

# The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES



*A Resolution in Support of the Indian Child Welfare Act (25 CFR 23) and Opposing the Actions of Parties to Weaken and Dilute the Indian Child Welfare Act in its present form*

## Resolution No. 15-25



**WHEREAS**, the Inter-Tribal Council of the Five Civilized Tribes (ITC) is an organization that unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations, representing over 500,000 Indian people throughout the United States; and,



**WHEREAS**, the Inter-Tribal Council is the nationally recognized voice of the Five Civilized Tribes; and,



**WHEREAS**, the Indian Child Welfare Act (ICWA) is a federal law that seeks to keep American Indian children with American Indian families and Congress passed ICWA in 1978 in response to the alarmingly high number of Indian children being removed from their homes by both public and private agencies; and,



**WHEREAS**, the intent of Congress under ICWA was to "protect the best interests of Indian children and to promote the stability and security of Indian tribes and families" (25 U.S.C. § 1902). ICWA sets federal requirements that apply to state child custody proceedings involving an Indian child who is a member of or eligible for membership in a federally recognized tribe; and,

**WHEREAS**, Congress noted that the States, exercising their recognized jurisdiction over Indian child custody proceedings through administrative and judicial bodies, have often failed to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families; and,

**WHEREAS**, ICWA is an integral policy framework on which tribal child welfare programs rely. It provides a structure and requirements for how public and private child welfare agencies and state courts view and conduct their work to serve tribal children and families; and,

**WHEREAS**, a renewed commitment to full implementation of the Indian Child Welfare Act will result in the preservation of the rights, culture, connections, and traditions of Indian children and their families; and,

**WHEREAS**, ICWA is being opposed by some states and private parties, who are challenging the process under ICWA by filing lawsuits and in giving

oral testimony to the BIA against the proposed rules to strengthen ICWA in state courts; and,

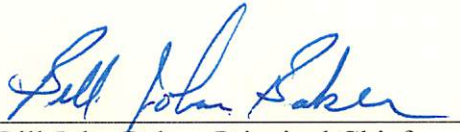
**WHEREAS**, the Inter-Tribal Council supports the proposed rules strengthening the Indian Child Welfare Act (25 CFR 23) and also supports the ICWA in its present form to keep American Indian children in Indian communities; and,

**WHEREAS**, the Inter-Tribal Council will submit this resolution in order for the Oklahoma Legislature, other Tribal Nations, parties in litigation over ICWA and other states to be aware of the support for ICWA in Oklahoma.

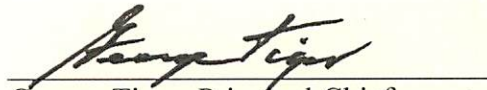
**NOW THEREFORE BE IT RESOLVED THAT**, the Inter-Tribal Council of the Five Civilized Tribes is adamantly opposed to any parties weakening the rules governing the Indian Child Welfare Act (25 CFR 23) of the Bureau of Indian Affairs, U.S. Department of the Interior and greatly support the Indian Child Welfare Act in spirit, substance and form.

#### CERTIFICATION

The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Shawnee, Oklahoma on this 10<sup>th</sup> day of July, 2015, by a vote of all for Ø against and Ø abstentions.



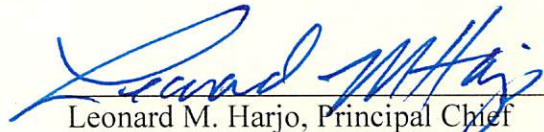
Bill John Baker, Principal Chief  
Cherokee Nation



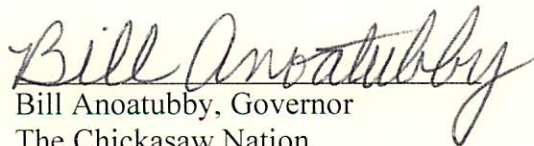
George Tiger, Principal Chief  
Muscogee (Creek) Nation



Gary Patton, Chief  
Choctaw Nation of Oklahoma



Leonard M. Harjo, Principal Chief  
Seminole Nation of Oklahoma



Bill Anoatubby, Governor  
The Chickasaw Nation