

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 945
PROPOSED COMMITTEE SUBSTITUTE H945-PCS50552-RK-16

Short Title: Enforce Federal Indian Child Welfare Act.

(Public)

Sponsors:

Referred to:

April 1, 2009

A BILL TO BE ENTITLED

AN ACT REQUIRING THAT THE NORTH CAROLINA DEPARTMENT OF HEALTH
AND HUMAN SERVICES ENSURES ENFORCEMENT OF THE FEDERAL INDIAN
CHILD WELFARE ACT.

Whereas, over the years, a number of federal policies impacting Native Americans
have had a devastating effect on the preservation of the Indian family; and

Whereas, these policies caused reservation communities to be broken apart and
forced Native American families away from the reservations into urban areas, isolating them
from their community and extended families, who often served as a source of support; and

Whereas, based on nationwide studies conducted between 1969 and 1974, 25% to
35% of Indian children were removed from their homes and placed in non-Indian foster and
adoptive homes by state courts and welfare agencies; and

Whereas, in 1978, the United States Congress heeded the call of the great Lakota
leader, Sitting Bull, by passing the Indian Child Welfare Act, commonly known as ICWA; and

Whereas, ICWA is viewed as a requisite to eliminating the practice of state entities
that tended to remove an inordinately large number of Native American children from their
homes without full appreciation of traditional Native American culture, custom, and
child-rearing practices; and

Whereas, North Carolina should adopt measures to ensure full implementation of
ICWA for State-recognized Indian tribes and Indian organizations in relation to the care and
custody of Indian children; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The Division of Social Services of the Department of Health and
Human Services shall ensure that local county departments of social services implement
policies pursuant to the federal Indian Child Welfare Act. Policies implemented pursuant to this
section shall:

- (1) Identify all children eligible under the Indian Child Welfare Act in any child
welfare proceeding, including proceedings related to child custody, foster
care, and adoption.
- (2) Ensure proper application of the federal Indian Child Welfare Act.
- (3) Ensure the family and tribe of a child eligible under the Indian Child
Welfare Act have adequate notice of any child welfare proceeding
throughout the legal process.



* H 9 4 5 - P C S 5 0 5 5 2 - R K - 1 6 *

- 1 The Division of Social Services shall collaborate with the American Indian Mothers, Inc., to
2 implement the requirements of this section.
3 **SECTION 2.** This act becomes effective July 1, 2009.