

1 A MEMORIAL

2 REQUESTING THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT, IN  
3 CONSULTATION AND COLLABORATION WITH NEW MEXICO'S INDIAN  
4 NATIONS, TRIBES AND PUEBLOS, TO DEVELOP A TRIBAL CUSTOMARY  
5 ADOPTION PLAN, POLICIES AND PROCEDURES AND TO MAKE  
6 LEGISLATIVE RECOMMENDATIONS FOR THE IMPLEMENTATION OF TRIBAL  
7 CUSTOMARY ADOPTION IN STATE COURTS.

8  
9 WHEREAS, the Indian Child Welfare Act of 1978 was  
10 established in federal law in response to the wholesale  
11 removal of Native American children from their families; and

12 WHEREAS, the United States congress recognized the  
13 importance of protecting the rights of Native American  
14 children, and for tribes to protect the best interests of  
15 Native American children and to promote the stability of  
16 Native American tribes and families; and

17 WHEREAS, each Indian nation, tribe and pueblo is a  
18 sovereign, self-governing entity with a unique government,  
19 judicial structure and language with unique customs and  
20 traditions; and

21 WHEREAS, American Indian tribes and communities  
22 historically relied on customary practice and tradition to  
23 provide for the needs of their children through extended  
24 family relationships; and

25 WHEREAS, children represent a connection between the

1 past and the future for the entire tribe or community, and  
2 the welfare of Native American children is a concern of the  
3 entire tribal community; and

4 WHEREAS, federal and state child welfare laws and  
5 policies express a clear preference for termination of  
6 parental rights and adoption of children who cannot be  
7 returned to their families; and

8 WHEREAS, federal and state policies have influenced  
9 tribal customs and traditions, and most tribes now have  
10 relinquishment or termination of parental rights in tribal  
11 law or codes when parents are not able to care for their  
12 children; and

13 WHEREAS, American history has shown that federal and  
14 state policies based on the western concept of "family" have  
15 not worked in tribal communities; and

16 WHEREAS, the children, youth and families department has  
17 a difficult time in finding enough Native American adoptive  
18 families and subsequently has to place Native American  
19 children in non-Native American adoptive homes; and

20 WHEREAS, tribal customary adoption transfers the custody  
21 of a Native American child to the care and protection of  
22 adoptive parents without the termination of rights of the  
23 birth parents, and the child's tribe makes the decision to  
24 consider tribal customary adoption as an alternative  
25 placement option for the state; and

1           WHEREAS, laws allowing tribal customary adoption would  
2 benefit the children, youth and families department by  
3 providing an option in cases under the federal Indian Child  
4 Welfare Act of 1978 for placement preferences;

5           NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
6 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the children,  
7 youth and families department, in consultation and  
8 collaboration with New Mexico's Indian nations, tribes and  
9 pueblos, be requested to develop a tribal customary adoption  
10 plan, policies and procedures and to consider legislative  
11 recommendations for review and approval by New Mexico's  
12 Indian nations, tribes and pueblos and the secretary of  
13 children, youth and families; and

14           BE IT FURTHER RESOLVED that the proposed customary  
15 adoption plan, policies and procedures and legislative  
16 recommendations be presented to the interim legislative  
17 committee dealing with Indian affairs by November 1, 2019;  
18 and

19           BE IT FURTHER RESOLVED that copies of this memorial be  
20 transmitted to the secretary of children, youth and families  
21 and New Mexico's twenty-three Indian nations, tribes and  
22 pueblos. \_\_\_\_\_