



# NATIONAL CONGRESS OF AMERICAN INDIANS

## THE NATIONAL CONGRESS OF AMERICAN INDIANS

### RESOLUTION #MSH-01-040

**Title: In Support of the Enhancement of Resources to Assist Tribal Courts in Implementing the Indian Child Welfare Act, 25 U.S.C. §§ 1901 *et seq.***

**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 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, largest, and most representative national American Indian and Alaska Native tribal government organization; and

**WHEREAS**, the Indian Child Welfare Act (ICWA), 25 U.S.C. §1901, recognizes that there is no resource more vital to the continued existence and integrity of Indian tribes than their children; and

**WHEREAS**, the most recent data shows that the number of America's children in substitute care decreased by 13 percent, but for Indian children there is a 25 percent increase; and

**WHEREAS**, Indian children comprise 0.9 percent of all American children between the ages of 0 to 17, but constitute 3.1 percent of all children in substitute care which means Indian children are put in substitute care at a rate 3.6 times greater than the rate for all children; and

**WHEREAS**, at least 9005 Indian children are in the care of public agencies and 52 percent are in non-Indian, public care programs; and

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Lumbee

NCAI HEADQUARTERS  
1301 Connecticut Ave., NW  
Suite 200  
Washington, DC 20036  
202.466.7767  
202.466.7797 fax  
www.ncai.org

**WHEREAS**, Indian tribes, through their tribal courts, attorneys, and social workers, often respond to the receipt of statutory notice under the ICWA by intervening in state court proceedings to protect their interest in the children of the tribe; and

**WHEREAS**, such tribal courts and tribal officials need resources and assistance in intervening in such state court proceedings and exercising their federal rights under the ICWA such as moving the state court to transfer jurisdiction of the state court proceeding to tribal court; and

**WHEREAS**, it would be beneficial to tribal courts and tribal officials to have a resource guide to assist in accessing such state court proceedings.

**NOW THEREFORE BE IT RESOLVED**, that NCAI does hereby support the development of such resource guide; and

**BE IT FINALLY RESOLVED**, that NCAI does hereby support this resolution to work with tribes, and the Native American Rights Fund, and other national Indian organizations to carry out the goals of this resolution.

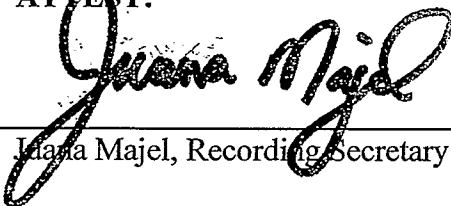
**CERTIFICATION**

The foregoing resolution was adopted at the 2001 Mid-Year Session of the National Congress of American Indians, held at Foxwoods Resort Casino in Mashantucket, Connecticut on May 13-16, 2001, with a quorum present.



Susan Masten, President

ATTEST:

  
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Juana Majel, Recording Secretary

Adopted by the General Assembly during the 2001 Mid-Year Session of the National Congress of American Indians, held in Mashantucket, Connecticut on May 13-16, 2001.