

1 A MEMORIAL

2 REQUESTING THAT THE NEW MEXICO TRIBAL INDIAN CHILD WELFARE
3 CONSORTIUM, IN COLLABORATION WITH OTHER CHILD WELFARE
4 ENTITIES, CONDUCT A STUDY, COMPLETE A REPORT AND MAKE
5 RECOMMENDATIONS REGARDING COMPLIANCE WITH THE FEDERAL INDIAN
6 CHILD WELFARE ACT OF 1978 BASED ON THE REPORT'S FINDINGS.
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8 WHEREAS, the federal Indian Child Welfare Act of 1978
9 was passed in response to the wholesale removal of Indian
10 children from their families; and

11 WHEREAS, the United States congress recognized the
12 importance of protecting the rights of Indian children and
13 tribes to protect the best interests of Indian children and
14 to promote the stability of Indian tribes and families; and

15 WHEREAS, each Indian pueblo, tribe and nation in New
16 Mexico is a sovereign, self-governing entity with a unique
17 government, judicial structure and language and unique
18 customs and traditions; and

19 WHEREAS, the disproportionate number of Indian children
20 in New Mexico's child welfare system still persists almost
21 forty years after the Indian Child Welfare Act of 1978 became
22 law; and

23 WHEREAS, while that act was intended to end abusive
24 practices and improve outcomes for Native American families,
25 Native American children are still disproportionately

1 entering foster care, and placement may be outside of their
2 respective Indian families, extended families and tribes; and

3 WHEREAS, there is no definitive data to improve
4 compliance with the Indian Child Welfare Act of 1978, Native
5 American children are still overrepresented in foster care
6 and the percentage of Native American children in foster care
7 is more than twice as high as the percentage of non-Native
8 American children; and

9 WHEREAS, it is well established that when dealing with
10 Indian Child Welfare Act of 1978 cases, it is difficult to
11 generalize about Native American cultural traditions or
12 customs, and it is imperative that tribal entities be
13 included in the process of making recommendations on how to
14 best comply with that act; and

15 WHEREAS, appropriately addressing the needs of Indian
16 children who came into the state's child welfare system
17 because of abuse and neglect has been a priority of New
18 Mexico state and tribal courts, the national Indian child
19 welfare association, the Corinne Wolfe children's law center
20 at the university of New Mexico, New Mexico highlands
21 university, the New Mexico supreme court's court improvement
22 project, the tribal-state judicial consortium and the New
23 Mexico tribal Indian child welfare consortium; and

24 WHEREAS, the Children's Code specifically supports the
25 federal Indian Child Welfare Act of 1978 and serves to

1 mandate compliance; and

2 WHEREAS, though these provisions exist in the Children's
3 Code, the Indian Child Welfare Act of 1978 is not applied
4 consistently throughout the state; and

5 WHEREAS, there must be a concerted effort to strengthen
6 and develop best practices and more consistency in compliance
7 with the Indian Child Welfare Act of 1978; and

8 WHEREAS, the president, vice president of academic
9 affairs, provost and dean of the school of social work at New
10 Mexico highlands university have committed to collaborate
11 with the all pueblo council of governors and New Mexico's
12 Indian pueblos, tribes and nations to develop and establish a
13 Native American social workers' institute at the New Mexico
14 highlands university school of social work to respond to the
15 growing challenges to the Indian Child Welfare Act of 1978
16 statewide;

17 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
18 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New
19 Mexico tribal Indian child welfare consortium, in
20 collaboration with child welfare entities, including the
21 tribal-state judicial consortium, New Mexico partners, the
22 national Indian child welfare association, the Corinne Wolfe
23 children's law center and New Mexico highlands university, be
24 requested to conduct a study, complete a report and make
25 recommendations regarding compliance with the federal Indian

1 Child Welfare Act of 1978 based on the report's findings
2 regarding that act; and

3 BE IT FURTHER RESOLVED that the report be presented to
4 the interim legislative committee dealing with Indian
5 affairs; and

6 BE IT FURTHER RESOLVED that copies of this memorial be
7 transmitted to the co-chairs of the New Mexico legislative
8 council, the interim legislative committee dealing with Indian
9 affairs, the New Mexico tribal Indian child welfare
10 consortium, the tribal-state judicial consortium, New Mexico
11 partners, the national Indian child welfare association, the
12 Corinne Wolfe children's law center and New Mexico highlands
13 university.

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