

CONFERENCE OF CHIEF JUSTICES

Resolution 5

To Encourage Greater Collaboration Between State Courts and Tribal Courts to Protect Native American Children

WHEREAS, tribal courts serve the children and families of sovereign nations with the same authority and responsibility as state courts; and

WHEREAS, collaboration between state courts and agencies responsible for child protection and education has greatly contributed to the improvement of the process and outcomes of child protection cases around the country; and

WHEREAS, the federal Indian Child Welfare Act (ICWA) requires close communication and cooperation between state and tribal courts when a Native American child not residing in Indian Country is removed from her/his home or is offered for adoption; and

WHEREAS, close communication and cooperation between state and tribal courts have been inhibited by:

- the lack of contact information for tribal judges in many states;
- the difficulty in electronically exchanging information regarding child protection cases between tribal and state courts;
- the lack of information regarding the requirements of ICWA, the reasons for those requirements, and the relationship of ICWA to other federal legislation on child welfare such as the Adoption and Safe Families Act (ASFA) and the Fostering Connections Act;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices encourages each court system in states that include Indian Country to:

- (1) Encourage the state court judges who hear child protection and adoption cases to communicate and collaborate with their tribal court counterparts when a Native American child or family may be involved in a case;
- (2) Provide a brief discussion and description of the state's tribal courts in new judge orientation programs and materials;
- (3) Include on the state court website contact information for each tribal court in the state;
- (4) Offer each tribal court in the state the case management system module(s) on child protection used by the state; and
- (5) Present training on the requirements of ICWA and the relationship of ICWA to other federal legislation on child welfare such as the ASFA and the Fostering Connections Act for state court judges and invite tribal judges to participate in that training.

Adopted as proposed by the CCJ/COSCA Courts, Children and Families Committee, Tribal Relations Committee, and Access, Fairness, and Public Trust Committee at the CCJ Midyear Meeting, January 26, 2011.