

RESOLUTION NO. 497-09

WHEREAS, the Standing Rock Sioux Tribe is an unincorporated Tribe of Indians, having accepted the Indian Reorganization Act of June 18, 1934, with the exception of Section 16; and the recognized governing body of the Tribe is known as the Standing Rock Sioux Tribal Council; and

WHEREAS, the Standing Rock Sioux Tribal Council, pursuant to the amended Constitution of the Standing Rock Sioux Tribe, Article IV, Section 1[a], 1[c], and 1[o], is empowered to negotiate with Federal, State and local governments and others on behalf of the Tribe; to promote and protect the health, education and general welfare of the members of the Tribe and to administer services that may contribute to the social and economic advancement of the Tribe and its members; and, to safeguard and promote the peace, safety, morals, physical and general welfare of the members of the Tribe; and

WHEREAS, the Standing Rock Sioux Tribal Council hereby acknowledges that the children of this Tribe represent the hope and future of this Nation and that its continued existence rests with the children; and

WHEREAS, in order to have healthy children, it is necessary for parents, grandparents, extended families and relatives to raise their children and repair the terrible damage done to the children, to renew the traditional value systems and customary law as well as reinstate the kinship rules that apply to children and families; and

WHEREAS, P.L. 95-608, the Indian Child Welfare Act, [ICWA], was passed thirty years ago [1978] and states that which Indian Children are removed from their parents for legitimate reasons, family members and Tribal members had preference in the placement of these children; and

WHEREAS, Native youth suicides are alarmingly high in South Dakota, and most Native youth who are raised in institutional settings, a large number in South Dakota, are pushed out at age 18 years, with very little education, with no community, unable to function effectively in society and become involved in drugs, alcohol and crime; and

WHEREAS, an Amendment to P.L. 95-608, the Indian Child Welfare Act, reflects and enforces the original intent of ICWA; and

WHEREAS, an Amendment to P.L. 95-608, Section 1914, will give grandmothers and grandfathers, aunties and uncles and all relatives a PRIVATE RIGHT OF ACTION to pursue legal action if placement of a relative child with them was unfairly denied; and

WHEREAS, the current Indian Child Welfare Act, Section 1914 reads "*Any Indian Child who is the subject of any action for foster care placement or termination of parental rights under State Law; any parent or Indian custodian from whose custody of such a child was removed; and the Indian child's Tribe, may petition any court*

of competent jurisdiction to invalidate such action upon a showing that such action violated any provision of Sections 1911, 1912, and 1913 of this title"; and

WHEREAS, past attempts to amend the Indian Child Welfare Act, have never originated in Indian Country, but as a response to high profile ICWA cases that intended to weaken the protections set out by the Indian Child Welfare Act:

NOW THEREFORE BE IT RESOLVED, that the Standing Rock Sioux Tribal Council, hereby urges a Legislative Amendment to P.L. 95-608, the Indian Child Welfare Act, to make the "placement preference" enforceable by lawsuits by family overlooked in placement decisions: and

BE IT FURTHER RESOLVED, that the Standing Rock Sioux Tribal Council, hereby urges the Congress of the United States, to legislate an Amendment to P.L. 95-608, the Indian Child Welfare Act, to read:

"Any Indian child who is the subject to any action for foster care placement or termination of parental rights under State Law, any parent or Indian custodian from whose custody of such a child was removed, any individual Indian person to whom custody of such and Indian child was withheld who falls within the definition of and "Indian Person" who is entitled to "perferred placement" of such an Indian child, and the Indian child's Tribe, may petition any Federal Court having lawful venue over any such action to invalidate such action upon a showing that such action violated any provision of Sections 1911, 1912, 1913, 1915 and 1916 of P.L. 95-608, the Indian Child Welfare Act"; and

BE IT FURTHER RESOLVED, that the Standing Rock Sioux Tribal Council hereby urges the Congress of the United States to earmark an annual appropriation for the purposes of this act: and

BE IT FURTHER RESOLVED, that the Standing Rock Sioux Tribal Council petitions the Great Plains Regional Tribal Chairman's Association and the National Congress of American Indians to assist the Standing Rock Sioux Tribe, all other Tribes to pursue this Amendment: and

BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Tribal Council are hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.

CERTIFICATION

We, the undersigned, Chairman and Secretary of the Tribal Council do hereby certify that the Tribal Council is composed of [17] members of whom 14 constituting an quorum, were present at a meeting, thereof, duly are regularly called, noticed, convened and held on the 2nd day of JULY, 2009, and that the foregoing resolution was adopted by the affirmative vote of 12 members, with 0 opposing, and with 2 not voting. THE CHAIRMAN'S VOTE IS NOT REQUIRED EXCEPT IN CASE OF A TIE.

DATED THIS 2nd DAY OF JULY, 2009.

ATTEST:


Ron His Horse is Thunder, Chairman
Standing Rock Sioux Tribe


Geraldine Agard, Secretary
Standing Rock Sioux Tribe

[Official Tribal Seal]

Meeting Date: 07-02-2009
Motion # 21