon ("tribes") by

(a) Facilitating communication and understanding and appropriate dispute resolution among DOJ, other state agencies and those tribes;
(b) Striving to prevent unnecessary conflict with tribes;
(c) Interacting with tribes in a spirit of mutual respect;
(d) Involving tribal representatives in the development and implementation of programs that affect them; and
(e) Seeking to understand the varying tribal perspectives.

(3) Native American Affairs Coordinator

(a) The state is best served through a coordinated approach to tribal issues. The Attorney General has designated a Native American Affairs Coordinator, who serves as the Department's key contact with tribal representatives.
(b) Individuals in the Department who are working on a significant matter involving or affecting a tribe shall notify the Native American Affairs Coordinator.
(c) The Native American Affairs Coordinator will develop with each Division Administrator an appropriate means for that Division to keep the Native American Affairs Coordinator regularly informed of the status of significant matters involving or affecting tribes.

(4) Dissemination of tribal relations policy

(a) Upon adoption, this policy shall be disseminated to members of the Department, and shall be incorporated into the DOJ Policy Manual. In addition, this policy and information regarding ORS 182.162 – 168 shall be included in new employee orientation, and on the Department's intranet.
(b) The Native American Affairs Coordinator will distribute an annual reminder regarding the policy.

(5) Training

(a) The DOJ CLE Committee and Diversity Committees shall strive to incorporate topics regarding Indian law and culture in their agency training and CLE programs.
(b) The Native American Affairs Coordinator will assist Divisions and sections in arranging training on specific topics relevant to the work of that particular division or section.
(c) Appropriate DOJ representatives will attend annual training provided by the Department of Administrative Services pursuant to ORS 182.166(1).
(d) DOJ attorneys who come into significant contact with tribes are encouraged to consider taking advantage of outside CLE opportunities on Indian law and culture.

(6) Guidelines for Advising and Representing other State Agencies

The Department of Justice is uniquely situated to aid implementation of ORS 182.162 – 182.168 through its contact with and advice to various state agencies. DOJ attorneys should promote other agencies' compliance with ORS 182.162 to 182.168 by means including:

(a) Considering the represented agency's obligations under the statute in the course of advice and representation and
(b) Striving to ensure involvement of the agency's tribal key contact in significant matters affecting or involving tribes.

(7) Identification of DOJ Programs Affecting Tribes.

The Native American Affairs Coordinator will compile a list of DOJ programs that affect tribes, as well as the DOJ individuals responsible for implementing them, through the following process:

(a) Division Administrators will provide to the Native American Affairs Coordinator a list of Division programs, noting those they believe affect tribes. The entire list will be shared with tribal representatives identified through Government to Government cluster groups, tribal attorneys known to the Department, the Indian Law Section of the Bar, the Native American Program of Oregon Legal Services, and tribal chairs.
(b) Annually, the Native American Affairs Coordinator will update the list of DOJ programs that affect tribes, in consultation with Executive staff and tribal representatives

(8) Guidelines for Independent DOJ Programs

(a) Managers of programs identified as potentially affecting tribes shall adopt guidelines for cooperating with tribes in the development and implementation of those programs in consultation with the Native American Affairs Coordinator.
(b) DOJ will invite tribal participation on Task Forces of interest to tribes.