



National
Caucus of
Native
American
State
Legislators

c/o National Conference
of State Legislatures

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NATIONAL CAUCUS OF NATIVE AMERICAN STATE LEGISLATORS RESOLUTION IN SUPPORT OF INDIAN CHILD WELFARE ACT CLARIFICATION FOR THE WELL BEING OF NATIVE NATION CHILDREN

The National Caucus of Native American State Legislators (NCNASL) is comprised of American Indian, Alaska Native and Native Hawaiian State Legislators from 19 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, Native children are disproportionately represented in the foster system; 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 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, 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, recent events, such as the highly publicized US Supreme Court's decision in *Adoptive Couple v. Baby Girl et al*, U.S. Supreme Court, 133 S. CA. 2552 (2013), 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 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

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; and

BE IT FURTHER RESOLVED, the National Caucus of Native American State Legislators supports further federal clarification and guidance of ICWA for full state compliance.

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials and entities as appropriate.

Sponsored by: Representative Susan Allen, Minnesota

Approved Date is: August 2, 2015

Committee of Jurisdiction: Health and Human Services

Certified by Committee Chair: Representative Susan Allen, Minnesota

Certified by Caucus Chair: Delegate Talmadge Branch, Maryland

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