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HOUSE MEMORIAL 51

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Georgene Louis and D. Wonda Johnson

A MEMORIAL

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

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

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

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1           WHEREAS, each Indian nation, tribe and pueblo is a  
2 sovereign, self-governing entity with a unique government,  
3 judicial structure and language with unique customs and  
4 traditions; and

5           WHEREAS, American Indian tribes and communities  
6 historically relied on customary practice and tradition to  
7 provide for the needs of their children through extended family  
8 relationships; and

9           WHEREAS, children represent a connection between the past  
10 and the future for the entire tribe or community, and the  
11 welfare of Native American children is a concern of the entire  
12 tribal community; and

13           WHEREAS, federal and state child welfare laws and policies  
14 express a clear preference for termination of parental rights  
15 and adoption of children who cannot be returned to their  
16 families; and

17           WHEREAS, federal and state policies have influenced tribal  
18 customs and traditions, and most tribes now have relinquishment  
19 or termination of parental rights in tribal law or codes when  
20 parents are not able to care for their children; and

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

24           WHEREAS, the children, youth and families department has a  
25 difficult time in finding enough Native American adoptive

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1 families and subsequently has to place Native American children  
2 in non-Native American adoptive homes; and

3 WHEREAS, tribal customary adoption transfers the custody  
4 of a Native American child to the care and protection of  
5 adoptive parents without the termination of rights of the birth  
6 parents, and the child's tribe makes the decision to consider  
7 tribal customary adoption as an alternative placement option  
8 for the state; and

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

13 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
14 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the children,  
15 youth and families department, in consultation and  
16 collaboration with New Mexico's Indian nations, tribes and  
17 pueblos, be requested to develop a tribal customary adoption  
18 plan, policies and procedures and to consider legislative  
19 recommendations for review and approval by New Mexico's Indian  
20 nations, tribes and pueblos and the secretary of children,  
21 youth and families; and

22 BE IT FURTHER RESOLVED that the proposed customary  
23 adoption plan, policies and procedures and legislative  
24 recommendations be presented to the interim legislative  
25 committee dealing with Indian affairs by November 1, 2019; and

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1           BE IT FURTHER RESOLVED that copies of this memorial be  
2 transmitted to the secretary of children, youth and families  
3 and New Mexico's twenty-three Indian nations, tribes and  
4 pueblos.

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