



National
Caucus of
Native
American
State
Legislators

c/o National Conference
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NATIONAL CAUCUS OF NATIVE AMERICAN STATE LEGISLATORS RESOLUTION IN SUPPORT OF STATE/TRIBAL TITLE IV/E AGREEMENTS TO ENSURE TRIBES HAVE ACCESS TO FEDERAL CHILD WELFARE FUNDS

The National Caucus of Native American State Legislators (NCNASL) is comprised of American Indian, Alaska Native and Native Hawaiian State Legislators from 17 states, organized to provide a forum for discussion, education and increased communication. NCNASL identifies barriers to achievement of a better quality of life for Native people and then proposes legislation and administrative actions designed to eliminate them.

WHEREAS the National Caucus of Native American State Legislators supports the establishment and maintenance of state-tribal communication and policy process; and

WHEREAS American Indian, Alaska Native and Native Hawaiians have experienced a traumatic history of discrimination; and

WHEREAS for nearly a century, federal governmental policy required the children of these populations to be systematically taken from their families and cultures to be reared and educated in dominant-culture government-run boarding schools; and

WHEREAS, the preservation of stable families is necessary to end the cycle of trauma, promote normal early brain development and preserve the future and health of Native peoples in the US;

WHEREAS, the Indian Child Welfare Act (ICWA) was designed to protect and maintain the health and well-being of Native children by ensuring they would no longer be removed from their families and cultures; and

WHEREAS, the National Caucus of Native American State Legislators believes compliance with the Indian Child Welfare Act (ICWA) is essential to preserving Native American children's physical and mental health; and

WHEREAS the health of Native American children is central to maintaining strong cultural identity and sovereignty for all tribal nations; and

WHEREAS strong tribal nations are strong partners with state governments in addressing common concerns affecting all children; and

WHEREAS, recent events, such as the highly publicized US Supreme Court's decision in *Adoptive Couple v. Baby Girl et al*, U.S. Supreme Court, No. 12-399, threaten to undermine ICWA, thus placing the health of Native American children and the future of sovereign nations at risk; and

WHEREAS one impediment to the successful implementation of ICWA is the lack of tribal resources and tribal institutional capacity, the nature of this funding allocation--and the barriers it produces--pose a significant problem; and

WHEREAS the federal government provides critical funding to states for foster care and adoption services for economically disadvantaged children and children with special needs under Title IV-E of the Foster Care Program and Adoption Assistance Program and the Fostering Connections to Success and Increasing Adoptions Act gave tribes the option to obtain Title IV-E funds through an agreement with the state; and

WHEREAS tribes do not have equal access to this funding stream and in order for tribes to take advantage of these funds, they must enter into agreements with the state governments; and

WHEREAS the Association of Indian Affairs in partnership with Casey Family Programs conducted a survey and analysis of 98 tribal agreements made with 16 states between October 2012 and December 2013; and

WHEREAS Title IV-E agreements do not require recognition of the Indian Child Welfare Act, however 12 states have included recognition of ICWA in their agreement with tribes.

THEREFORE BE IT RESOLVED BY THE NATIONAL CAUCUS OF NATIVE AMERICAN STATE LEGISLATORS, that the inherent sovereignty of Tribes as recognized through historical treaties and legal relationships that exist between Tribal Nations and the United States of America is undeniable; and

BE IT FURTHER RESOLVED the National Caucus of Native American State Legislators will work to ensure the protection of Native American children through support of ICWA and to facilitate state-tribal cooperation regarding this issue, when it is preferred by the tribe.

BE IT FINALLY RESOLVED, the National Caucus of Native American State Legislators will support Title IV-E state-tribal agreements when they are made in good faith with the tribe, protect tribal sovereignty, do not impose state law and meets federal tribal consultation requirements.

Sponsored by: Representative Carolyn Pease-Lopez, Montana

Approved Date is: August 18, 2014

Committee of Jurisdiction: Health & Wellness

Certified by Committee Chair: Representative Carolyn Pease-Lopez, Montana

Certified by Caucus Chair: Delegate Talmadge Branch, Maryland

Ratified and certified by: The National Caucus of Native American State Legislators