



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #FTL-04-059

TITLE: Support for Tribal Amendments to the “Orderly and Timely Interstate Placement of Foster Children Act of 2004” (S. 2779 and H.R. 4504)

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, the Interstate Compact on the Placement of Children (ICPC) is a compact between states that regulates foster care and adoptive placements of children across state lines; and

WHEREAS, tribal governments are not included in the ICPC, which has created confusion among states placing American Indian and Alaskan Native children and has created conflicts that result in incomppliance with the Indian Child Welfare Act; and

WHEREAS, S. 2779 and H.R. 4504 are proposing to make changes to the ICPC that will affect foster care and adoptive placements of American Indian and Alaskan Native children across state lines; and

WHEREAS, these bills do not address how tribal participation in these placement decisions will occur or what authority tribal decisions will carry (e.g. home studies of prospective foster care or adoptive homes).

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NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support the following amendments that will authorize states to accept tribal home studies of tribal foster care and adoptive homes where American Indian and Alaskan Native children might be placed:

Suggested amendments to S. 2779 and H.R. 4504

Section 4(a)(1)(C) adds a new paragraph (26) to 42 USC 671(a)

In clause (B) of proposed new clause (26), add the following:

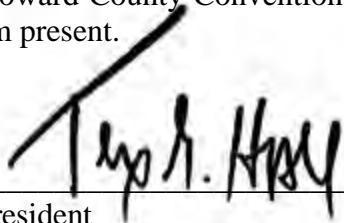
(B) the State shall treat any report described in subparagraph (A) that is received from another State **or an Indian Tribe** (or from a private agency under contract with another State) as meeting any requirements imposed by the State for the completion of a home study before placing a child in the home, unless, within 7 days after receipt of the report, the State determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child; and

Section 4(a)(2)(B) add the following after the word "State":

- 2) SENSE OF THE CONGRESS- It is the sense of the Congress that each State should--
 - (A) use private agencies to conduct home studies when doing so is necessary to meet the requirements of section 471(a)(26) of the Social Security Act; and
 - (B) give full faith and credit to any home study report completed by any other State **or Indian Tribe** with respect to the placement of a child in foster care or for adoption.

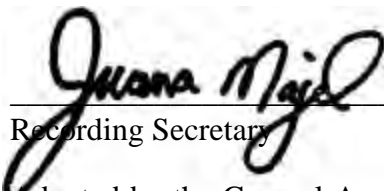
CERTIFICATION

The foregoing resolution was adopted at the 61st Annual Session of the National Congress of American Indians, held at the Greater Fort Lauderdale/Broward County Convention Center, Fort Lauderdale, Florida on October 10-15, 2004 with a quorum present.



 President

ATTEST:



 Recording Secretary

Adopted by the General Assembly during the 2004 Annual Session of the National Congress of American Indians, held from October 10th to the 15th at the Greater Fort Lauderdale/Broward County Convention Center in Fort Lauderdale, Florida.