

**NM INDIAN AFFAIRS COMMITTEE
NATIVE AMERICAN CHILDREN:
TRIBAL & STATE COURTS
OCTOBER 3, 2018**

INTRODUCTION:

"...THESE CHILDREN ARE YOUR YOUNG PARENTS..."

HON. M. PADILLA, ISLETA PUEBLO

THERE ARE MANY MATTERS AFFECTING NATIVE AMERICAN CHILDREN (SUMMARY ONLY):

- INDIAN CHILD WELFARE ACT
- NM CHILDREN'S CODE
- INDIAN EDUCATION ACT
- STATE-TRIBAL COLLABORATION ACT
- *KEVIN S. V. JACOBSON*- FILED IN FED CT. SEPT. 24, 2018,
- *YAZZIE V. STATE OF NM*-THE COLLABORATION; APPEAL: NM LAW & POVERTY CENTER
- TRIBAL /STATE JUDICIAL CONSORTIUM
- NM PARTNERS
- NA BUDGET AND POLICY INSTITUTE
- NATIVE AMERICAN INDIAN COURT JUDGES ASSOCIATION- OCT. 17-19 ISLETA

STATISTICS:

AS A RESULT OF FAILED POLICIES OF ASSIMILATION AND TERMINATION FOR NATIVE AMERICA, THE FOLLOWING STATISTICS MUST BE CONSIDERED:

INCARCERATION:

- WHAT IS HAPPENING TO THE CHILDREN AND FAMILIES?
- 1,045 NA INCARCERATED IN NM (# OF PEOPLE INCARCERATED PER 100,000)ⁱ
- 10 HABEAS CORPUS CASES (APPROX)

EDUCATION:

- NM STUDENT PERFORMANCE DATA CLEARLY SHOWS THAT OUR SCHOOLS ARE IN CRISES
- NM 2017 GRADUATION RATE 2ND WORST IN NATION ABQ. JOURNAL 2017
- NM RANKED 49TH IN NATIONAL EDUCATION REPORT N. MEXICAN 2016
- NA STUDENTS: 63 % GRADUATED FROM HS IN NM; 72% NATIONWIDE ABQ. JOURNAL 2017;

INDIAN CHILD WELFARE (ICWA) (2nd Judicial Court, Albuquerque, NM)¹:

Row Labels	Count of Age
0	12
1	23
2	18
3	28
4	18
5	21
6	14
7	12
8	11
9	16
10	10
11	12
12	11
13	10
14	11
15	9
16	12
17	6
18	3
Grand Total	257

¹ With permission from Veronica Montano Pilch, Executive Director, Kids Matter; interim data from the Second Judicial Court, Albuquerque, NM.

Row Labels	Count of Gender
F	138
M	118
Unk	1
Grand Total	257

Row Labels	Count of Goal Ordered
Adoption	95
Reunification	48
Unk	111
PPLA	3
Grand Total	257

Tribe

120

100

80

60

40

20

0

- Acoma Pueblo
- Cherokee
- Cheyenne
- Cheyenne River- Sioux
- Comanche
- Duckwater Shoshone
- Fort Peck Assiniboine/Sioux
- Hopi
- Isleta Pueblo
- Jemez Pueblo
- Jicarilla Apache
- Laguna
- Laguna - Choctaw
- Laguna Pueblo
- Nambe Pueblo
- Navajo - Checkerboard
- Navajo - Main Reservation
- Navajo - Ramah
- Ogala Lakota
- Onondaga Nation of New York
- Other Native American
- Ponca Tribe of Indians- Oklahoma
- San Felipe Pueblo
- Santo Domingo Pueblo
- Sioux
- Unk
- Zuni Pueblo
- (blank)

Row Labels	Count of Tribe
Acoma Pueblo	6
Cherokee	13
Cheyenne	8
Cheyenne River- Sioux	1
Comanche	2
Duckwater Shoshone	1
Fort Peck Assiniboine/Sioux	3
Hopi	1
Isleta Pueblo	3
Jemez Pueblo	7
Jicarilla Apache	9
Laguna	2
Laguna - Choctaw	3
Laguna Pueblo	8
Nambe Pueblo	1
Navajo - Checkerboard	13
Navajo - Main Reservation	109
Navajo - Ramah	1
Oglala Lakota	3
Onondaga Nation of New York	2
Other Native American	6
Ponca Tribe of Indians- Oklahoma	1
San Felipe Pueblo	2
Santo Domingo Pueblo	11
Sioux	2
Unk	29
Zuni Pueblo	10
(blank)	
Grand Total	257

CHALLENGES:

- LOWER NA FOSTER CARE/ADOPTIONS IN NM; IMPROVE TITLE IV E FUNDING
- USE DATA FROM THE 2ND JUDICIAL AS MODEL FOR OTHER DISTRICTS
- INCREASE HIGH SCHOOL GRADUATION RATE AS WELL AS GRADUATION FROM HIGHER EDUCATION INSTITUTIONS
- SHIFT TO HEALTHIER FAMILIES AND COMMUNITIES- EARLY CHILDHOOD (FOCUS ON NA LANGUAGES AND CULTURAL LITERACY)
- DEVELOP PROCESS FOR FOSTER CHILDREN TO HAVE ACCESS TO HIGHER EDUCATION
- DEVELOP A CULTURALLY RESPONSIVE/THERAPEUTIC COURT PROCESS FOR DEALING WITH CHILDREN, YOUTH AND FAMILY ISSUES
- DECREASE THE SEPARATION OF CHILDREN FROM THEIR FAMILIES
- LOWER INCARCERATION RATE

RECOMMENDATIONS:

- INDIAN CHILD WELFARE COURT (STATE)-PLANNING; DEVELOPMENT OF PROCESS, INCLUDING PEACEMAKING TO HEAR ICWA CASES; FUNDING NEEDED; GATHERING OF NM ICWA DATA;
- WAIVER OF TUITION FOR FOSTER CARE GRADUATES-COST ANALYSIS AND DEVELOPMENT OF PROCESS;
- NM FAMILY PRESERVATION ACT- CHANGE IN LAW
- ICWA CHANGE— "IS THIS AN INDIAN CHILD?" (AT EVERY COURT HEARING) MODELED AFTER TEXAS CHILDREN'S COMMISSION INITIATIVE
- HEALTHIER FAMILIES- "SOVEREIGNTY BEGINS AT HOME"- DEVELOPMENT OF EARLY CHILDHOOD INITIATIVES TO COUNTER ICWA REMOVALS; MOVE TOWARDS HEALTHIER FAMILIES;
- JUVENILE DETENTION ALTERNATIVES FOR YOUTH- DEVELOPMENT OF A MORE THERAPEUTIC APPROACH FOR YOUTH; CONSIDER REVISING STATUTE TO INVOLVE TRIBE EARLY ON-SIMILAR TO ICWA NOTICE PROVISIONS;

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