

*A Court Improvement Program Journey to Community<sup>i</sup>  
The Story of a Committee Evolving into a Learning Teaching Community*  
As told by Bill DeLisio<sup>ii</sup> and Kay Yorty<sup>iii</sup>

**Story 1**  
**The International Site Visit**

When we embarked on our efforts to share the story of the Colorado Court Improvement Program (CIP), we could not help but ask ourselves, “What is it that we have to offer?” As the Colorado CIP celebrates a lifespan of nearly eighteen years, does its story really need to be told? What we decided is that we - as a community - need to share our journey. We need to connect and share our transforming and powerful experience.

Throughout this series of short stories entitled *A Court Improvement Program Journey to Community: The Story of a Committee that Evolved into a Learning Teaching Community*, we hope you will enjoy reading our stories and we especially hope that what we share inspires others to learn, teach and lead into the future.

**The Journey Begins**

[Bill] The journey began during a discussion about Indian Child Welfare Act (ICWA)<sup>iv</sup> Training. As we<sup>v</sup> talked, I was inspired by the thought of a new way to teach about the importance of ICWA. I tested the worthiness of this newly formed idea on my colleagues. “What if we planned a Court Improvement Program trip to the tribal nations?” I asked. As I held my breath and waited for their answer, I envisioned the possibilities of such an experiential learning opportunity (ELO)<sup>vi</sup> – cultural awareness, personal understanding of historical impact, diplomacy, learning, teaching – as a way to prepare the members of Colorado’s CIP to think of themselves as part of a large community. My colleagues agreed that it was a worthy idea that could further the goals we were discussing in our meeting that day, but I also suspect they may have been thinking of the Visit as a “Pie in the sky idea!”

And so began a pioneer’s journey to explore CIP operations in Colorado. I was excited about the challenge of turning an inspiration from abstract idea to tangible product, but I knew that this was not something I could achieve alone. When I returned to my office, I stopped by Kent Wagner’s<sup>vii</sup> office and found Kay discussing CIP training. When I shared my new vision, they instantly became as excited as I was, not only for the opportunity to build relationships with the tribes, but also for the Colorado CIP to follow the community path. I just knew this new CIP adventure was going to be an effective way to teach, learn and impact systems change.

[Kay] I met with Bill and Kent who were deep into a conversation about Tribal issues, the atmosphere alive with excitement. I found myself irrevocably drawn into the conversation when Bill said, “Let’s take the whole CIP Committee for a visit to the Ute and Navajo nations!” I immediately responded with, “Perfect. Since we will be visiting other nations, let’s call it a CIP International Site Visit! It will be an wonderful opportunity for the Colorado CIP to move beyond the court process and talk about why it is so important to understand ICWA from a tribal perspective.”

*Suddenly, I felt extraordinary.*

*I spent several weeks doing research and contacting people I knew who could make that first crucial introduction to tribal representatives. After a while, I received polite responses, but I could tell that I was going to have to engage in something more than electronic communication if I wanted the Visit to be meaningful. Soon after that, we found ourselves on our way to Cortez, Colorado<sup>viii</sup> to introduce the CIP and pay our respects to the Ute and Navajo Nations. I have to admit that I was somewhat nervous to meet with representatives of sovereign nations, but the muffled quiet of the plane ride turned out to be a doorway to a new way of thinking about the work that the Colorado CIP does. When we landed and I climbed down the stairs of the small plane and stepped out onto the tarmac at the Cortez Airport, I just stood there, the heat radiating against my back and prickling my skin. I couldn't wait for the journey to begin. I turned and looked into the sun, reveling in the warmth and letting my worries disappear into the summer heat.*

*What I remember about that planning visit is the weave of the land, the tan and black and red designs, the clear warmth, and the steady silent rhythm of the road. I remember, also, the Blue Buffalo. The last day of our planning visit found us in the Lobby of the Southern Ute Administration Building at Ignacio waiting to visit with Tribal judges and Tribal Social Services representatives. It was in that quiet in-between moment that I first noticed the Wellness Buffalo, its beautiful imagery opening my heart and nourishing my spirit. Later that evening, when I was tucked away in my room, lingering images of the buffalo kept me company. I closed my eyes for a moment and when they opened again my attention was drawn to movement in a still patch of lingering light. I looked at the soft light for some time before I could make out the shape of a buffalo watching me from the twilight and thought I heard a whisper of silky sand sliding across metal. It was the buffalo shimmering in the simple delicate nubby blue of juniper berries.*

*When we returned to Denver, part of me lingered there in the Indian Nations. On the plane ride home, I found myself thinking that we collect things as we go, things we think are important, but sometimes those things grow heavy and weigh us down. And then I thought again of stepping through that door to the Indian Nations and remembered the specks of starlight and sunlight that filtered through our days there. And that's how the journey from committee to community began!*

*[Bill] We again visited the Four Corners area, this time with most of the CIP Committee<sup>ix</sup> with us. The night before the trip to the Ute Tribal Park<sup>x</sup> we convened at the home of District Court Judge Todd Plewe<sup>xi</sup>, who had played an indispensable role in establishing communication with the Tribes and the Four Corners Community. A late summer rain chased us to the Plewe home and crowded us comfortably together in the living room. That was all right because the closeness caused us to better experience fellowship and kinship with one another. Dr. Mark D. Varien of the Crow Canyon Archaeological Center<sup>xii</sup> presented on the *Chronology of the Mesa Verde Region 10,000 BC to the Present*. We began to really understand the ancient peoples who had made this land their home, how they had begun as hunters and gatherers and how they had transformed their cultures through the cultivation of corn. Time began to take on a new meaning for us. A newfound sense*

of community was tugging at my mind and heart and I knew that we would be a different type of team by the end of our journey. Our program was transforming from a committee to a community.

### Finding the Heart and Soul: Ute Mountain Ute Tribal Park

*[Kay] When early light found us the next morning, we were looking forward to beginning our journey. We met up with our tribal guide, Rick Hayes<sup>xiii</sup>, at the Ute Mountain Ute Visitor Center and Museum and then, in one swirling movement, we had all crossed Highway Junction 160/491 and were headed into the Park. We welcomed the soft fragrance of summer tamarisk streaming in through the open windows and, when we stopped to view the pictographs at Chief Jack Hand's camping ground, we could see the breeze shimmering the cottonwood leaves. As we worked our way further into the canyon and hiked to the petro glyphs at Newspaper Wall<sup>xiv</sup>, a finger-up-the spine feeling slowly overtook me as I realized the ancient continuity of the Indian community.*

*[Bill] As we explored the Tribal Park, Rick shared with us the teaching of his ancestors, including the meaning and significance of the annual Sundance<sup>xv</sup>. He explained how important the Sundance was for him personally. He told us that the ceremony in his culture is powerful because it weaves the community together for both those who participate and those who observe. The pride in his voice was as loud and clear as a coyote's howl, the excitement in his eyes as bright as a full moon in the desert sky. It was apparent to all of us that this ceremony fed his soul and provided him the opportunity to connect to his ancestors and his heritage. I was reminded of a story about the importance of ICWA that Peter Ortego<sup>xvi</sup> had shared with Kay in our earlier visit. The story was about a Ute Mountain Ute child who had spent many years in a state foster care system. That child's only association and point of reference with the word "Sundance" was a golf course near her foster home. She had no reference to the ancient religious ceremony that was so important to her ancestors. The combination of Peter's and Rick's stories changed the way I felt about ICWA requirements, made me realize the importance of Indian culture. What the black letters that fill the white pages of ICWA have failed to capture all these years is the sense of community that drove the creation of the law. The connection to the community that Indian children in foster care were missing out on became very real, not academic. The passion in these stories really made me feel that too many Indian Children were missing out on their heritage and a community that would feed their minds, their bodies and their souls. As we walked among the ancient ruins and unexcavated kivas<sup>xvii</sup>, the shards of ancient pottery resting silently on the ground spoke to us through their patterns and colors. I wondered what it would have been like to be part of that ancient community. We were invited to touch the walls of the canyon or to hold the shards in our hands, but I felt that touching these sacred relics was not appropriate, was not necessary. We could feel the meaning in our hearts. These sacred items – suspended in the timeless silence - had a profound impact. Rick talked to us about the hard times that many members of the Ute Mountain Ute Tribe experience in the present day; he also shared with us these words from the Hopi prophets, "We all need to pray for the children, for our children, for everyone's children."*

### On to Towaoc!<sup>xviii</sup>

As the CIP Team gathered together at the Ute Mountain Ute Visitor Center everyone's spirits were high. We felt honored by our experience. We said good-bye to Rick and headed on toward the Ute Mountain Ute town of Towaoc. We were now embarking on the academic and diplomatic portion of the visit to learn from the Tribe about their governmental structure and social services. I don't think any of us were prepared for what we encountered, especially after the

amazing emotional experience we had just gone through at the Tribal Park. With our newfound and heightened awareness of the past, we were on course to meet the present day challenges of a modern American Indian nation. I thought to myself, “How do we build upon this visit and make this meaningful and ongoing?” We were emotionally committed and were learning with each passing moment, but what were we going to do to implement positive change when we got back to our offices?

In Towaoc, we met with Tribal Social Services Director, Janelle Doughty, who shared with us the lack of opportunity that existed in the community and the difficult economic situation – joblessness, lack of transportation, alcohol and drug abuse – and how her community was working to address these very difficult social and economic challenges. A grim reality was smacking this seasoned group of child welfare professionals and members of the Colorado Courts squarely in the face. I found myself wondering how informed ICWA decisions could be made in court rooms and child welfare offices without experience of the culture.

We visited the Court and learned that the Tribe had not yet established a full tribal court; they had a Code of Federal Regulation Court connected to the Bureau of Indian Affairs. The Court Administrator<sup>xix</sup> showed us into the court room where she gave us an overview of the court and the manner in which the court worked with the Tribal Council. One striking discovery for us was the challenge the court had with seating a jury. The small population of the tribe combined with family relationships among the Ute Mountain Ute routinely made it difficult to find eligible jurors which resulted in the dismissal of a number of cases over the years. We learned about the routine lack of services, beds, cells, etc. This justice system was encountering some very taxing and overwhelming challenges. The challenges faced by the court and tribal human services appeared to be similar to the ones faced in our state court, and yet, it was apparent that the level these challenges reached were unlike anything we faced in Colorado.

After interacting with the Ute Mountain Ute people, I thought “How can we ensure that each and every Indian Child in the Colorado Child Welfare System has a real opportunity to experience their own culture?” It became apparent that before we could tackle the resource scarcity, we would need to address the child welfare system's heart and soul. We would need to answer the questions of whether ICWA is simply just a law that needs to be properly understood and applied or is it a law that also requires sensitivity to the historical trauma inflicted on the American Indian. Is ICWA both an appreciation for correctly understanding and applying the law as well as approaching cases involving Indian Children with a knowledgeable, compassionate and open heart? This changing perception was vocalized by a Colorado County Attorney who said, “I will never complain about the cost of sending ICWA Notice ever again!”

The opportunity to experience and reflect upon a culture different than my own, regardless of the limited time allotted, was beginning to have an effect on me and my colleagues. The Visit was helping to slow down the mental microprocessor that keeps us in the perpetual mode of email, phone calls, and “put out the fire” problem solving. The question of, “what can we do moving forward?” continued to reverberate in my head. As I turned in for night, I drifted into sleep thinking, “Enjoy this moment, stay present, stay aware, and trust your instincts!”

*[Kay] The morning after our visit, I was thinking about our previous day's visit to the Ute Mountain Ute and how amazing it had been that Rick did not find any reason to blame anybody for the distance between the American Indian and the other cultures who had treated them with little*

*respect. His words from the day before helped me to realize that the chemistry of emotion - action and reaction - can combine to create new feelings. Cultural differences can find common ground through community interaction. I knew for certain that community shared is never lost, is always a blessing, and always nourishes even when all else is gone.*

[Bill] On Tuesday we meet at the Navajo District and Family Court in Shiprock<sup>xx</sup> with dignitaries from the Navajo Supreme Court, Shiprock District and Family Court<sup>xxi</sup>, Peace Making Courts, and Navajo Social Services.<sup>xxii</sup> When we crossed a state border to visit the Navajo Nation, we were reminded that the child welfare system really does not have borders. Dependency courts in states across the nation routinely have jurisdiction over American Indian children whose tribal connections are miles away from the world in which the judges, attorneys, caseworkers and administrators live and work. On our journey south to Shiprock, I traveled with a District Court Judge, the State Child Welfare Director and a County Child Welfare Director<sup>xxiii</sup>. We used our time together to begin a conversation about American Indian historical trauma, the role of the United States Government in the seizure of Indian lands, the creation of reservations, and the removal of Indian children from their families and placing them in boarding schools where they were forced to adopt the white culture. We felt the *Visit* was helping us move beyond the legal requirements of ICWA to an awareness of the pain and trauma generated by those earlier policies. We were learning that the Indian Nations had endured and overcome those stolen moments because of the great strength of their communities and culture. We had begun to understand that respecting ICWA was as important as applying ICWA.

The Tribal Shiprock District and Family Court was situated in a courtroom like many in the Colorado state courts, except that the Navajo National Seal rested on the wall above the bench and a quotation from Navajo Chief Justice Claudeen Bates-Arthur (1942-2004), read "Our Navajo court system must not only be good, it must be outstanding beyond question."<sup>xxiv</sup> It made me want the Colorado CIP to also be "Outstanding beyond Question." The judicial officers representing Colorado State Courts were invited to sit around a counsel table with the members of the Navajo Tribal Court<sup>xxv</sup> at the front of the courtroom between the bench and bar. The circular arrangement reminded us all of the importance of respecting ourselves and others and individuals, individuals who are part of a connected community. I found myself thinking that this *Visit* with the tribal nations was as much about social and emotional intelligence as academic intelligence. I asked myself, "Surely, without both, how can the Colorado CIP become Outstanding beyond Question?" We all bowed our heads as a blessing was offered.

In Navajo tradition, each of the individuals introduced themselves, their clan and their work. The recitation of clan relationships contained a depth and breadth that I had never witnessed before in my professional life. These introductions illustrated how broadly family and community were viewed in the Navajo culture and underscored the importance of building relationships that build strong communities. The visit ended with everyone shaking hands and hugging, wishing each other well. One particular exchange caught my attention. I watched Nancy Evans<sup>xxvi</sup> and Nathan O'Neal<sup>xxvii</sup> say good-bye. It was as if I were watching old friends parting after not having seen each other for a very long time. Later, Nathan shared with me that Nancy had told him, "it is great to see excitement and enthusiasm in the faces of people doing this work. It's been a long time since I've seen that. I can see the light in your eyes!"

Before leaving, I visited with Raymond Deal<sup>xxviii</sup>, a Vietnam Veteran, who talked about the process and purpose of the peacemaking court. He also mentioned his return trips to Vietnam in

recent years with fellow comrades. I was fascinated by his mention of returning to Vietnam and how returning to the country had helped him begin to exercise the peacemaking and healing process necessary to cope with the scars and trauma inflicted by the war. The conversation underscored the fundamental values of Dependency and Neglect Court, those aspects that become so apparent when the court is properly organized and the professionals are properly trained and, most importantly, when the professionals have their minds and hearts in the right place. Under these circumstances, the court becomes a community – less punitive, a place for healing, for repairing, for peace making. The greatest lesson that we took away from the Visit was knowledge of the development of community on a systems level. That is exactly what the Colorado CIP was doing during this visit; we were nurturing a collaborative community, learning and teaching each other from our unique individual perspectives so that we could do a better job of healing and making peace within our communities, neighborhoods, agencies and work units.

### Following the Circle

*[Kay] As we reluctantly left Shiprock and headed back to Cortez., it seemed natural to trace the passage of civilization both backward and forward in time from when were young (remember the simple beauty of being young?) and down all the paths it takes in our lives, to when we meet again one lifetime after another, to right now and into tomorrow, and to see how caring changes the lives of those whose paths it crosses, to know the intricate, transformative rhythms of human connection. I realized that we really can't know about another culture without being among the people. I began to feel the force of what I had begun to see as the rest of me – all the "other" people – pouring over and all around me. I hoped that the need to connect would never leave me. With the setting sun at our backs as we headed toward Cortez, these thoughts lapped against my mind as I looked forward to visiting the Southern Ute Nation, the last stage of our journey.*

*[Bill] We arrived back in Cortez, and we met together to form a talking circle<sup>xxix</sup> to reflect and share the experiences of the past few days. The words shared were humbling, moving, emotional and captivating. Everybody on this trip was experiencing change. This trip had caused everyone to step back and think, "What are my priorities? What are our priorities? How do we implement our priorities?"*

*As I was preparing to retire, I was less worried about what to do moving forward in a "meaningful and ongoing way" because I understood that collaboration without a community of people who care about one another would never endure. As I drifted peacefully off into sleep, I found myself once again taking Rick's<sup>xxx</sup> advice to "Pray for the children, everyone's children!"*

### *The CIP Spends its Last Day in Ignacio*

*[Kay] As we headed south toward the Southern Ute town of Ignacio, we drove through country scattered with juniper and aspen. I recalled from my earlier planning visit that time spent with the Southern Ute has a way of turning the ordinary world into a place of symbolic beauty where ordinary objects wear their spirits on the outside. The passing countryside caused me to recall the junipers and aspens of my childhood home in western Colorado and those memories began to blend seamlessly into what I was seeing and what I expected to find in Ignacio. I saw the tender green leaves of the aspens as they followed the summer sun into the whispering gold of autumn and then into winter where they intertwined their bare branches as in a pencil drawing with nothing left in the winter snow except the black and white of the sleeping trees. It was so real in my reverie that I could*

*feel the cool white bark, paper thin and smooth to the touch. I thought I heard my brother telling me that, if I looked closely I might be lucky enough to see a great eagle sitting silently in the finely patterned black and white trees, its golden eyes and beak the only color. "Careful," he whispered, "If you move too fast or make too much noise, you may never see the eagle at all." I thought to myself that I would be willing to stand forever in the black and white and gold to wait for the eagle.*

[Bill] On the last day, we met with Southern Ute Tribal members and retired Southern Ute Nation Tribal Court Chief Judge, Elaine Newton<sup>xxxii</sup>. We settled in for a presentation on historical trauma from a Tribal Judge whose own mother had been placed in a Boarding School. As Judge Newton told stories of her family and childhood and shared with us the devastating impact the Boarding Schools had on her own mother and her mother's children and grandchildren, the importance of the historical perspective became clear.

Our experience with the Southern Ute Nation began with a blessing, but it ended with something new to us; Judge Newton performed a smudging ceremony to cleanse the room and the spirits of those participating in the lecture of the traumatic energy we had absorbed. After the smudging, and while we were sharing a traditional meal with our hosts, I had the privilege to sit with Southern Ute Nation Tribal Judge Scott Moore<sup>xxxiii</sup>. He asked me what I would carry back with me when I returned to Denver. I replied without hesitation that I would carry with me the blessings and the prayers. The judge shared with me that he had lived off the reservation for many years and that, after returning, he realized that a routine ceremony on the reservation is not a routine ceremony outside of the reservation. I was reminded in his gentle words that it was a blessing to be able to share the American Indian culture in its tribal setting, that experiencing the culture changes the heart and the heart influences relationships.

The Visit had come to an end. As we prepared to part ways, we wished each other safe travels and shared hugs, embracing each other in the same manner family, friends, and communities do after a gathering. Before the Visit, CIP partings had never included hugging. "This Visit has changed us," I thought, "because we had experienced something together that was very emotional and personal." We felt like a family and someone jokingly suggested that we stop calling ourselves the CIP Committee and start calling ourselves the CIP Clan.

[Kay] *I was back in Denver, back to everyday reality, but was it really? When I awakened that first morning, it was as if the city had drawn together in little cliques, whispering and gossiping. It was so quiet, but if I were still at the Tribal Park, the morning there might think the hushed Denver morning raucous! I opened the shades to glittering darkness and a soft purr as traffic moved around the city far below. I felt reluctant to leave my dreams of that country where we all had existed without distance. "That trip changed me," I thought. "It used to be that I hardly had any time to just sit and dream."*

## From Committee to Clan. We Became a Community!



– Photo courtesy of Gina Jackson, National Council of Juvenile and Family Court Judges

**“As with state courts in different geographical areas with different culture, history and values, you cannot think of tribal courts as uniform in structure or practice. Each has unique strengths and challenges [but] the desire and commitment of the people to improve systems gave me hope. It taught me not to be complacent and to re-imagine that I can be a resource [for] system change efforts, rather than [only being] a judge.” – Judge Karen Ashby, Presiding Judge Denver Juvenile Court, Colorado Second Judicial District.**

**“The statement from the Ute Mountain Ute Tribe that they ‘focus on survival, not thriving’ was shocking , but not surprising. This [statement] was in contrast with the richness and beauty of their history as a people. Spending time in their Tribal Park was life-changing. [When we later visited the Navajo Nation] I was deeply touched by the interactions among the members during our visit. While they clearly have respect for each other’s formal roles, it was clear that the relationships are guided by family and culture. Nothing like that in our world! [During our visit with the Southern Ute], Judge Newton’s presentation [on historical trauma] found a place in my heart. Her ceremony to pray for us was especially touching. Do we deserve that? [It was] another reminder – poignant/vivid – that we must all live to love and to forgive and to embrace all people. Back at the office, I will look at native issues and cases with much more knowledge and empathy.” – Lloyd Malone, Division of Child Welfare Director, Colorado Department of Human Services**



## Explanatory End Notes

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<sup>i</sup> **Story Layout:** The report-back on the Colorado CIP Visit to the Ute and Navajo Nations departs from the traditional report format to be told in story form. If you are expecting to read a traditional report, this story may surprise you! The events are real, but the telling is personal. Bill's and Kay's voices blend to paint a picture of the events and people involved in the *Visit*. You will notice that part of the text appears in regular font and part in *italicized* font. While Bill and Kay are recalling the same events, their voices are distinct and so their words have been distinguished by different fonts. You will also find here and there in the text the voices of others who participated in the International Site Visit; these voices appear in quotation marks.

<sup>ii</sup> **William M. DeLisio** serves as the Family Law Programs Manager for the Colorado State Court Administrator's Office and has nearly twelve years of experience coordinating, managing and overseeing program in Colorado's Juvenile Courts at both the local and statewide levels. William joined the State Court Administrator's Office in August 2005 as the Court Improvement Program Coordinator after serving in Colorado's Seventeenth Judicial District as the Juvenile Court Programs Coordinator. William received his Master of Science in Legal Administration (MSLA) degree from the University of Denver College of the Law in 1998.

<sup>iii</sup> **Kay Yorty**, a Colorado attorney and teacher, is the Colorado Court Improvement Program (CIP) Training Coordinator who works to develop meaningful collaboration between courts and agencies in order to improve outcomes for children, youth, and families who find themselves enmeshed in the child welfare system. Kay's work with the Colorado CIP supports the Dependency and Neglect Best Practice Court Teams (BPC Teams) Project which includes BPC Teams in each of Colorado's twenty-two Judicial Districts; the *Training Wheel* Curricula, a multi-disciplinary training for child welfare stakeholders; the Colorado Dependency and Neglect Judicial Institute (CoDNJI), and the Colorado Summit on Children, Youth and Families. Kay's work also supports interactive CIP Site Visits to local jurisdictions, among local jurisdictions, and to tribal nations. The CIP is a Colorado Supreme Court Committee whose office is located in the State Court Administrator's Office in Denver.

<sup>iv</sup> **Indian Child Welfare Act (ICWA):** ICWA is a federal law that seeks to keep American Indian Children with American Indian families. Congress passed ICWA in 1978 in response to the alarmingly high number of Indian children being removed from their homes by both public and private agencies. The intent of Congress under ICWA was to "protect the best interests of Indian children and to promote the stability and security of Indian tribes and families" (25 U.S.C. § 1902). ICWA sets federal requirements that apply to state child custody proceedings involving an Indian child who is a member of or eligible for membership in a federally recognized tribe.

<sup>v</sup> **Bill DeLisio** was discussing the rollout of statewide ICWA training with Norman Kirsch, LSCW and Judge Jill Tompkins. Norm Kirsch coordinates Colorado's State Collaborative Management Program and works for the Colorado Department of Human Services. Judge Jill Tompkins is a Clinical Professor of Law and Director of the American Indian Law program University of Colorado Law School. Ms. Tompkins has also served as a Chief Judge with the Mashantucket Pequot and Passamaquoddy Tribal Courts, and as Appellate Justice with the Mashantucket Pequot, Passamaquoddy, and Pokagon Band of Potawatomi courts of appeal.

<sup>vi</sup> **Experiential Learning** is the process of making meaning from direct experience. Itin, C. M. (1999). Reasserting the Philosophy of Experiential Education as a Vehicle for Change in the 21st Century. *The Journal of Experiential Education*, 22(2), 91-98

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vii **Kent J. Wagner** is Staff Development Administrator for the Colorado Judicial Branch where he oversees all educational programming for the Judges of Colorado and works with the Colorado CIP to coordinate training for Colorado Dependency and Neglect judges. Kent comes to the Colorado State Court Administrator’s Office from the National Center for State Courts Institute for Court Management as the Director of National Programs. Prior to joining ICM he served as the Associate Director of the Office of Supreme Court Continuing Education for Court Personnel in Minnesota. In that capacity he developed and taught education programs for judicial and non-judicial personnel. He has also served as an Assistant City Attorney for the City of Minneapolis, MN handling both civil and criminal matters as well as advising and training city personnel on human resource and personnel matters. Kent holds a Bachelor of Science Degree in Secondary Education from the University of Minnesota and Juris Doctor from Hamline University School of Law. He is a licensed attorney in the State of Minnesota.

viii **The City of Cortez** is located in the area of the Southwest known as the “High Desert” and is the county seat and the most populous city of Montezuma County, Colorado. . Cortez is a local commercial center and draws trade from southeastern Utah, the extreme Northeastern corner of Arizona, the Shiprock area of Northwestern New Mexico, and the San Miguel, Dolores, Montezuma and LaPlata Counties in Colorado. Cortez is also the location of the Montezuma District Court and County Courts.

ix **Colorado CIP Committee Members:** Judge Karen Ashby, Chief Judge Denver Juvenile Court; Kippi Clausen, Youth Consultant; Diana Coffey, Colorado CIP Data Strategist; Leslie Decker, Child Welfare Program Specialist CB/ACF/HHS Region VIII; Judge Kathy Delgado, District Court Judge Colorado 17<sup>th</sup> Judicial District and Lead Dependency and Neglect Judge in Broomfield County; Bill DeLisio, Colorado Judicial Family Programs Manager and CIP Coordinator; Lauren Dingboom, Children’s Attorney Rocky Mountain Children’s Law Center; Lucille Echohawk, Strategic Advisor for Indian Child Welfare Programs; Chad Edinger, Colorado Court Auxiliary Services Coordinator; Linda Edwards, Colorado Judicial Branch Grants Manager; Judge David Furman, Colorado Appellate Court Judge; Gina Jackson, Model Court Liaison National Council of Juvenile and Family Court Judges; John Jewett, Executive Director Denver Indian Family Resource Center; David Kelly, Federal Project Manager Child Welfare program Specialist for Court Improvement CB/ACF/HHS; Jeff Koy, Director of Litigation Rocky Mountain Children’s Law Center; Maureen Leif, Child Support Enforcement Coordinator Colorado State Judicial; Robert Lowenbach, Colorado CIP Judge-in-Residence; Lloyd Malone, Director Colorado Division of Child Welfare; Judge Michael O’Hara, Chief Judge Colorado 14<sup>th</sup> Judicial District and Lead Dependency and Neglect Judge; Nathan O’Neal, Denver Human Services Fatherhood Initiative “Men Behaving Dadly”; Leeann Reigrut, County Attorney for Child Welfare Weld County, Colorado; Shirley Rhodus, Child Welfare Director El Paso County Department of Human Services Colorado; Magistrate Hernandez Evelyn Sullivan 4<sup>th</sup> Judicial District Colorado; Judge Jill Tompkins, Clinical Professor of Law and Director American Indian Law program University of Colorado Law School and Chief Judge with the Mashantucket Pequot and Passamaquoddy Tribal Courts, and Appellate Justice with the Mashantucket Pequot, Passamaquoddy, and Pokagon Band of Potawatomi courts of appeal; Kay Yorty, Colorado CIP Training Coordinator; Alison Young, Colorado CIP Data Analyst.

x **The Ute Mountain Ute Tribal Park** is a part of the Ute Mountain Ute Indian Reservation that has been set aside to preserve remnants of the Ancestral Puebloan and Ute cultures. It has been selected by National Geographic Traveler as one of “80 World Destinations for Travel in the 21<sup>st</sup> Century”, one of only 9 places in the United States to receive this special designation. The Park encompasses approximately 125,000 acres around a 25 mile stretch of the Mancos River. Within the park are hundreds of surface sites and cliff dwellings, Ancestral Puebloan petroglyphs, and historic Ute wall paintings and petroglyphs. The Tribal Park is operated as a primitive area in order to protect its cultural and environmental resources. Emphasis is placed on experiencing the natural setting.

xi **Judge Plewe** was appointed to the District Court bench for the Twenty Second Judicial District in 2010. Judge Plewe served as the Montezuma County Court Judge from 2002 through 2010. Prior to taking the bench, he maintained a private practice. Judge Plewe received his juris doctorate from the University of Colorado School of Law. He resides in Cortez with his wife and four children.

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xii **Mark D. Varien** is Vice President of Programs at the Crow Canyon Archaeological Center in Cortez, Colorado. He holds a Ph.D. in anthropology from Arizona State University, and he studies household community organization, patterns of sedentism and mobility and a variety of other topics. Founded in 1983, the Crow Canyon Archaeological Center is dedicated to understanding, teaching, and helping to preserve the rich history of the ancestral Pueblo people (also called the Anasazi) of the American Southwest. For complete information about the Crow Canyon Project, visit their website at <http://www.crowcanyon.org>.

xiii **Rick Hayes** is a Ute Mountain Ute tribal member and Ute Mountain Ute Tribal Park guide who accompanies visitors to various ancient sites of the Ancestral Puebloans and Ute people as he tells stories that weave an understanding of native practices and the relationships of human beings to their environments. "We are all related. It is about how we treat our world, and how we treat each other," he tells visitors.

xiv **Newspaper Wall**, as it was referred to by our Ute Mountain Ute Tribal Park Guide, Rick Hayes, is one of the world's most impressive and awe-inspiring sun markers. Its spiral calendar has rested for thousands of years in the Ute Mountain Ute Tribal Park in Mancos Canyon, some 20 miles south of Cortez, Colorado. This sun marker stands equal to the ancient calendar systems of the Mayan peoples of Mesoamerica.

xv **Sundance Ceremony**: In an article appearing in the Southern Ute Drum newspaper, author Eddie Box, Senior, describes the communal importance of the Ute Sundance Ceremony as follows: The Sundance ceremony, conducted once a year in the middle of the summer, is the most important spiritual ceremony in the Ute tradition. Having undergone a series of transformations over the last century, it nevertheless preserves at its core a Ute tradition as old as time, the tradition of tagu-wuni or "standing thirsty." The communal or social aspect of the Sundance has to do with the fact that the Sundancer does not only partake in the ceremony as an individual. He is, at the same time, a member of a family. And the family pitches their Tipi or shade lodge in designated locations around the periphery of the Sundance grounds. The Sundancer comes forward as their representative, and they are there to support him vigorously, both spiritually and physically, in singing, drumming or silent participation. The presence of the family is absolutely crucial in giving the Sundancer strength and sustenance as he undergoes his quest-ordeal. For the complete article, please visit the following website <http://www.southern-ute.nsn.us/culture/sun-dance>

xvi **Peter Ortego** is the General Counsel of the Ute Mountain Ute Tribe.

xvii **Kiva** is a Hopi word meaning "ceremonial room." Kivas were important ceremonial gathering places in the life of Ancestral Puebloans (or Anasazi) - comparable to the churches, synagogues, temples, and mosques of today. Kivas were used during ceremonies and other social events like group basket weaving and sometimes as sleeping areas. Kivas symbolically represents a womb and birth and a ladder emerges through a square hole to the world above.

xviii **Towaoc** is the capital of the Ute Mountain Ute Nation and is located in Montezuma County, Colorado. The community is southwest of Sleeping Ute Mountain, a sacred mountain of the Ute people, northeast of Four Corners Monument.

xix **Rebecca Root** is the Court Administrator of the Code of Federal Regulation Court on the Ute Mountain Ute Reservation Towaoc, Colorado.

xx **Shiprock, New Mexico** (Navajo: Naat'áanii Nééz) is a community in San Juan County, New Mexico, United States on the Navajo reservation. It is home to the annual Northern Navajo Fair, held every October. It is also home to a campus of Dine College (formerly Navajo Community College), a tribally

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controlled community college, with seven other campuses across the Navajo Nation. It is the site of a Chapter House for the Navajo, a Bureau of Indian Affairs agency, and an Indian Health Service hospital

<sup>xxi</sup> **Navajo Tribal Courts**: For detailed information about the Navajo Tribal Courts, visit their website at [www.navajocourts.org](http://www.navajocourts.org) .

<sup>xxii</sup> **Navajo Nation**: For detailed information about the Navajo Nation, visit their website at: <http://discovernavajo.com> .

<sup>xxiii</sup> **Bill DeLisio** traveled to Shiprock with Judge Kathy Delgado, District Court Judge Colorado 17<sup>th</sup> Judicial District, Lloyd Malone, Director Colorado Division of Child Welfare and Shirley Rhodus, Child Welfare Director El Paso County Department of Human Services.

<sup>xxiv</sup> The quotation from Navajo Chief Justice Claudeen B. Arthur was taken from an article appearing on page B09 in the Friday, December 3, 2004, Washington Post. The article may be viewed in its entirety at <http://www.washingtonpost.com/ac2/wp-dyn/A30279-2004Dec2?language=printer> .

<sup>xxv</sup> Judicial Officers who led the discussion were: Eleanor Shirley, Associate Justice for the Navajo Nation Supreme Court; Karen Ashby, Presiding Judge for the Denver Juvenile Court, Colorado State Court 1<sup>st</sup> Judicial District; Michael O’Hara, Chief Judge of the Colorado State Court 14<sup>th</sup> Judicial District

<sup>xxvi</sup> **Nancy Evans** is the Regional Director, Shiprock Agency, Division of Social Services, Navajo Nation.

<sup>xxvii</sup> **Nathan L. O’Neal** is the Founder and Pastor of Light of the World Discipleship Church of Christ Jesus, a faith based organization that provides leadership training, mentoring, organizational development, spiritual guidance and coaching, human services navigation, and scholarships for youth in underserved communities. Pastor O’Neal is also the Founder and program Director of “Men Behaving Dadly – City & County of Denver – Denver Human Services Fatherhood Initiative. Pastor O’Neal has several degrees, to include a Ph.D. in Theology, with emphasis in Family Therapy and Christian Counseling.

<sup>xxviii</sup> **Raymond Deal** is the Peace Making Court Liaison for the Navajo Nation Shiprock, NM.

<sup>xxix</sup> **Talking Circle**: The historical function of the talking circle is debated by experts. Some suggest that they are ceremonial and others support a hypothesis that they were places for political discussion. In current use, the talking circle is used as a means of group discussion that promotes input from all members. Group members typically sit in a circle and use simple rules to discuss issues; the talking stick, or other object, is passed around the circle, and the person holding the talking stick may speak. The talking circle is a type of forum for many present-day tribes.

<sup>xxx</sup> **Rick Hayes** is a Ute Mountain Ute tribal member and Ute Mountain Ute Tribal Park guide Please refer to endnote xiii above for more detail.

<sup>xxxi</sup> **Judge Elaine Newton** recently retired from a long career as a Southern Ute Tribal Court Judge. She began her career over thirty years ago in the Tribe’s police department and worked her way up to Chief Judge during that time. Judge Newton was known as a very progressive judge and is credited with developing a court that upheld the integrity of the tribe’s judicial system that earned the court the title of “top rated tribal court in the Southwest United States” by the U.S. Bureau of Indian Affairs. Judge Newton is credited with developing programs that have kept both adult and juvenile tribal members out of jail and families together.

<sup>xxxii</sup> **Judge Scott Moore** is a Southern Ute Tribal Judge in Ingacio, CO.