



# WHITE MOUNTAIN APACHE TRIBE

## A Sovereign Tribal Nation

### **(Approving a Memorandum of Agreement between the White Mountain Apache Tribe and the Arizona Department of Child Safety, Regarding Indian Child Welfare Act Cases)**

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**WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(b) that the Tribal Council (“Council”) shall exercise the power, “To negotiate, make and perform contracts and agreements of every description, not inconsistent with federal law or this constitution, with... the United States, including agreement with the State of Arizona for rendition of public services”; and

**WHEREAS,** Arizona Department of Child Safety (“AZDCS”) and the Tribe’s Social Services Department have been negotiating a draft Indian Child Welfare Act (“ICWA”) Memorandum of Agreement (“Draft Agreement”) (attached and incorporated herein by reference), which they present, this day, to Council for approval; and

**WHEREAS,** The Draft Agreement specifies the ways which the Tribe’s Social Services Department and AZDCS will work cooperatively in all cases to which ICWA applies and to which the Tribe has the right to intervene to protect the best interests of each White Mountain Apache child and the legal rights of their parents or Indian custodian(s); and

**WHEREAS,** Entering an MOU with the state is a way to protect Apache children who become involved in the state child welfare system regardless of the outcomes of the current Supreme Court challenge to ICWA or the state ICWA bill; and

**WHEREAS,** The Draft Agreement does not require the commitment of any additional Tribal funds, but does contain a limited waiver of sovereign immunity for the purposes of allowing arbitration, per the standard language contained in all agreements with the State of Arizona; and

**WHEREAS,** After careful review and consideration, the Council finds that approving the Draft Agreement will allow the Tribe to protect and further the best interests of White Mountain Apache children and their families, and is in the best interests of the Tribe and its members.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the attached Memorandum of Agreement between the Tribe and the Arizona Department of Child Safety regarding cooperation in Indian Child Welfare Act cases is hereby approved.

**Resolution No. 12-2022-286**

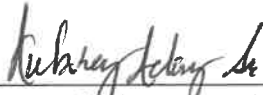
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribal Social Services Department to modify the MOU as needed, provided that any substantive changes are subject to review and approval by the Tribal Council.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on DECEMBER 7, 2022 duly adopted by a vote of NINE for, ZERO against, and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

  
Kasey Velasquez, Chairman  
*Acting Chairman*

12/13/22  
Date

  
Vaneyssa Johnson, Tribal Secretary

12/13/2022  
Date