



# Council of the Cherokee Nation

Cherokee Nation Tribal  
Council  
17763 S. Muskogee Ave.  
Tahlequah, OK 74464

## Legislation Details (With Text)

<b>File #:</b>	20-044	<b>Version:</b>	1	<b>Name:</b>	N/A
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Passed
<b>File created:</b>	8/11/2020	<b>In control:</b>		<b>In control:</b>	TRIBAL COUNCIL
<b>On agenda:</b>	8/27/2020	<b>Final action:</b>		<b>Final action:</b>	8/31/2020
<b>Enactment date:</b>	8/27/2020	<b>Enactment #:</b>		<b>Enactment #:</b>	R-028-20
<b>Title:</b>	A RESOLUTION SUPPORTING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CHEROKEE NATION AND THE STATE OF OKLAHOMA REGARDING JURISDICTION OVER INDIAN CHILDREN WITHIN THE CHEROKEE NATION RESERVATION				
<b>Sponsors:</b>	Janees Taylor, Canaan Duncan, Daryl Legg, Victoria Vazquez, Joe Deere, Rex Jordan, E. O. "JR." Smith, Dora Patzkowski, Mike Dobbins				
<b>Indexes:</b>	Agreement, Indian Child Welfare, Jurisdiction, State of Oklahoma				
<b>Code sections:</b>	N/A - Not Applicable				
<b>Attachments:</b>	1. R-28-20.PDF				

Date	Ver.	Action By	Action	Result
8/31/2020	1	OFFICE OF THE CHIEF	Signed	
8/27/2020	1	TRIBAL COUNCIL	Approved	Pass
8/27/2020	1	RULES COMMITTEE	Approved and Forwarded to Council	Pass

### **A RESOLUTION SUPPORTING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CHEROKEE NATION AND THE STATE OF OKLAHOMA REGARDING JURISDICTION OVER INDIAN CHILDREN WITHIN THE CHEROKEE NATION RESERVATION**

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

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

**WHEREAS**, the federal Indian Child Welfare Act, 25 U.S.C. Section 1901, et seq. ("ICWA"), grants exclusive jurisdiction for child custody proceedings to the Cherokee Nation over all Indian children living on the Cherokee Nation's Reservation;

**WHEREAS**, ICWA, Section 1919, allows tribes and the state to enter into agreements regarding said jurisdiction;

**WHEREAS**, in order to ensure that Cherokee and other Indian children continue to benefit from state foster care resources and are protected on the Cherokee Nation's reservation, and to avoid disruption of ongoing and finalized cases, it is beneficial for the Cherokee Nation to enter into such a jurisdictional agreement with the State of Oklahoma;

**WHEREAS**, the Cherokee Nation Indian Child Welfare Act, 10 CNCA §40.7 authorizes the Principal Chief of the Cherokee Nation to enter into agreements between the Cherokee Nation and the State of Oklahoma that regarding care and custody of Indian children as authorized by the federal Indian Child Welfare Act, 25 U.S.C.

§1919;

**BE IT RESOLVED BY THE CHEROKEE NATION**, that the Cherokee Nation Tribal Council hereby supports the “Intergovernmental Agreement Between the State of Oklahoma and the Cherokee Nation Regarding Jurisdiction Over Indian Children Within the Tribe’s Reservation.”