

1 Specifically, this Order is intended to ensure prompt identification of Indian, Native American,
2 and Alaskan Native youth, timely notification to a tribal youth's tribe, and active participation by a
3 representative from the youth's tribe in all applicable juvenile court proceedings. This Order applies to
4 juvenile justice, dependency, dual status, and collaborative court proceedings that involve tribal youth,
5 including but not limited to detention, jurisdiction, disposition, and post-disposition hearings.

6 The rights of all youth in foster care include the rights of an Indian child "to have contact with
7 tribal members and members of their Indian community consistent with the prevailing social and cultural
8 conditions and way of life of the Indian child's tribe," and numerous additional rights set forth in
9 California law. (See WIC § 16001.9(a).) The Court finds it is in the best interest of all tribal youth under
10 juvenile court jurisdiction to enjoy these benefits. The early identification of such youth and their tribes,
11 coupled with early access and participation of the tribe in the youth's case, will ensure that, if the youth
12 must enter foster care, the placing agency can make efforts to integrate input from the youth's tribe into
13 the case plan in a timely manner. (See WIC §§ 224.1(f); 361.7(b); Cal. Rules of Court, rules 5.690(c),
14 5.785(c).)

15 The procedures set forth in this Order will also "assist the court in making decisions that are in the
16 best interest of the child by permitting a tribe ... to inform the court and parties to the proceeding about
17 placement options for the child within the child's extended family or the tribal community, services and
18 programs available to the child and the child's parents as Indians, and other unique interests the child or
19 the child's parents may have as Indians." (WIC § 306.6(d); see also WIC §§ 346, 676 [authorizing
20 admission of persons having "a direct and legitimate interest in the particular case" to court hearing].)

21 **GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED:**

22 1. The Court finds that the identified tribe of any tribal youth who is the subject of a juvenile court
23 proceeding has a presumptively "direct and legitimate interest" in the youth's case. (See WIC §§ 346,
24 676.) Accordingly, the tribal representative shall be allowed to attend all hearings pertaining to the youth,
25 subject to a finding by the judicial officer, upon objection by a party or on the court's own motion, that
26 the tribal representative does not have a direct and legitimate interest in the youth's case or that
27 good cause otherwise exists to exclude the tribal representative from a particular hearing or portions
28 thereof.

1 2. In addition to attendance at hearings, the tribal representative may do any of the following upon
2 consent of the court (see WIC § 306.6(b)):

- 3 a. Address the court.
- 4 b. Request and receive notice of hearings.
- 5 c. Request to examine court documents related to the court proceeding.
- 6 d. Present to the court information that is relevant to the proceeding.
- 7 e. Submit written reports and recommendations to the court.
- 8 f. Perform other duties and responsibilities as requested or approved by the court.

9 3. The tribal representative may request to examine court documents in a tribal youth's "juvenile
10 case file" as defined in WIC section 827(e) and California Rules of Court, rule 5.552(a), and to receive
11 copies of such documents to the extent allowed by WIC section 827(a)(5) and (f).

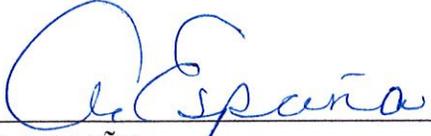
12 4. If more than one tribe is identified or requests to participate, the Court may limit participation to
13 the tribe with which a tribal youth has the most significant contacts.

14 5. This Order shall become effective on April 25, 2022, and will remain in effect until the
15 provisions herein are adopted as a rule in Division VI of the San Diego Superior Court Rules or unless
16 otherwise ordered by the Presiding Judge of the Juvenile Court.

17 IT IS SO ORDERED.

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21 DATED:

April 25, 2022



ANA ESPAÑA
JUDGE OF THE SUPERIOR COURT