

Committee: Rules Committee

Date: 09-11-13 Committee Date: 09-26-13

Author: Lou Stretch

Sponsor: T. Glory Jordan, D. Walkingstick, J. Byrd, F. Hargis, J. Fishinghawk,
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V. Vazquez, J. Taylor, L. Keener, C. Cowan Watts, J. Coates,
J. D. Baker

RESOLUTION NO. 03-14

COUNCIL OF THE CHEROKEE NATION

**A RESOLUTION CHANGING THE PLACEMENT PREFERENCES
OF INDIAN CHILDREN**

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of the self-government in behalf of Cherokee people; and

WHEREAS, the Cherokee Nation is a federally recognized Indian Nation with a historic continual government to government relationship with the United States of America; and

WHEREAS, the federal Indian Child Welfare Act of 1978 recognizes “that there is no resource that is more vital to the continued existence and integrity of Indian Tribes than their children.” and

WHEREAS, every Cherokee child has a right to be raised in a home that embraces their unique cultural heritage; and

WHEREAS, the federal Indian Child Welfare Act of 1978 specifically authorizes Tribes to intervene in child custody proceedings in state court and gives power to the tribe to utilize the Act’s provisions to protect its children; and

WHEREAS, the federal Indian Child Welfare Act of 1978, Title 25, Chapter 21, §1915 (c); authorizes in the case of a placement under subsection (a) or (b) of this section, if the Indian child’s tribe shall establish a different order of preference by resolution, the agency or court effecting the placement shall follow such order so long as the placement is the least restrictive setting appropriate to the particular needs of the child, as provided in subsection (b) of this section.

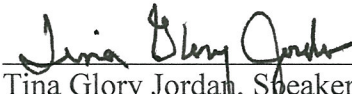
BE IT RESOLVED BY THE CHEROKEE NATION, that pursuant to the federal Indian Child Welfare Act, United States Code Title 25, Indians Chapter 21, 1915 Placement of Indian Children; the Cherokee Nation changes the placement preferences for Cherokee Children under 1915 (a) adoptive placements preferences. In any adoptive placement of a Cherokee child under state law, a preference shall be given, in the absence of good cause to the contrary, to a placement with (1) a biological parent or parents (2) a member of the child’s extended family; (3) other members of the Cherokee Nation; or (4) other Indian families.

BE IT FURTHER RESOLVED BY THE CHEROKEE NATION, that pursuant to the federal Indian Child Welfare Act, United States Code Title 25, Indians Chapter 21, 1915 Placement of Indian Children; the Cherokee Nation changes the placement preferences for Cherokee Children as provided under Section 1915 (b) Foster care or preadoptive placements; criteria; Any child accepted for foster care or preadoptive placement shall be placed in the least restrictive setting which most approximates a family and in which his special needs, if any, may

be met. The child shall also be placed within reasonable proximity to his or her home, taking into account any special needs of the child. In any foster care or preadoptive placement, a preference shall be given, in the absence of good cause to the contrary, to a placement with (1) a biological parent or parents; (2) a member of the Cherokee child's extended family; (3) a foster home licensed, approved, or specified by the Cherokee child's tribe; (4) an Indian foster home licensed, approved by an authorized non-Indian licensing authority and approved by the tribe; or (5) an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Cherokee child's needs.

CERTIFICATION

The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 13th day of January, 2014, having 17 members present, constituting a quorum, by the vote of 17 yea; 0 nay; 0 abstaining.



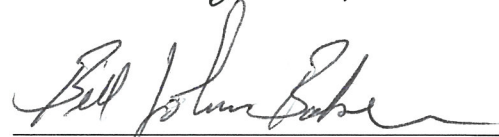
Tina Glory Jordan, Speaker
Council of the Cherokee Nation

ATTEST:




Jodie Fishinghawk, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 20 day of January, 2014.



Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:



Chuck Hoskin, Jr., Secretary of State
Cherokee Nation 