



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #MSP-15-031

### TITLE: Supporting the Department of Interior's 2015 Proposed Regulations for State Courts and Agencies in Indian Child Custody Proceedings

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#### NCAI HEADQUARTERS

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**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, Congress passed the Indian Child Welfare Act (ICWA) in 1978 to combat the widespread abuse of the child welfare system through the wholesale removal of Indian children from their homes and communities; and

**WHEREAS**, Congress passed ICWA in an effort to restore tribal governments the authority to determine the best interest of their children and communities; and

**WHEREAS**, Indian children continue to be taken from their homes at alarming rates, largely through misapplication, ignorance, or non-compliance with the mandates of ICWA and often without notice to the child's tribal community; and

**WHEREAS**, NCAI greatly appreciates the effort of the Department of Interior in publishing its "Proposed Regulations for State Courts and Agencies in Indian Child Custody Proceedings" on March 20, 2015 to mandate early compliance with ICWA in the best interest of the Indian child; and

**WHEREAS**, NCAI appreciates the effort of the Department of Interior in publishing its "Guidelines for State Courts and Agencies in Indian Child Custody Proceedings" on February 25, 2015 in an effort to foster greater early compliance with ICWA in the best interest of the Indian child; and

**WHEREAS**, early compliance with ICWA ensures that Indian children will be placed in loving, permanent homes with as little disruption to their sense of family, community, and permanency as possible with a view toward facilitating long-term visitation or reunification efforts.

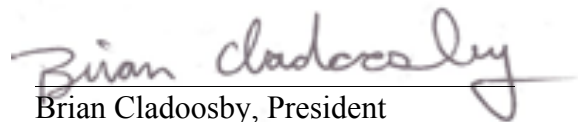
**NOW THEREFORE BE IT RESOLVED**, that NCAI fully supports promulgation of the Department of Interior's "Proposed Regulations for State Courts and Agencies in Indian Child Custody Proceedings" released for comment on March 20, 2015, which serve the best interests of the Indian child and promote uniform application of the Indian Child Welfare Act by: 1) Mandating early agency and state court compliance with the Indian Child Welfare Act in all child custody proceedings involving an Indian child to ensure early, permanent placements, 2) providing uniform procedures to meet the procedural requirements of the Indian Child Welfare Act, 3) defining "active efforts" agencies and state courts must employ to prevent the breakup of the Indian family, and 4) mandating that emergency removal of an Indian child end the moment the emergency has ended; and

**BE IT FURTHER RESOLVED**, that NCAI supports full implementation of the Department of Interior's "Guidelines for State Courts and Agencies in Indian Child Custody Proceedings" promulgated on February 25, 2015, which serve the best interests of the Indian child and promote uniform application of the Indian Child Welfare Act by: 1) Prescribing early agency and state court compliance with the Indian Child Welfare Act in all child custody proceedings involving an Indian child to ensure early, permanent placements, 2) providing uniform procedures to meet the procedural requirements of the Indian Child Welfare Act, 3) defining "active efforts" agencies and state courts should employ to prevent the breakup of the Indian family, and 4) prescribing that emergency removal of an Indian child end the moment the emergency has ended; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

#### CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2015 Midyear Session of the National Congress of American Indians, held at the St. Paul River Centre, St. Paul, MN, June 28 to July 1, 2015, with a quorum present.

  
Brian Cladoosby, President

ATTEST:

  
Aaron Payment, Recording Secretary