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HOUSE MEMORIAL 83

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Derrick J. Lente and Georgene Louis and D. Wonda Johnson

A MEMORIAL

REQUESTING THAT THE NEW MEXICO TRIBAL INDIAN CHILD WELFARE CONSORTIUM, IN COLLABORATION WITH OTHER CHILD WELFARE ENTITIES, CONDUCT A STUDY, COMPLETE A REPORT AND MAKE RECOMMENDATIONS REGARDING COMPLIANCE WITH THE FEDERAL INDIAN CHILD WELFARE ACT OF 1978 BASED ON THE REPORT'S FINDINGS.

WHEREAS, the federal Indian Child Welfare Act of 1978 was passed in response to the wholesale removal of Indian children from their families; and

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

WHEREAS, each Indian pueblo, tribe and nation in New Mexico is a sovereign, self-governing entity with a unique

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1 government, judicial structure and language and unique customs
2 and traditions; and

3 WHEREAS, the disproportionate number of Indian children in
4 New Mexico's child welfare system still persists almost forty
5 years after the Indian Child Welfare Act of 1978 became law;
6 and

7 WHEREAS, while that act was intended to end abusive
8 practices and improve outcomes for Native American families,
9 Native American children are still disproportionately entering
10 foster care, and placement may be outside of their respective
11 Indian families, extended families and tribes; and

12 WHEREAS, there is no definitive data to improve compliance
13 with the Indian Child Welfare Act of 1978, Native American
14 children are still overrepresented in foster care and the
15 percentage of Native American children in foster care is more
16 than twice as high as the percentage of non-Native American
17 children; and

18 WHEREAS, it is well established that when dealing with
19 Indian Child Welfare Act of 1978 cases, it is difficult to
20 generalize about Native American cultural traditions or
21 customs, and it is imperative that tribal entities be included
22 in the process of making recommendations on how to best comply
23 with that act; and

24 WHEREAS, appropriately addressing the needs of Indian
25 children who came into the state's child welfare system because

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1 of abuse and neglect has been a priority of New Mexico state
2 and tribal courts, the national Indian child welfare
3 association, the Corinne Wolfe children's law center at the
4 university of New Mexico, New Mexico highlands university, the
5 New Mexico supreme court's court improvement project, the
6 tribal-state judicial consortium and the New Mexico tribal
7 Indian child welfare consortium; and

8 WHEREAS, the Children's Code specifically supports the
9 federal Indian Child Welfare Act of 1978 and serves to mandate
10 compliance; and

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

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

17 WHEREAS, the president, vice president of academic
18 affairs, provost and dean of the school of social work at New
19 Mexico highlands university have committed to collaborate with
20 the all pueblo council of governors and New Mexico's Indian
21 pueblos, tribes and nations to develop and establish a Native
22 American social workers' institute at the New Mexico highlands
23 university school of social work to respond to the growing
24 challenges to the Indian Child Welfare Act of 1978 statewide;

25 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF

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1 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New Mexico
2 tribal Indian child welfare consortium, in collaboration with
3 child welfare entities, including the tribal-state judicial
4 consortium, New Mexico partners, the national Indian child
5 welfare association, the Corinne Wolfe children's law center
6 and New Mexico highlands university, be requested to conduct a
7 study, complete a report and make recommendations regarding
8 compliance with the federal Indian Child Welfare Act of 1978
9 based on the report's findings regarding that act; and

10 BE IT FURTHER RESOLVED that the report be presented to the
11 interim legislative committee dealing with Indian affairs; and

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

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