



UNITED SOUTH AND EASTERN TRIBES, INC.

Resolution No. USET 98:02

SUPPORT FOR ICWA AMENDMENTS: H.R. 1082 AND S. 569

WHEREAS, the United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-three (23) federally recognized tribes; and

WHEREAS, the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors is comprised of delegates from the member tribes leadership; and

WHEREAS, the USET Board of Directors is dedicated and committed to the needs of its tribes and members to the goal of preserving the sovereignty, inherent rights, integrity, and stability of our Indian children and families; and

WHEREAS, the *Indian Child Welfare Act of 1978* [ICWA] was designed in consultation with Tribes and was enacted to support Tribes in the protection of their children from unjust removal and to strengthen their families; and

WHEREAS, the 104th Congress, the House of Representatives, in Title III of the *Adoption and Stability Act of 1996*, passed amendments to ICWA which would have seriously limited the ability of Indian Tribes to participate in foster care and adoption decision-making affecting their children; and

WHEREAS, various members of both the House and Senate continue to advocate for either complete repeal of the ICWA or other legislation that would seriously limit Tribal involvement in foster care and adoption proceedings affecting their children; and

WHEREAS, the USET Board of Directors at their Semi-Annual Meeting in Bangor, ME on June 21, 1996 considered and endorsed alternative amendments to ICWA [see Resolution 96:34] which were the result of a one-year process of discussion between Tribal representatives, the National Congress of American Indians and the American Academy of Adoption Attorneys; and

WHEREAS, those “amendments” have been introduced in the 105th Congress by Congressmen Young and Miller as H.R. 1082 and Senators McCain, Campbell, Domenici and Dorgan as S. 569; and

WHEREAS, H.R. 1082 and S.569, drafted by Tribes and Indian organizations in consultation with representatives of leading adoption attorney organizations, include the following elements:

- Requires notice to Indian Tribes and extended family members, as defined by the respective Tribe receiving notice, in all voluntary child custody proceedings.
- Provides for criminal sanctions for anyone who assists a person to conceal their Indian ancestry for the purpose of avoiding the application of the ICWA.
- Authorizes state courts to enter orders allowing for continuing contact between Tribes and their children who were adopted.
- Provides for certain provisions placing time limits on the Tribal and extended family right to intervene in voluntary child custody proceedings and the right of unwed fathers to acknowledge paternity; and

“Because there is strength in Unity”

(USET 98:02)

- Mandates that the judge in a termination of parental rights or adoption proceeding assure that the parents of an Indian child have been informed of their ICWA rights; and

WHEREAS, Courts in several states have interpreted the ICWA as not applying to Indian children who have not been in the custody of an “existing Indian family”; and

WHEREAS, this State Court concept of “existing Indian family” removes many Indian children from the protection of ICWA and from any relationship with their Tribes and for this reason is universally opposed by Tribes; therefore, be it

RESOLVED, the USET Board of Directors again endorses the above mentioned tribally initiated amendments to the ICWA as proposed in H.R. 1082 and S. 569 and calls upon the 105th Congress to enact this legislation; be it further

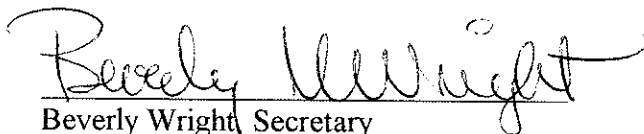
RESOLVED, that the USET Board of Directors call upon the Congress to review the “existing Indian family” interpretation of ICWA and consider future legislation that would apply ICWA to all “Indian children” as that term is defined in ICWA.

CERTIFICATION

This resolution was duly approved at the USET Annual Meeting, at which a quorum was present in Philadelphia, Mississippi on Thursday, October 30, 1997.



Keller George, President
United South and Eastern Tribes, Inc.



Beverly Wright, Secretary
United South and Eastern Tribes, Inc.