

STATE OF ALASKA THE LEGISLATURE

1992

Source

CSHJR 73(HES) am

**Legislative
Resolve No.**

68



Urging appropriate officials to review implementation of the Indian Child Welfare Act.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act) (ICWA) requires that adoption and custody proceedings for an Alaska Native child be conducted in a way that emphasizes the child's tribal heritage and the rights of the child's tribe or village to intervene in the proceedings to protect the tribe's or village's rights; and

WHEREAS ICWA's purpose was to protect American Indian and Alaska Native children from being removed from their tribes or villages due to social, emotional, or family problems; and

WHEREAS the effect of ICWA has been that placement decisions and social services related to Alaska Native children are handled differently than they are for non-Native children; and

WHEREAS it has been 14 years since passage of ICWA, and no comprehensive study of its effects has ever been done;

BE IT RESOLVED that the Alaska State Legislature urgently requests the Bureau of Indian Affairs, the General Accounting Office of the Congress, and the Joint Federal-State

Commission on Policies and Programs Affecting Alaska Natives to cooperate in a comprehensive review of the implementation of the Indian Child Welfare Act, with particular attention to the following issues:

(1) whether Alaska Native children are being well protected by ICWA and whether improvements could be made in ICWA so that Alaska Native children are better protected;

(2) whether tribes and villages are aided by ICWA in maintaining their cultural integrity;

(3) whether Alaska Natives or others have personal comments to make about implementation of ICWA and whether ICWA has caused any problems;

(4) whether related funding and provision of social services to strengthen Alaska Native families, tribes, and villages has kept pace with the goals of ICWA and the needs of Alaska Natives;

(5) whether, based on the last 14 years of experience in implementing ICWA, changes are now needed in the law to better achieve its purposes.

COPIES of this resolution shall be sent to the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; the Honorable Eddie F. Brown, Assistant Secretary of the Interior, Bureau of Indian Affairs; the Honorable Charles A. Bowsher, Comptroller General, General Accounting Office; the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; Perry Eaton and Mary Jane Fate, co-chairs of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.