



HON. LIZBETH GONZÁLEZ is an Acting Supreme Court Justice presiding in Bronx County; she was appointed to the NYC Housing Court in 2005, elected to the NYC Civil Court in 2005, appointed to the NYC Family Court from 2010–2011 and thereafter appointed to the NYS Supreme Court in 2011. She received her B.A. from Stony Brook University and her J.D. from New York University School of Law. She is a member of the NYSBA Judicial Section's Diversity Committee, past president of Network of Bar Leaders and immediate past president of the Association of Judges of Hispanic Heritage. Justice González thanks the American Indian Community House, American Indian Law Alliance, fellow "Team ICWA" members Judge P.J. Herne, Judge Carrie Garrow and Judge Sharon Townsend, in addition to the other Nation representatives and Judges who comprise the New York State Federal-State-Tribal Courts and Indian Nations Justice Forum, for their hard work on behalf of Native Peoples.

HON. SHARON S. TOWNSEND is Vice Dean for Family and Matrimonial Law of the New York State Judicial Institute and is a Justice of the New York State Supreme Court in the Eighth Judicial District. Justice Townsend was elected to the New York State Supreme Court in November 2003. She previously served as an elected Erie County Family Court Judge from 1992 through 2003. Justice Townsend received a B.A. from the University of Rochester and J.D. from the University of Connecticut School of Law. Justice Townsend has been a Lead Judge and member of the National Council of Juvenile and Family Court Judges and a member of the New York State Federal-State Tribal Forum where she has been involved in leading national and state-wide policy and practice reform in child welfare and ICWA.

The Teach ICWA Initiative

An Action Plan

By **Hon. Lizbeth González** and **Hon. Sharon S. Townsend**

Indian Child Welfare Act compliance protects Native traditions and families; noncompliance can have far-reaching and even tragic consequences. Consider these suggestions so you can play a greater role in increasing ICWA compliance within your local, state and national community:

1. Interview your client to determine whether any party in a custody action or foster care matter (or the child) is Native American. Don't rely on physical appearances. Develop a family tree that includes the maternal branches of your client's family, identifying their mother and grandmother by maiden name. Identify the individual Native nation(s) for each family member where possible.
2. In each case where your client identifies a tribal connection, contact Native American Services at NYS Office of Children and Family Services (716-847-3123) for help. Click <http://ocfs.state.ny.us/main/nas/> to access a model Tribal Notification Letter (where the

Nation/tribal affiliation is known) and draft Notification Letter to the Secretary of the Interior (where the information is incomplete). The PDF version of the ICWA Compliance Desk Aid is an excellent resource.

3. Organize a speaker or CLE in your region or community to provide ICWA information to other attorneys and judges in your community in order to change the culture to emphasize the importance of ICWA compliance in every case. The New York Federal-State-Tribal Courts and Indian Nations Justice Forum can help you access resources and speakers. You can contact us at TeachICWA@nycourts.gov.
4. Use every opportunity to foment ICWA awareness when you speak with colleagues and fellow practitioners.
5. Lobby your local law school or alma mater to include an expanded ICWA curriculum in all family law classes and clinics.

Who We Are

There are nine recognized Native American nations in New York State: Cayuga, Oneida, Onondaga, St. Regis Mohawk, Seneca, Tonawanda, Tuscarora, Shinnecock and Unkechaug. The New York Federal-State-Tribal Courts and Indian Nations Justice Forum seeks to promote understanding and reduce jurisdictional conflicts by bringing together representatives from the New York state courts, federal courts and Indigenous Nations, including chiefs, judges and clan mothers.

Most Native Americans live outside their nation-territories in both rural and urban areas, with an estimated 52,000 Native persons living in New York City and on Long Island. In the 1980s, the Conference of Chief Justices launched a national project to encourage conversation and cooperation among the various state, federal and Native adjudicatory systems. To this end, then-New York State Chief Judge Judith Kaye and Chief Judge John Walker of the U.S. Court of Appeals for the Second Circuit established the Tribal Courts Committee of the Uni-

fied Court System in 2003, chaired by Supreme Court Justices Marcy Kahn and Edward Davidowitz (now retired), to “explore ways in which the state, federal and tribal court systems can work to improve our understanding of one another’s justice systems and establish better ways of sharing information.”

In keeping with this mandate, the Tribal Courts Committee helped establish the New York Federal-State-Tribal Courts and Indian Nations Justice Forum. During the course of our existence, the Forum has worked on many issues, including the recognition of domestic protection orders issued by Native courts and adjudicatory systems; recognition of marriages solemnized by officiants designated by Native nations; reauthorization of the Violence Against Women Act, which extends new protections to Native American women by empowering Native authorities to prosecute non-Natives for abuses committed on tribal lands; and expansion of ICWA awareness through training for New York state court judges and family law practitioners. ■



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