

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

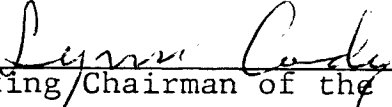
WHEREAS, the Tribal Council of the White Mountain Apache Tribe has by prior resolution approved the enactment and posting of proposed ordinance known as the White Mountain Apache Indian Child Welfare Act, and


WHEREAS, the proposed aforementioned ordinance has been posted for ten (10) days as required by the White Mountain Apache Tribal Constitution and By-Laws, and

WHEREAS, the Tribal Council finds that no argument has been voiced or filed opposing final passage of the White Mountain Apache Indian Child Welfare Act.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the White Mountain Apache Indian Child Welfare Act is hereby enacted effective, August 6, 1981.

The foregoing resolution was on August 6, 1981 duly adopted by a vote of 6 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Acting Chairman of the Tribal Council


Secretary of the Tribal Council

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AUG 13 1981

FORT APACHE INDIAN
AGENCY
MOUNTAIN RIVER, ARIZ.

Resolution No. 81-203

ORDINANCE OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

AUG 13 1981
FORT APACHE INDIAN
AGENCY
WHITERIVER, ARIZ.

BE IT ENACTED by the Tribal Council of the White Mountain Apache Tribe, regularly assembled, July 1, 1981, that a White Mountain Apache Indian Child Welfare Ordinance be established as follows:

WHITE MOUNTAIN APACHE TRIBE INDIAN CHILD WELFARE ORDINANCE

SECTION I. PURPOSE AND INTENT

The purpose of this White Mountain Apache Tribe Indian Child Welfare Ordinance is to protect the best interests of White Mountain Apache children and to promote the stability and security of the White Mountain Apache Tribe and the families constituting the Tribe. The Tribal Council hereby declares that it has always been the policy of the White Mountain Apache Tribe before the enactment of the Indian Child Welfare Act of 1978 and continuing thereafter the enactment of said Act, to protect the best interest of its children and to promote the stability and security of the Tribe and families. Furthermore, the Tribal Council hereby declares that there is no resource that is more vital to the continued existence and integrity of the White Mountain Apache Tribe and is enacting this ordinance in order to halt the number of Tribal families which are broken up by the removal, often unwarranted, of their children from them by non-tribal public and private agencies which place such children in non-Indian foster and adoptive homes and institutions; and further to halt and correct the failure of the various states of these United States, in the exercise of their jurisdiction over Indian child custody proceedings through their administrative and judicial bodies, for failing to recognize the essential Tribal relations of the White Mountain Apache people and the cultural and social standards prevailing in the White Mountain Apache Tribal community and its families.

The Tribal Council of the White Mountain Apache Tribe, hereby recognizes and supports Public Law 95-608, dated November 8, 1978 (95 Stat. 3069) cited as the "Indian Child Welfare Act of 1978" and further recognizes that the Act has conferred upon Indian Tribes certain authorities and responsibilities relating to the welfare of children of several tribes; and further recognizes that its responsibilities and concern for the welfare of the children of the Tribe would be best served through the Tribal Judicial system which can implement as it always has, the Indian Child Welfare Act of 1978 and the rules and regulations promulgated by the Secretary of the Interior in Title 25 CFR parts 13 and 23 as well as the recommended guide lines for state courts-Indian child custody proceedings.

SECTION II. DEFINITIONS

courts-Indian child custody proceedings.

SECTION III. TRIBAL COURT AUTHORITY

A. The Tribal Court of the White Mountain Apache Tribe is hereby delegated by the Tribal Council all authority and responsibility conferred upon the White Mountain Apache Tribe by the Congress of the United States under the Indian Child Welfare Act to administer said Act and the rules and regulations promulgated thereunder.

B. The exercise of the authorities and responsibilities delegated by this Ordinance, shall be under the jurisdiction of the Tribal Court sitting as a Juvenile Court, following the Juvenile Code provided, that the provisions of the Indian Child Welfare Act of 1978 and the rules and regulations promulgated thereunder shall prevail.

C. The Tribal Court exercising the authorities and responsibilities delegated by this Ordinance shall use all of the resources of the Tribe, Federal Government and State or local agencies which are available to contribute to the final decision upon which the future life of any child may depend in a child custody proceeding.

SECTION IV. MONTHLY REPORTS

The Tribal governing body shall be furnished with a monthly report from the Tribal Courts on all actions taken under this delegation of authority.

SECTION V. APPEALS

Following all appeals from the decision of the Tribal Judiciary based upon appeal from the Tribal Court, an agrieved person may have one final appeal to the Tribal governing body whose decision shall be final.

SECTION VI. RELATIONSHIP WITH STATE COURTS

The Tribal governing body may in its discretion and when it determines to be in the best interest of its children, may assist the Tribal Courts in their relationships with state courts and enter into any agreements with the various state governments when necessary to carry out the purposes of this Ordinance.

SECTION VII. SEPARABILITY

If any provision of this Ordinance, or the application thereof, is held invalid, the remainder of this Ordinance, or other applications of such provisions shall

The foregoing Ordinance was on August 6, 1981 duly enacted by a vote of 6 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (a,p,q &u) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

Lynn Cody
Acting Chairman of the Tribal Council

Mary C. Endfield
Secretary of the Tribal Council