



RESOLUTION IN SUPPORT OF FULL IMPLEMENTATION OF THE INDIAN CHILD WELFARE ACT

WHEREAS, with the passage of the Indian Child Welfare Act (ICWA) of 1978, Congress declared that there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children and that the United States has a direct interest, as trustee, in protecting Indian children who are members of or are eligible for membership in an Indian tribe; and

WHEREAS, Congress found that an alarmingly high percentage of Indian families are broken up by the removal, often unwarranted, of their children from them by nontribal public and private agencies and that an alarmingly high percentage of such children are placed in non-Indian foster and adoptive homes and institutions; and

WHEREAS, Indian children are over represented in the foster care system; and

WHEREAS, Congress noted that the States, exercising their recognized jurisdiction over Indian child custody proceedings through administrative and judicial bodies, have often failed to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families; and

WHEREAS, a renewed commitment to full implementation of the Indian Child Welfare Act will result in the preservation of the rights, culture, connections, and traditions of Indian children and their families.

WHEREAS, full implementation of the Indian Child Welfare Act requires inquiry into the child's Indian ancestry, notice to tribes, active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, a high standard of proof based on testimony of a qualified expert witness before removal or termination of parental rights, and placement preferences with Indian families or other tribal families, and provisions for exclusive tribal jurisdiction and intervention.

BE IT THEREFORE RESOLVED AS FOLLOWS:

That the National Council of Juvenile and Family Court Judges (NCJFCJ) believes that full implementation of the Indian Child Welfare Act should be a priority for all state courts;

That NCJFCJ encourages states to adopt ICWA in its entirety in state law;

That NCJFCJ encourages all judges to receive training on the ICWA, including the effects of historical trauma, and the effects of separation from family, culture and tradition;

That NCJFCJ encourages state Court Improvement Programs to work in meaningful collaboration with tribes to develop strategic plans to effect full implementation of the Act, including data collection to track progress;

That NCJFCJ encourages courts to develop statutes and court rules to enable and welcome tribal attorneys and qualified expert witnesses in other states to appear in court on behalf of the tribe, allowing and providing for telephonic appearance when needed;

That NCJFCJ commits to working closely with state courts, Indian tribes, and tribal organizations to achieve full implementation of the Act and track progress of that implementation.

Adopted by the NCJFCJ Board of Trustees during their Annual Meeting, July 13, 2013, Seattle, Washington.