

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

- WHEREAS, the United States Congress is now considering legislation that will amend the Indian Child Welfare Act (ICWA) as proposed by H.R. 1448 introduced by Congresswoman Pryce of Ohio and S. 764 sponsored by Senator Glenn from Ohio; and
- WHEREAS, the proposed legislation will severely limit the number of Indian children who receive the protection of the ICWA by (1) changing the definition of "Indian child" to exclude a child eligible for membership in a tribe if the child's parents were not a member of the tribe at the time of the child's birth; and (2) allowing state courts to review challenges to tribal determinations of membership; and
- WHEREAS, the proposed legislation would undermine the congressional intent of the ICWA to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families; and
- WHEREAS, there is no resource that is more vital to the continued existence and integrity of the White Mountain Apache Tribe than its children and families and it has always been the policy of the White Mountain Apache Tribe to protect the best interest of its children and to promote the stability and security of the Tribe and its families; and
- WHEREAS, the Tribal Council recognizes the importance of the ICWA to curtail the number of tribal families which are broken up by the removal, often unwarranted, of their children by non-tribal public and private agencies which place children in non-Indian foster and adoptive homes and institutions, and further to remedy the failure of states 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; and
- WHEREAS, the National Indian Child Welfare Association has drafted proposed alternative ICWA amendments which would:
- (1) require notice to Indian tribes and certain extended family members in all voluntary child custody proceedings;
 - (2) bring under the ICWA all children whose parents are tribal members regardless of whether the child is eligible for membership;

- (3) provide for criminal sanctions for anyone who assist a person to lie about their Indian ancestry for the purposes of avoiding the application of the ICWA;
- (4) include a clarification of tribal exclusive jurisdiction over involuntary custody proceedings in P.L. 280 states; and
- (5) provide a provision authorizing state courts to enter orders allowing for continuing contact with tribes and their children who were adopted; and

WHEREAS, the Tribal Council supports the ICWA and recognizes that the Act has conferred upon Indian Tribes certain authority and responsibilities relating to the welfare of its children and further recognizes that the responsibilities and concern for the welfare of the children of the Tribe would be best served through the tribal judicial system; and

WHEREAS, the Tribal Council agrees that the National Indian Child Welfare Association's proposed amendments to the ICWA strengthen the purpose of the Act and are in the best interest of the White Mountain Apache children and families; and

WHEREAS, the Tribal Council supports the attached proposed amendments to the ICWA as drafted by the National Indian Child Welfare Association.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby adamantly opposes H.R. 1448 and S. 764 and fully supports the proposed amendments to the ICWA drafted by the National Indian Child Welfare Association attached hereto and made a part of this resolution.

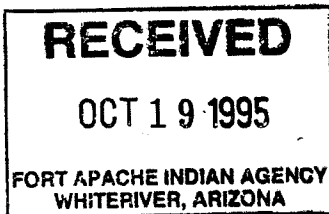
BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs that this resolution be forward to Senator John Glenn, S.H. 503 Hart Senate Office Building, Washington, D.C. 20515-3515 and Congresswoman Deborah Pryce, 221 Cannon House Office Building, Washington, D.C. 20515-3515.

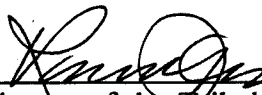
BE IT FURTHER RESOLVED by the Tribal Council that it further directs that a copy of this resolution be sent to Kathy Deserly and David Simmons, National Indian Child Welfare Association, 3611 SW Hood Street, Suite 201, Portland OR 97201 and to Polly Sharp, Inter Tribal Council of Arizona, Inc., 4205 North 7th Avenue, Suite 200, Phoenix, Arizona 85013.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs that a copy of this Resolution be sent to the Arizona Congressional Delegation and the State

Legislators with a request that they utilize their good offices to oppose H.R. 1448 and S. 764.

The foregoing resolution was on October 12, 1995 duly adopted by a vote of 8 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (p), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).




Chairman of the Tribal Council


Secretary of the Tribal Council