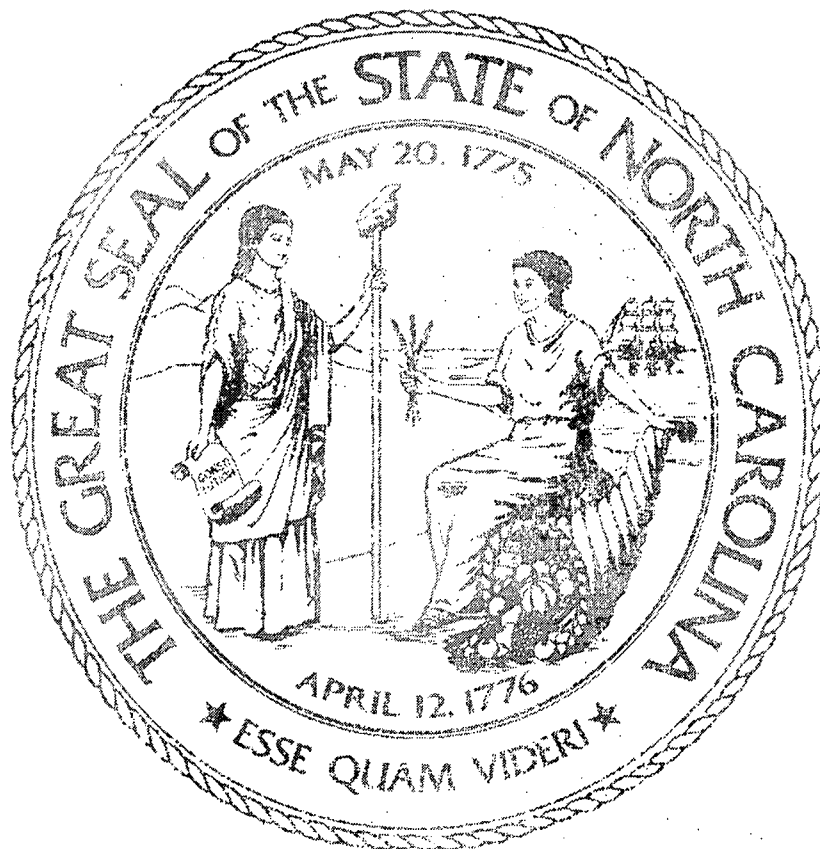


2009-2010

**HOUSE STUDY
COMMITTEE TO
PRESERVE THE
CULTURE AND
CUSTOMS OF INDIAN
CHILDREN**

MINUTES

HOUSE STUDY COMMITTEE TO
PRESERVE THE CULTURE AND
CUSTOMS OF INDIAN CHILDREN
2009-2010



Representative Ron Sutton, Chair
Representative Sarah Stevens, Chair
Subcommittee
Candace Slate, Committee Assistant

**HOUSE STUDY COMMITTEE TO
PRESERVE THE CULTURE & CUSTOMS OF INDIAN CHILDREN
2009-2010**

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Updated: 3/9/10

ATTENDANCE
HOUSE STUDY COMMITTEE TO
PRESERVE THE CULTURE AND CUSTOMS OF INDIAN CHILDREN
2009-2010

DATES	2/11/10	3/16/10	4/23/10	12/10/10				
NAMES								
Representative Ron Sutton, Chairman	X X	X X	X X	X X				
Representative Sarah Stevens	X X	X X	X X	A				
Representative Edith Warren	X X	X X	A	A				
Representative Michael Wray	X X	X X	X X	X X				
Ms. Beverly Collins-Hall	X X	X X	X X	X X				
Ms. Charisse Johnson-DHHS*	X	X	X	A				
Ms. Tammi Jacobs - DOA	X X	X X	X X	X X				
Ms. Kara Jones	A	X X	X X	X X				
Ms. Rhonda Jones	X X	X X	X X	A				
Mr. Rick Oxendine	A	A	A	A				
Ms. Julia Phipps	A	A	A	A				
Mr. Greg Richardson -DOA	A	X	X	X				
Ms. Juanita Wilson	X X	A	X X	A				
-								
Staff								
Drupti Chauhan, Counsel	X	X	A	X				
Tim Hovis, Counsel	X	X	X	X				
Ms. Denise Huntley-Adams	X	X	X	X				
Mr. Bryce Hall FRD	X	X	X	A				
Committee Assistant Candace Slate	X	X	X	X				
Denise Thomas FRD				X				
Candice Britt-DHHS *				X				

**HOUSE STUDY COMMITTEE TO
PRESERVE THE CULTURE & CUSTOMS OF
INDIAN CHILDREN**



***REPORT TO THE
2011 GENERAL ASSEMBLY
OF NORTH CAROLINA***

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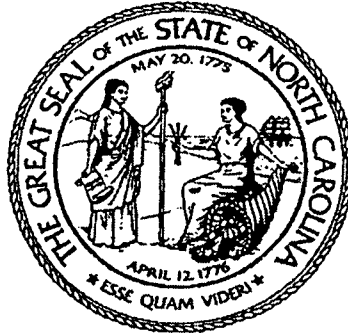
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STATE OF NORTH CAROLINA

HOUSE STUDY COMMITTEE TO
PRESERVE THE CULTURE AND CUSTOMS OF INDIAN CHILDREN

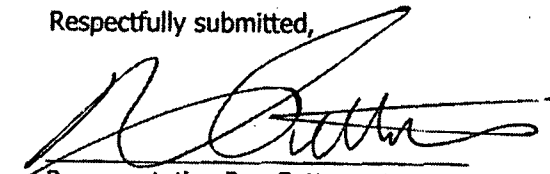


Dec. 10th, 2010

TO THE MEMBERS OF THE 2011 HOUSE OF REPRESENTATIVES:

Attached for your consideration is the report of the House Study Committee to Preserve the Culture and Customs of Indian Children established by the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1) and Rule 26(a) of the Rules of the House of Representatives of the 2009 General Assembly.

Respectfully submitted,



Representative Ron Sutton
Chair

**HOUSE STUDY COMMITTEE TO
PRESERVE THE CULTURE AND CUSTOMS
OF INDIAN CHILDREN**

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Chair**

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Bryce Ball, Fiscal Research
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Office of Speaker Joe Hackney
North Carolina House of Representatives
Raleigh, North Carolina 27601-1096

**HOUSE STUDY COMMITTEE TO PRESERVE THE CULTURE AND CUSTOMS
OF INDIAN CHILDREN**

**TO THE HONORABLE MEMBERS OF THE
NORTH CAROLINA HOUSE OF REPRESENTATIVES**

Section 1. The House Study Committee to Preserve the Culture and Customs of Indian Children (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1) and Rule 26(a) of the Rules of the House of Representatives of the 2009 General Assembly.

Section 2. The Committee consists of 13 members appointed by the Speaker of the House of Representatives. The membership of the committee shall include 4 legislators, one of whom shall be a Native American, and 9 public members as specified below. Members serve at the pleasure of the Speaker of the House of Representatives. The Speaker of the House of Representatives may dissolve the Committee at any time. Vacancies are filled by the Speaker of the House of Representatives.

Representative Sutton - Chair
Representative Stevens
Representative E. Warren
Representative Wray
American Indian Mothers - Beverly Collins-Hall
Commission on Indian Affairs - Greg Richardson
DHHS - Charisse Johnson
Tribes rec. - Tammy Jacobs
Tribes rec. - Rhonda Jones
Tribes rec. - Julia Phipps
Tribes rec. - Juanita Wilson
Groups rec. - Kara Jones
Groups rec. - Rick Oxendine

Section 3. The Committee may study any issues or matters that would impact the preservation of the customs and culture of Indian children who are not covered under the Indian Child Welfare Act (ICWA) and who are the subject of legal proceedings in State courts, including adoption, custody, and visitation. The Committee may study:

- (1) Current State laws applicable to family-related legal proceedings and their impact on retention of the cultural heritage of child members of Indian tribes.
- (2) Guidelines for local departments of social service agencies that would implement the same or similar policies and practices that are applicable to Indian children under federal law.
- (3) The creation of a State council or commission, to include members of Indian tribes, State and local social services agencies, the judiciary, and other appropriate officials to recommend policies and procedures to the General Assembly.
- (4) Any other matter that is relevant to promoting the preservation of the customs and culture of Indian children who are the subject of legal proceedings in State courts.

Section 4. The Committee shall meet upon the call of its Chair. A quorum of the Committee shall be a majority of its members. No action may be taken except by a majority vote at a meeting at which a quorum is present.

Section 5. The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes.

Section 6. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

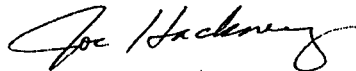
Section 7. The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of the Chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the Speaker of the House of Representatives.

Section 8. The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Committee.

Section 9. The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations.

Section 10. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the House of Representatives prior to the convening of the 2011 General Assembly by filing the final report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee terminates upon the convening of the 2011 General Assembly or upon the filing of its final report, whichever occurs first.

Effective this the 16th day of July, 2010.



Joe Hackney
Speaker

COMMITTEE PROCEEDINGS

Prior to the end of the 2010 Session of the 2009 General Assembly, the Committee and Subcommittee of the House Study Committee to Preserve the Culture and Customs of Indian Children met on the following dates:

March 26, 2010

Subcommittee Meeting Chaired by Rep. Sarah Stevens

April 7, 2010

Subcommittee Meeting Chaired by Rep. Sarah Stevens

February 11, 2010

Committee Meeting Chaired by Rep. Sutton, Committee Chair

- Charisse Johnson, MSW, Child Welfare Services Section Chief,
- Candice Britt, MSW, Child and Family Services Review Coordinator, North Carolina Department of Social Services (NCDSS), Department of Health and Human Services (DHHS)
- Angenette Stephenson, JD, MSW, Child Welfare Attorney North Carolina Department of Justice

March 16, 2010

Committee Meeting Chaired by Rep. Sutton, Committee Chair

- Mellicent O'Brien Blythe, Clinical Instructor
Jordan Institute for Families
UNC-CH School of Social Work
- Greg Richardson, Executive Director
NC Commission of Indian Affairs
NC Department of Administration
- Rhonda Jones, CEO
Red Path Child and Family Agency

April 23, 2010

Committee Meeting Chaired by Rep. Sutton, Committee Chair

- Ms. Beverly Collins Hall, Executive Director
American Indian Mothers
- Subcommittee Report, Representative Sarah Stevens, Subcommittee Chair
- Ms. Tonia Jacobs, Human Services Senior Practitioner
Task Force Member

The Committee proceedings for these meetings can be found in the Committee's 2010 Report to the 2009 General Assembly. Copies of the report are available in the Legislative Library.

The Committee was authorized to continue its work following the 2010 Session of the 2009 General Assembly. The Subcommittee to Preserve the Culture and Customs of Indian Children held 2 meetings on August 20, 2010 and September 17, 2010. The full Committee met on December 10, 2010.

August 20, 2010

Subcommittee Meeting Chaired by Rep. Sarah Stevens

- Update from the Indian Child Welfare Task Force
Mellicent O'Brien Blythe, LCSW
Jordan Institute for Families, UNC-CH School of Social Work

September 17, 2010

Subcommittee Meeting Chaired by Rep. Sarah Stevens

- North Carolina Administrative Offices of the Courts
Pete Powell, General Counsel

December 10, 2010

Committee Meeting Chaired by Rep. Sutton

The Study Committee to Preserve the Culture and Customs of Indian Children met on December 10, 2010 to receive the recommendations of the Subcommittee. The Committee discussed and approved its final recommendations, which are contained in this report.

A summary of these Subcommittee and Committee meetings is provided below.

SUMMARY OF COMMITTEE PROCEEDINGS

House Study Committee to Preserve the Culture and Customs of Indian Children

Subcommittee Meeting

August 20, 2010 – 11:00 am – Room 421, Legislative Office Building

The Chair of the Subcommittee, Rep. Sarah Stevens, called the meeting to order and recognized Rep. Sutton to address the Subcommittee. Rep. Sutton stated that the Committee was performing an extremely important function for the Indian children in the State and was looking forward to a good proposal to be taken up by the General Assembly in the 2011 Session.

Mellicent O'Brien Blythe next presented an update on the Indian Child Welfare Task Force (Task Force). The Task Force did not have any specific recommendations at this point but that it would be concentrating on improving its data collection as well continuing to work on a process that could provide further data breakdowns on Indian children in the State, particularly as it relates to their tribal affiliations. The Task Force was also still exploring the statutory requirements of G.S. 143B-139.5A (Collaboration between Division of Social Services and Commission of Indian Affairs on Indian Child Welfare Issues) as well as the issues surrounding notification requirements. Ms. Blythe stated that four tribal organizations had not yet provided a representative to the Task Force.

There was a lengthy discussion among Subcommittee members regarding a bill draft submitted by the American Indian Mothers and the legislative history of House Bill 945 which was introduced as "Enforce Federal Indian Child Welfare Act".

Kara Jones stated that the Task Force was made a standing Committee with the Commission on Indian Affairs and that the tribes were represented at a June 4 meeting. However, American Indian Mothers was not present at that meeting and she was not sure they were getting information on the meetings.

Charisse Johnson commented that the Indian tribes in the State needed to reach consensus on whether American Indian Mothers should be the organization that represents all of them for Indian child welfare issues. She stated that there needs to be some mechanism to obtain from all of the tribes what they need from the State and the Department of Health and Human Services. Rep. Stevens specified that confidentiality issues need to be addressed as well as tribal notification.

Kara Jones stated that they want their tribal attorneys and representatives recognized in State courts. Charisse Johnson suggested that the Administrative Offices of the Courts be involved in the discussion since there are local rules as to who will be recognized in court for cases related to child welfare.

House Study Committee to Preserve the Culture and Customs of Indian Children
Subcommittee Meeting
September 17, 2010 – 10:30 am – Room 421, Legislative Office Building

The Chair of the Subcommittee, Rep. Sarah Stevens, called the meeting to order and recognized Pete Powell, General Counsel for the North Carolina Administrative Offices of the Courts, to address the Subcommittee.

Mr. Powell stated that the polar star of the court system for the placement of children is the best interest of the child. The Indian Child Welfare Act applies only to federally recognized tribes and grants the recognized tribe exclusive jurisdiction over American Indian children residing within tribal lands. For those Indian children residing off of the reservation, the Indian Child Welfare Act provides for concurrent jurisdiction between tribal and state courts but also allows the tribe to move to transfer the case to tribal court at any time. The Multi-Ethnic Placement Act prohibits discrimination in adoption or foster care placements. Race, culture, or ethnicity cannot be used as a the basis for any denial of placement and no person can be denied the opportunity to become an adoptive or foster parent based on race, color, or national origin.

Mr. Powell further stated that the consideration of race and ethnicity may be permitted in individual cases where circumstances indicate it is warranted. In the event that a court is made aware of the ethnicity of a child and the culture or training of all potential foster parents, the court may take into account the individual needs of that child and the particular assets, traits, or training of each of the potential foster parents. He emphasized that the recruitment of American Indian families as foster parents or the training of non-American Indian potential foster families in American Indian culture and history should be a matter of great importance. He cautioned that any consideration of heritage and culture must be nondiscriminatory and that it may not be used as a replacement for the prohibited consideration of race, color, or national origin. He made a final note that all court decisions are made locally by independently elected judges based on the evidence before the court in that particular case. The Administrative Office of the Courts has no authority to dictate, review, or change the decisions by any court at any level of the judicial system.

There was discussion among the members of the Subcommittee. Beverley Collins-Hall asked about the recognition of state tribes versus federal tribes and Rep. Stevens stated that the Indian Child Welfare Act only applies to federally recognized tribes. She further stated that the Multi-Ethnic Placement Act applies to state recognized tribes. Kara Jones stated that the current laws need enforcement mechanisms.

House Study Committee to Preserve the Culture and Customs of Indian Children
Committee Meeting
December 10, 2010 – 11:00 am – Room 1228, Legislative Building

Rep. Ron Sutton, Chair of the Committee, called the meeting to order and recognized Mr. Tim Hovis, Staff, to review the draft of the Committee's final report to the 2011 General Assembly. The Committee made changes, including the approval of additional

language recommending that the Study Committee continue its work following the 2011 Session. The Committee approved the final report, as amended.

COMMITTEE FINDINGS AND RECOMMENDATIONS

Background

As noted in its report to the 2010 General Assembly, the Committee has followed with interest the work of the Indian Child Welfare Task Force. In June 2010, the Commission of Indian Affairs voted to make the Task Force a standing committee of the Commission and named the Committee the "American Indian Standing Committee on Indian Child Welfare of the Commission of Indian Affairs." Both the work of this Committee and the Task Force, now the Committee on Indian Child Welfare, originated out of legislation enacted by the General Assembly in 2001 as G.S. 143-139.5A. This statute calls for, among other things, the establishment of a relationship between the Division of Social Services (DSS) and State Indian tribes to enable tribes to receive notice of Indian children being placed in foster care, adoption, or child protective services. It also requires the development of a process for the identification of Indian child welfare advocacy, placement, and training entities with which the Department of Health and Human Services might contract or form partnerships for training and recruitment of Indian foster care and adoptive parents and for child placement.

- **Finding**

The Committee finds that the dialogue initiated by the American Indian Standing Committee on Indian Child Welfare with the various stakeholders such as the North Carolina Commission of Indian Affairs, the North Carolina Department of Social Services, State tribal leaders, and State tribal advocates has proved beneficial in identifying the issues and concerns of all stakeholders interested in the appropriate placement of Indian children.

Recommendation 1

The Committee endorses the efforts of the stakeholders through the American Indian Standing Committee to further cooperation between them. The Committee recommends that the Standing Committee on Indian Child Welfare continue its efforts to ensure that Indian children of State recognized tribes receive similar consideration to the consideration given to children of federally recognized tribes pursuant to the Federal Indian Child Welfare Act (ICWA). The importance of these issues requires continued attention and this Committee recommends that the American Indian Standing Committee of the Commission of Indian Affairs continue its work.

Recommendation 2

Issues surrounding the proper placement of Indian children require continued legislative attention and the Committee recommends that it be reauthorized to continue its work with the stakeholders after the 2011 Session of the 2011 General Assembly.

- **Finding**

As stated in its report to the 2010 General Assembly, the Committee finds that it is of utmost importance that the culture and heritage of Indian children be preserved and protected if they enter the child welfare system in this State. To accomplish this goal, the North Carolina Department of Social Services is in need of strong mechanisms to identify the tribal backgrounds of Indian children and appropriately place Indian children with families that understand and maintain Indian customs, behaviors and beliefs.

Recommendation 3

The Committee supports the policy changes now integrated in Department of Social Services manuals and procedures, including appropriate mechanisms to assure that State recognized tribes are notified when children from those tribes come to the attention of the child welfare system. This Committee also supports the adoption of memoranda of agreement between local departments of social services and tribes. The Committee recommends continued reforms in this area.

Recommendation 4

The Committee supports efforts by the Committee on Indian Child Welfare to develop training mechanisms for the governing bodies and members of State recognized tribes and to provide increased awareness of the need for Indian foster and adoptive parents for Indian children, one of the key objectives of the 2001 legislation.

- **Finding**

The Policy and Procedures Manual of the Division of Social Services provides for "similar consideration" for children of State recognized tribes to that afforded children of federally recognized tribes. To clarify the meaning of the term "similar consideration," the Charlotte All-Sites Model Court Team of the National Council of Juvenile and Family Court Judges (NCJFCJ) set as a goal for 2011 the extension of ICWA as a best practice for all Indian children in North Carolina, including children of State recognized tribes. The Committee finds that clarification of the term "similar consideration" is needed.

Recommendation 5

To assist in clarifying the term "similar consideration," the Committee recommends that ICWA be adopted as a best practice for the placement of all Indian children in the State. (See Proposed Legislation attached as Appendix A)

- **Finding**

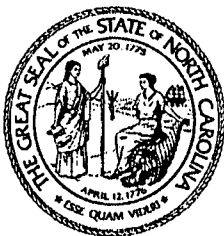
The Fostering Connections to Success and Increasing Adoptions Act enacted by Congress in 2008 authorizes Indian tribes, tribal organizations and tribal consortia to apply for and receive federal funds to operate foster care, adoption

assistance, and kinship guardianship assistance programs directly under Title IV-E of the Social Security Act. As a second option, the Act also requires States to negotiate in good faith with any tribe, tribal organization, or tribal consortia that requests the development of a Title IV-E agreement with the State to administer all or part of a program on behalf of Indian children. The Committee finds that, given past confusion in this area over the rights of Indian tribes, the State should affirm the rights of tribes to seek an agreement with the State, as provided under the federal law.

Recommendation 6

The Committee recommends legislation requiring the Department of Health and Human Services to negotiate in good faith with authorized Indian tribes, organizations, and consortia that request to develop an agreement with the State to administer programs under Title IV-E of the Social Security Act, as required by federal law. (See Proposed Legislation attached as Appendix A)

STATE OF NORTH CAROLINA
NORTH CAROLINA GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27601



January 14, 2010

MEMORANDUM

TO: Members of the House Study Committee to Preserve the Culture & Customs of Indian Children

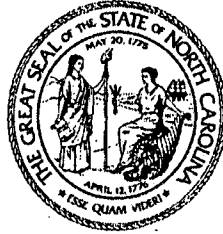
FROM: Representative Ron Sutton, Chair

SUBJECT: House Study Committee to Preserve the Culture & Customs of Indian Children Committee Meeting

There will be a meeting of the House Study Committee to Preserve the Culture & Customs of Indian Children on Friday January 29, 2010 at 12:00 noon in Room 1228 of the Legislative Building.

Please advise Candace Slate Committee Clerk, at (919)715-0795 or e-mail dollarla@ncleg.net if you are unable to attend.

STATE OF NORTH CAROLINA
NORTH CAROLINA GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27601



January 27, 2010

MEMORANDUM

RESCHEDULED MEETING NOTICE

TO: Members of the House Study Committee to Preserve the Culture & Customs of Indian Children

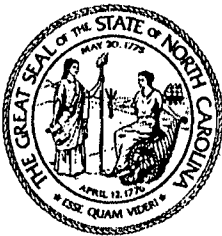
FROM: Representative Ron Sutton, Chair

SUBJECT: House Study Committee to Preserve the Culture & Customs of Indian Children Committee Meeting

The above referenced committee has been **rescheduled for Thursday February 11th at 10:00 am Room 1228 in the Legislative Building.**

Please advise Candace Slate Committee Clerk, at (919) 715-0795 or e-mail dollarla@ncleg.net if you are unable to attend.

STATE OF NORTH CAROLINA
NORTH CAROLINA GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27601



January 27 2010

MEMORANDUM

MEETING CANCELLED

TO: Members of the House Study Committee to Preserve the Culture & Customs of Indian Children

FROM: Representative Ron Sutton, Chair

SUBJECT: **Cancellation of Meeting**
House Study Committee to Preserve the Culture & Customs of Indian Children Committee Meeting

The meeting scheduled for Friday January 29, 2010 has been cancelled due to the possibility of inclement weather.

We are tentatively looking at February 11th at 10:00 for a reschedule date.
We will send the formal notification at a later date.

If you have questions, please contact Candace Slate Committee Clerk, at (919)715-0795 or e-mail dollarla@ncleg.net.

AGENDA

House Study Committee to Preserve the Culture and Customs of Indian Children

**February 11, 2010 10:00 a.m.
Room 1228, Legislative Building
Representative Ronnie Sutton, Chair**

- 1. Call to Order**
- 2. Opening Remarks**
Chairman Sutton
- 3. Committee Charge**
Staff
- 4. Foster Care Placements for Indian Children in North Carolina**

Charisse Johnson, MSW, Child Welfare Services Section Chief,
North Carolina Department of Social Services (NCDSS),
Department of Health and Human Services (DHHS)

Candice Britt, MSW, Child and Family Services Review
Coordinator, NCDSS, DHSS

Angenette Stephenson, J.D., M.S.W, Child Welfare Attorney
North Carolina Department of Justice
- 5. Committee Discussion**
- 6. Adjourn**

HOUSE PAGES

NAME OF COMMITTEE Study Comm. to Preserve
Culture & Customs DATE 2/11/10
of Indian Children

1. Name: _____

County: _____

Sponsor: _____

2. Name: _____

County: _____

Sponsor: _____

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

SGT-AT-ARM

1. Name: Young Bae

2. Name: Tom Wieder

3. Name: Martha Radigan

4. Name: Marvin Lee

MINUTES

HOUSE STUDY COMMITTEE TO PRESERVE THE CULTURE AND CUSTOMS OF INDIAN CHILDREN

Thursday, February 11, 2010
Room 1228, Legislative Building

The first meeting of the House Study Committee to Preserve the Culture and Customs of Indian Children met on Thursday, February 11, 2010 at 10:00 a.m. in Room 1228 Legislative Building. The following members were present: Representative Ron Sutton, Chairman, Representative Sarah Stevens, Representative Edith Warren and Representative Michael Wray; public members Beverly Collins-Hall, Charisse Johnson, Tammi Jacobs, Rhonda Jones, and Juanita Wilson. Chairman Sutton presided.

Research Division staff included Drupti Chauhan, Tim Hovis, and Denise Huntley-Adams, Fiscal Research Division Bryce Hall, Jo Bobbitt Legislative Assistant and Candace Slate Committee Assistant. A visitor's registration form is attached and made a part of the minutes.

Chairman Sutton welcomed the visitors, recognized the Sergeant-at-Arms staff, and requested a short self-introduction from each member. The four members not present for the meeting would have the opportunity to introduce themselves at a later date.

Chairman Sutton called the meeting to order. He explained the charge of the Committee and established the framework in which the Committee would go about their work. He stated that the Committee would operate in a semi-formal manner in keeping with the tradition of the House operations. He also recognized that this might be the first time some of the members would be serving in this capacity. Unlike most committees, this committee is somewhat different in that it is comprised with a minority of House members and a majority of public members. He discussed the outcome of the committee's work might be the drafting of a bill and that staff would have the responsibility, with input from the committee, in drafting a bill. He suggested that the committee will meet at least 3 or 4 times and that the meetings would be held in Raleigh. He invited each member to bring their ideas/concerns in writing to staff for issues they would like discussed for the next meeting. He then gave the Committee the opportunity to ask any questions before beginning with the presentations.

Presenters

Charisse Johnson, Child Welfare Services Section Chief, NC Department of Social Services /DHHS made the introductions of the two presenters: Angie Stephenson and Candice Britt. She stated that they would use a power point presentation along with handouts. She concluded by stating the primary objective was to talk about the Indian Child Welfare Act and how we can improve our system of care when we work on issues regarding Indian children.

Angie Stephenson, child welfare attorney, North Carolina Department of Justice explained the barrier to implementing some of the provisions of the Indian Child Welfare Act, (ICWA) since currently, ICWA does not apply to state tribes. She outlined the chart's major provisions using a slide presentation (Barriers to Implementing ICWA Provisions for State Recognized Tribes in North Carolina), Attachment #1 and made a part of the minutes.

Candice Britt, Child & Family Services Review Coordinator, NC Division of Social Services/DHHS began by providing background information on the review conducted by the U.S. Department of Health and Human Service's Children's Bureau. All states were reviewed by the Children's Bureau. She stated there is a financial penalty associated with states that are not in conformity. As a result of the review findings, the Division has responded by putting some things in place for the preservation of determining Indian heritage.

As the result of the review in March of 2007, the NC Division of Social Services (NCDSS), in collaboration with the NC Association of County Directors in North Carolina developed a Program Improvement Plan (PIP). This was an all encompassing plan recognizing 5 things, cultural competence being one of them. The Division put together a comprehensive group that engaged many stakeholders in developing the plan.

As of January 2010, there were 9,203 children in foster care. Of those, 118 were identified as American Indian/Alaskan Native. NCDSS does not have a mechanism to identify how many of the 118 children are federally recognized tribe members or state tribe members. Ms. Britt informed members that further information was available on their website. There are currently 204 licensed Indian foster parents. They are identified as American Indian/Alaskan Native.

While the ICWA only protects members of federally recognized tribes, children in the state recognized tribes are afforded similar consideration. North Carolina G.S. 143B-139.5A was enacted in 2001 to support collaboration between NCDSS, the NC Directors of Social Services Association and the Commission of Indian Affairs. The practical applications must occur in the County Department's of Social Services.

A checklist entitled Indian Child Welfare Act Compliance was handed out to the Committee members as Attachment #2 and made a part of the minutes. The current NCDSS policy recommends use of this checklist by all child welfare workers.

Ms. Britt also touched on policy, recruitment and retention efforts within the local Departments of Social Services and stated that all child welfare staff will receive mandatory cultural competence training in their first year of employment effective January 2010. A copy of Ms. Britt's comments can be found in Attachment #3, and made a part of the minutes.

A question was asked as to the number of recognized tribes we currently have in North Carolina. Representative Sutton stated that we have 1 federally recognized tribe and 7 state recognized tribes.

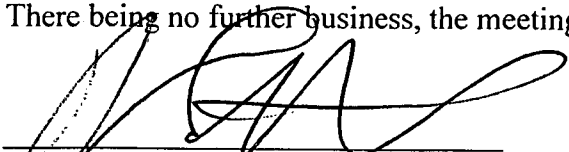
A discussion followed in which members talked about a variety of concerns: training for DSS workers, the role of the courts in implementing the provisions of the child welfare act, the need for Indian children and families to be heard through the courts, and the implementation of effective communications and policy interpretations among the local DSS offices.

Chairman Sutton asked Ms. Britt for her impression/interpretation as to how the individual DSS units throughout the state are complying with the guidelines. Ms. Britt responded by saying that it is the role of NCDSS to access, monitor, and review case files and practice. There are some discrepancies in practice. Not all counties are performing at the same level. The counties might be at different levels due to staff, training, etc. It is not a perfect system. He also asked given that NCDSS performs in a supervisory capacity, do they have authority to institute remedial action on a county if they are not performing. The response was that in some areas they do and in other areas they do not.

Before the close of the meeting there was a brief discussion in having the Jordan Institute present at the next meeting.

Chairman Sutton announced the next meeting for March 19, 2010 at 10:00 and informed the members that they would be notified.

There being no further business, the meeting was adjourned at 11:55 am.



Representative Ron Sutton, Chairman



Candace Slate, Committee Assistant



North Carolina General Assembly

House of Representatives
State Legislative Building
Raleigh 27601-1096

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE BUILDING
RALEIGH NC 27601

March 5, 2010

MEMORANDUM

TO: Members of the House Study Committee to Preserve the Culture and Customs of Indian Children

FROM: Representative Ron Sutton, Chair

SUBJECT: Meeting Notice for March 16, 2010

The House Study Committee to Preserve the Culture and Customs of Indian Children will meet on the following date:

DAY: Tuesday
DATE: March 16, 2010
TIME: 10:00 AM
LOCATION: Room 1228 – Legislative Building

NOTE: This meeting was initially scheduled for March 19, 2010 but had to be rescheduled.

If you have any questions concerning this meeting or cannot attend, please contact Candace Slate at 715-0795.

AGENDA

House Study Committee to Preserve the Culture and Customs of Indian Children

March 16, 2010

10:00 a.m.

**Room 1228, Legislative Building
Representative Ronnie Sutton, Chair**

- 1. Call to Order**
- 2. Opening Remarks**
Chairman Sutton
- 3. Approval of Minutes from the February meeting**
- 4. Jordan Institute**
Mellicent O'Brien Blythe, Clinical Instructor, Jordan Institute for Families UNC-CH School of Social Work

Lane Cooke, Program Coordinator, Jordan Institute
- 5. Commission of Indian Affairs**
Greg Richardson, Executive Director, NC Commission of Indian Affairs, NC Department of Administration
- 6. Overview of Local Efforts of the Lumbee Tribe**
Rhonda Jones, CEO of Red Path Child and Family Agency
- 7. Committee Discussion**
- 8. Adjourn**

HOUSE PAGES

HOUSE STUDY PRESERVE
NAME OF COMMITTEE CULTURE & CUSTOMS OF INDIAN CHILDREN DATE 3-16-10

1. Name: _____

County: _____

Sponsor: _____

2. Name: _____

County: _____

Sponsor: _____

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

SGT-AT-ARM

1. Name: KEN BURROUGHS

2. Name: TOUSSAINT AVENT

3. Name: JAMES WORTH

4. Name: _____

MINUTES

HOUSE STUDY COMMITTEE TO PRESERVE THE CULTURE AND CUSTOMS OF INDIAN CHILDREN

Tuesday March 16, 2010
Room 1228- Legislative Building

The House Study Committee to Preserve the Culture and Customs of Indian Children had its second meeting on Tuesday, March 16, 2010 at 10:00 a.m. in Room 1228 Legislative Building. The following members were present: Representative Ron Sutton, Chairman; Representative Sarah Stevens, Representative Edith Warren and Representative Michael Wray; public members Beverly Collins-Hall, Charisse Johnson, Tammi Jacobs, Kara Jones, Rhonda Jones, and Greg Richardson. Chairman Sutton presided.

Research Division staff included Drupti Chauhan, Tim Hovis, and Denise Huntley-Adams, Fiscal Research Division Bryce Hall, and Candace Slate, Committee Assistant. A visitor's registration form is attached and made a part of the minutes.

Chairman Sutton welcomed the visitors, recognized the Sergeant-at-Arms staff, and recognized the new members for a brief introduction. Upon motion of the Chairman the minutes of February 11, 2010 were approved.

Presenter 1: Mellicent O'Brien Blythe, Clinical Instructor with the Jordan Institute for Families UNC-CH School of Social Work. Mellicent recognized Lane Cooke, Supervisor and Program Coordinator and Alex Baker with the Lumbee tribe of NC and a facilitator for one of the performance teams.

She then presented a slide presentation outlining the Community Dialogue Process. This process is bringing together stakeholders in a community to work together to solve common problems. The Institute has done a variety of dialogues in a number of settings; the dialogues include Families for Kids, student achievement gap in schools, community domestic violence response, and recruitment and retention of foster care families.

The Institute was asked to do two Community dialogues; one with the Lumbee Tribe and one with Pitt County DSS. The specific key elements of the Community dialogue process are outlined in Attachment 1 and made part of the minutes.

Questions from Representative Sutton: When the Lumbee efforts are complete, can you tell us what DSS and the tribe will have? Will they have a document or a plan to move forward? Mellicent - The idea of the dialogue is that the performance team remains an institutionalized group of people that continues to meet over time.

Mellicent – One of the recommendations from the stakeholder group is the development of a written memorandum of agreement.

Follow up: Rep.Sutton – Is there an enforcement opportunity or is there something the community can enforce to ensure that both sides comply? Mellicent – defer to legal experts. With the community dialogue process, enforcement is not a formal or legal process. You need community engagement and involvement that provides some informal enforcement. You need a broad representation of people working on specific goals for set periods of time. The spirit of the community dialogue is to have an alternative to this inherently advocerial judicial system.

Follow up: Rep.Sutton – If this process improves and resolves the foster home problems for the Lumbee tribe, what will happen in Mecklenburg or Wake County? How will counties not participating in this be affected?

Mellicent – the community dialogue process does provide a template which DSS can use for training efforts in other counties. This can be replicated in other communities.

Charisse Johnson stated that DSS, as a state agency, is recognizing and addressing emerging issues brought forward by the community dialogue processes.

Presenter 2: Greg Richardson, Executive Director NC Commission of Indian Affairs. Mr. Richardson gave an overview of the NC Commission of Indian Affairs, its role and purpose. He also talked about the status of the tribes in North Carolina (Attachment 2 is made part of the minutes).

Presenter 3: Tammi Jacobs, staff member of the NC Commission of Indian Affairs gave a presentation on ICWA and the protections it provides for American Native children and their families. She talked briefly about jurisdiction as it pertains to Indian children and the collaboration efforts to address the ICWA issues in NC for the NC state tribes. In 2009 the American Indian Center at UNC-CH along with NC Commission of Indian Affairs formed a partnership to create the NC Indian Child Welfare Task Force which is ongoing today. Further comments can be found in Attachment 3 and made part of the minutes.

Presenter 4: Rhonda Jones, CEO of Red Path Child and Family Agency gave a presentation and overview of the agency and statistical data regarding the population of American Indian children in foster care. She stated that NC has 118 American Indian children in foster care; 57 of them are in Robeson County. There are 12 American Indian foster care homes in Robeson County and 1 in Hoke County. She reiterated that the Red Path agency is a resource center that can be used statewide. Further comments can be found in Attachment 4 and made part of the minutes.

The Chairman asked if there were any questions from the members.

Rep. Stevens: has Red Path worked well with Social Services in Robeson County?

Ms. Jones: she mainly gets calls from guardian ad litem not Social Services.

Follow up: Rep. Stevens - you said that there are 57 children in Robeson County foster care and there are only 12 foster homes. Would it be a preference to take those children to another county?

Ms. Jones: yes that is how we would like it to be.

Follow up: Rep. Stevens – and that would be more important than keeping the child locally where they can see their parents.

Ms. Jones: I think it is more important to place a child with family first, and then if not, find a native family that will keep them in their traditional background.

Follow up: Rep. Stevens – Is this not contrary to our state philosophy of reunification of the family and would this not be in conflict with statutes?

Ms. Britt: In answer to your question, yes it would be in contradiction to current state policy.

Representative Sutton asked Ms. Jones: Am I understanding correctly for placement priority, it would be immediate family, extended family, neighbor or somewhere else in the county before you would move a child to Halifax county? Ms. Jones – that is correct.

A discussion followed which included several comments from the members to include kinship placement, the significance of maintaining tribal relationships when children are placed with non-Native American families, tribal notifications prior to foster care placements, and recognition of children from out-of-state need to be included in the overall plan.

A point was made by Ms. Britt that the State level DSS is working on a notifications process for the tribes that can be used in all 100 counties.

Representative Sutton stated that Ms. Collins-Hall would like to present at the next meeting and directed her to work with staff on an agenda.

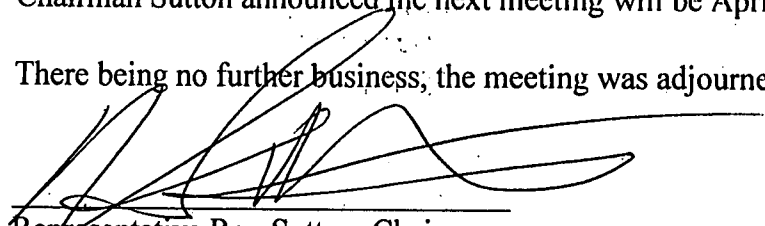
Representative Sutton then announced the appointment of a subcommittee, but welcomed all members to attend or provide items for discussion.

He appointed Representative Stevens to Chair the subcommittee; membership on the committee will be Beverly Collins-Hall, Charisse Johnson, Tammi Jacobs, Kara Jones and Rhonda Jones.

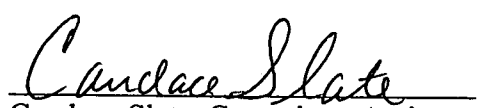
The subcommittee will probably need to meet at least twice before the full committee meets again.

Chairman Sutton announced the next meeting will be April 23, 2010 at 10:00am.

There being no further business, the meeting was adjourned at 12:10 am.



Representative Ron Sutton, Chairman



Candace Slate, Committee Assistant

VISITOR REGISTRATION SHEET

House Study Committee to Preserve the Culture and Customs of Indian Children

March 16, 2010

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

NAME	FIRM OR AGENCY AND ADDRESS
Alex Baker	LumbEE TRIBE of North Carolina
Christy Agner	DOA
Matt Howell	TPG
Andie Zitt	NCSS
Jane Cooke	UNC-CH School of Social Work
Mel Bluffe	UNC-CH School of Social Work
Juica Comradey	Metrolina
Zeddie K. Emrich	Metrolina Native America Assoc.
Crissy Waldman	TPG



North Carolina General Assembly

House of Representatives
State Legislative Building
Raleigh 27601-1096

March 17, 2010

MEMORANDUM

TO: Members of the House Study Subcommittee to Preserve the Culture and Customs of Indian Children

FROM: Representative Sarah Stevens, Subcommittee Chair

SUBJECT: Meeting Notice for March 26, 2010

The House Study Subcommittee to Preserve the Culture and Customs of Indian Children will meet on the following date:

DAY: Friday
DATE: March 26, 2010
TIME: 11:00 AM
LOCATION: Room 421 – Legislative Office Building,
300 North Salisbury Street (behind the Legislative Building).

Membership of this Subcommittee:

Beverly Collins-Hall, Tammi Jacobs, Charisse Johnson, Kara Jones,
and Rhonda Jones

NOTE: This notice is being sent to all committee members and interested parties.

If you have any questions concerning this meeting or cannot attend, please contact Candace Slate at (919)715-0795 or by e-mail dollarla@ncleg.net.

HOUSE PAGES

HOUSE STUDY PRESERVE CULTURE CUSTOMS OF
NAME OF COMMITTEE INDIAN CHILDREN DATE 3/26/10

1. Name: _____

County: _____

Sponsor: _____

2. Name: _____

County: _____

Sponsor: _____

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

SGT-AT-ARM

1. Name: JOHN BRANDON

2. Name: CARLTON ADAMS

3. Name: FRANK PAEVO

4. Name: _____



North Carolina General Assembly

House of Representatives
State Legislative Building
Raleigh 27601-1096

March 30, 2010

MEMORANDUM

TO: Members of the House Study Subcommittee to Preserve the Culture and Customs of Indian Children

FROM: Representative Sarah Stevens, Subcommittee Chair

SUBJECT: Meeting Notice for April 7, 2010

The House Study Subcommittee to Preserve the Culture and Customs of Indian Children will meet on the following date:

DAY: Wednesday
DATE: April 7, 2010
TIME: 11:00 AM
LOCATION: Room 415– Legislative Office Building,
300 North Salisbury Street (behind the Legislative Building).
NOTE: Room change from 421

Membership of this Subcommittee:

Beverly Collins-Hall, Tammi Jacobs, Charisse Johnson, Kara Jones,
and Rhonda Jones

NOTE: This notice is being sent to all committee members and interested parties.

If you have any questions concerning this meeting or cannot attend, please contact Candace Slate at (919)715-0795 or by e-mail dollarla@ncleg.net.

HOUSE PAGES

NAME OF COMMITTEE _____ DATE _____

1. Name: _____

County: _____

Sponsor: _____

2. Name: _____

County: _____

Sponsor: _____

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

SGT-AT-ARM

1. Name: Mike Martin

2. Name: Marka Boush

3. Name: _____

4. Name: _____

VISITOR REGISTRATION SHEET

Subcommittee on Indian Children C & C

4/7/2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Email

Lindell Lynch

Haliwa-Saponi, Enrollment Director

llynch@haliwa-saponi

Loena Daniels

Haliwa-Saponi Council

Anna Tomchik

Speaker's office

Emely Wellbourne

TPB

Mellicent Blythe

UNC-CH

mblythe@
email.unc.edu

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

NAME	FIRM OR AGENCY AND ADDRESS
EARL EWANS	HALIWA-SAPONI INDIAN TRIBE earlewns@ PO BOX 99 haliwa-saponi.com HOLLISTER NC 27844



North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

REPRESENTATIVE RONNIE NEAL SUTTON
47TH DISTRICT

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE BUILDING
RALEIGH NC 27601

April 7, 2010

RE-SCHEDULED COMMITTEE NOTICE

TO: Members of the House Study Committee to Preserve the Culture
and Customs of Indian Children

FROM: Representative Ron Sutton, Chair

SUBJECT: Meeting Notice for April 23, 2010

The House Study Committee to Preserve the Culture and Customs of Indian Children
will meet on the following date:

DAY: Friday
DATE: April 23, 2010
TIME: 10:00 AM
LOCATION: Room 1228 – Legislative Building

Note: Originally scheduled for the 16th.

If you have any questions concerning this meeting or cannot attend, please contact
Candace Slate at (919)715-0795 or by e-mail dollarla@ncleg.net.



*rescheduled
to 23*

North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

REPRESENTATIVE RONNIE NEAL SUTTON
47TH DISTRICT

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE BUILDING
RALEIGH NC 27601

April 5, 2010

MEMORANDUM

TO: Members of the House Study Committee to Preserve the Culture
and Customs of Indian Children

FROM: Representative Ron Sutton, Chair

SUBJECT: Meeting Notice for April 16, 2010

The House Study Committee to Preserve the Culture and Customs of Indian Children
will meet on the following date:

DAY: Friday
DATE: April 16, 2010
TIME: 10:00 AM
LOCATION: Room 1228 – Legislative Building

If you have any questions concerning this meeting or cannot attend, please contact
Candace Slate at 715-0795 or by e-mail dollarla@ncleg.net.

AGENDA

House Study Committee to Preserve the Culture and Customs of Indian Children

April 23, 2010

10:00 a.m.

**Room 1228, Legislative Building
Representative Ronnie Sutton, Chair**

- 1. Call to Order**
- 2. Opening Remarks**
Chairman Sutton
- 3. Approval of Minutes from the March meeting**
- 4. Presentation by American Indian Mothers**
Ms. Beverly Collins Hall, Executive Director of American Indian Mothers
- 5. Report from the Subcommittee**
Representative Stevens, Subcommittee Chair
- 6. Update from the Indian Child Welfare Task Force**
Ms. Tonia Jacobs, Human Services Senior Practitioner, Task Force Member
- 7. Committee Discussion**
- 8. Adjourn**

HOUSE PAGES

NAME OF COMMITTEE Home Study Preserve
Culture & Customs DATE 4/23/10
of Indian Children

1. Name: _____

County: _____

Sponsor: _____

2. Name: _____

County: _____

Sponsor: _____

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

SGT-AT-ARM

1. Name: David Shearon

2. Name: Toussaint Avert

3. Name: Martha Madison

4. Name: Franco Phero

MINUTES

HOUSE STUDY COMMITTEE TO PRESERVE THE CULTURE AND CUSTOMS OF INDIAN CHILDREN

Friday, April 23, 2010
Room 1228- Legislative Building

The House Study Committee to Preserve the Culture and Customs of Indian Children had its third meeting on Friday, April 23, 2010 at 10:00 a.m. in Room 1228 Legislative Building. The following members were present: Representative Ron Sutton, Chairman; Representative Sarah Stevens, and Representative Michael Wray; public members Beverly Collins-Hall, Charisse Johnson, Tammi Jacobs, Kara Jones, Rhonda Jones, Juanita Wilson and Greg Richardson. Chairman Sutton presided.

Research Division staff included Tim Hovis, Denise Huntley-Adams, Fiscal Research Division Bryce Hall, and Candace Slate, Committee Assistant. A visitor's registration form is attached and made a part of the minutes.

Chairman Sutton welcomed the visitors and recognized the Sergeant-at-Arms staff.

Upon motion of the Chairman the minutes of the March 16th meeting were approved.

Presenter Ms. Beverly Collins-Hall, Executive Director of American Indian Mothers, gave some background of the organization that was started in 2000, initially under the umbrella of the NC Indian Cultural Center of Robeson County. The organization looked at a variety of issues impacting Indian children, one of which was Indian child welfare. Ms. Collins-Hall referenced House Bill 945 and presented a memorandum of Response from the Honorable Benjamin Zvenia, Federal Judge and Legal Advisor for the American Indian Mothers Incorporated. See Attachment 1 for the full contents of the Response.

Kara Jones referenced Title 25, Section 1934 "Indian" defined for certain purposes, Section 1932; Grants for off-reservation programs for additional services, and Section 1933. Funds for on and off reservation programs. See Attachment 2, US Code Title 25.

Ms. Collins-Hall reiterated that she wanted to see House Bill 945 moved forward.

Representative Sutton informed the Committee that a request had been made to the Speaker for an extension to continue the Committee beyond the short session. His request was later approved.

Representative Sutton also provided clarification on the status of House Bill 945. He explained that this particular bill no longer exists, and that the bill cannot come back to the floor and be heard again because it was heard and converted to this study committee. If legislation is proposed from this study committee, then a new bill will be created giving it a new number.

Ms. Collins-Hall left the Committee meeting after Representative Sutton's comments regarding House Bill 945.

Representative Stevens, Subcommittee Chair gave an interim report. The subcommittee started its work with a review of the federal mandates. Of primary concern was the County DSS offices were not doing a good job identifying Indian children. They discussed the Indian Child Welfare Act (hereinafter ICWA) and its implications, the Multi-Ethnic Placement Act (hereinafter MEPA), and confidentiality issues. The committee then looked at existing statute 143B-139.5A which requires collaboration between Division of Social Services and the Commission of Indian Affairs. They were informed that there is currently a Task Force working with DSS, and the subcommittee wanted to see what recommendations they might have before any formal recommendations could be made.

Presenter Tonia Jacobs, Human Services Senior Practitioner with Wake County and member of the Indian Child Welfare Task Force, gave the mission statement of the Task Force and an overview of the result of Senate Bill 715 enacted in 2001 and the formation of the Task Force formed in 2009. For further comments on the presentation refer to Attachment 3, made a part of the minutes.

Discussion

Representative Stevens requested the data confirming the disproportionality of Indian Americans. This information will be provided by Tonia Jacobs.

Representative Stevens requested clarification and application of ICWA and MEPA for state recognized tribes. Tonia Jacobs responded that ICWA automatically allows for the identification and notification of tribes when a child is a member or eligible for membership in a federally recognized tribe. However, that does not apply for state recognized tribes. State tribes are under MEPA, which prevents a child from sitting in foster care or changing a foster care placement on the basis of racial ethnicity, which would be considered a civil rights violation.

Representative Stevens asked about the court appointed advocates for Indian children in adoption proceedings. Tonia Jacobs responded that they could train individuals from each tribe to intervene at the County level to serve as advocates for Indian families in their areas.

Rhonda Jones expressed the need for clarification from the federal level. She believes Indian children do fall under ICWA and that MEPA does not apply. Response to staff.

Kara Jones stated that MEPA should not apply because they are not looking at racial classification they are looking at political status and connection with the tribes, and therefore state recognized tribes have the same political status which is separate and distinct from a racial classification. Therefore, MEPA is not applicable.

Greg Richardson requested recruitment and retention examples be shared with others, also to include urban communities.

Charisse Johnson shared with the Committee that the National Resource Center on Indian Child Welfare could be used as a resource to explain federal interpretation. Staff to follow-up.

Representative Sutton expressed concern on the enforcement of Memorandum of Understanding (MOU); he would prefer placing into law.

Mellicent Blythe explained that the reason for supporting MOU talks in the Task Force is because there are 100 counties and 7 recognized tribes. It is important to maintain local flexibility.

Greg Richardson stated that MOU's could be used as an interim measure. He also clarified that there are 8 state recognized tribes not 7 as has been mentioned.

Juanita Wilson suggested talking to the federal tribes to see how they implement the provisions of ICWA to find out what works and what does not.

Representative Sutton mentioned a possible time of the first week in August for the Committee to resume meeting and mid-December to formulate a study bill.

There being no further business, the meeting was adjourned at 11:10 am.


Representative Ron Sutton, Chairman


Candace Slate, Committee Assistant

VISITOR REGISTRATION SHEET

House Study Committee to Preserve the Culture and Customs of Indian Children
April 23, 2010

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Alex Baker	Lumbee Tribe of NC
Mellicent Blythe	UNC-CH Jordan Institute
Lorrie B. Jones	Lumbee Tribe
Janice Bland	AIMT
Marianne Latz	NC State Univ. Center for Family & Community Engagement
ANNE WAKEFIELD	NC State Univ. CENTER FOR FAMILY & COMMUNITY ENGAGEMENT
Emily Williams	TPCT
EARL EVANS	HAKIWA-SAPONI INDIAN TRIBE
Tonia Jacobs	Wake County Human Services Indian Child Welfare Task Force
Brandi Brooks	UNC-CH American Indian Center
Alexandria Eubanks	NC Commission of Indian Affairs

VISITOR REGISTRATION SHEET

House Study Comm to Preserve the Culture

Name of Committee

Date

7/26/31

@ Customs of Indian children

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Christy Agnew

Dept. of Administ.

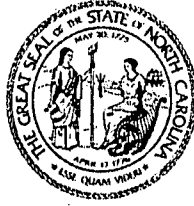
Charles Richardson, Malina Saponi Indian Tribal Council

Rondeau Rymk

Malina-Saponi Indian Tribe, Enrollment Director

Keena Daniel

Malina-Saponi Indian Tribe Tribal Council



NORTH CAROLINA GENERAL ASSEMBLY

Raleigh, North Carolina 27601

August 11, 2010

MEMORANDUM

TO: Members, of the House Study Subcommittee to Preserve the Culture and Customs of Indian Children
FROM: Representative Sarah Stevens, Subcommittee Chair
SUBJECT: Subcommittee Meeting Notice

DAY	DATE	TIME	ROOM
Friday	August 20, 2010	11:00 AM	421-LOB

Subcommittee Members: Beverly Collins-Hall, Tammi Jacobs, Charisse Johnson, Kara Jones, and Rhonda Jones

NOTE: This notice is being sent to all Committee members and interested parties.

Parking for non-legislative members of the committee/commission is available in the visitor parking deck #75 located on Salisbury Street across from the Legislative Office Building. Parking is also available in the parking lot across Jones Street from the State Library/Archives. You can view a map of downtown by visiting <http://www.ncleg.net/graphics/downtownmap.pdf>.

If you are unable to attend or have any questions concerning this meeting, please contact Candace Slate at 715-0795.

cc: Committee Record X
Interested Parties X

AGENDA

House Study Committee to Preserve the Culture and Customs of Indian Children

Subcommittee Meeting

August 20, 2010

11:00 a.m.

Room 421, Legislative Office Building

Representative Ronnie Sutton, Chair

Representative Sarah Steven, Subcommittee Chair

- 1. Call to Order**
- 2. Opening Remarks**
Subcommittee Chair Stevens
- 3. Update from the Indian Child Welfare Task Force**
Mellicent O'Brien Blythe, LCSW
Jordan Institute for Families, UNC-CH School of Social Work
- 4. Committee Discussion**
- 5. Adjourn**

HOUSE PAGES

NAME OF COMMITTEE House Study
Indian children DATE 8/20/10

1. Name: _____

County: _____

Sponsor: _____

2. Name: _____

County: _____

Sponsor: _____

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

SGT-AT-ARM

1. Name: John Brandon

2. Name: Bob Rossi

3. Name: James Worth

4. Name: _____



NORTH CAROLINA GENERAL ASSEMBLY
Raleigh, North Carolina 27601

September 2, 2010

MEMORANDUM

TO: Members, of the House Study Subcommittee to Preserve the Culture and Customs of Indian Children
FROM: Representative Sarah Stevens, Subcommittee Chair
SUBJECT: Subcommittee Meeting Notice

DAY	DATE	TIME	ROOM
Friday	September 17	10:30 AM	421-LOB

Subcommittee Members: Beverly Collins-Hall, Tammi Jacobs, Charisse Johnson, Kara Jones, and Rhonda Jones

NOTE: This notice is being sent to all Committee members and interested parties.

Parking for non-legislative members of the committee/commission is available in the visitor parking deck #75 located on Salisbury Street across from the Legislative Office Building. Parking is also available in the parking lot across Jones Street from the State Library/Archives. You can view a map of downtown by visiting <http://www.ncleg.net/graphics/downtownmap.pdf>.

If you are unable to attend or have any questions concerning this meeting, please contact Candace Slate at 715-0795.

cc: Committee Record X
Interested Parties X

AGENDA

**House Study Committee to Preserve the Culture and Customs of Indian
Children**

Subcommittee Meeting

September 17, 2010

10:30 a.m.

Room 421, Legislative Office Building

Representative Ronnie Sutton, Chair

Representative Sarah Stevens, Subcommittee Chair

- 1. Call to Order**
- 2. Opening Remarks**
Subcommittee Chair Stevens
- 3. North Carolina Administrative Office of the Courts**
Pete Powell, General Counsel
- 4. Committee Discussion**
- 5. Adjourn**

HOUSE PAGES

NAME OF COMMITTEE Indiana Foster DATE Sept. 17, '0
Care Child,

1. Name: _____

County: _____

Sponsor: _____

2. Name: _____

County: _____

Sponsor: _____

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

SGT-AT-ARM

1. Name: Frank Provo

2. Name: Bill Bass

3. Name: Martha Parrish

4. Name: _____

Handout 1

COMMENTS TO
THE HOUSE SELECT COMMITTEE ON PRESERVING THE CULTURE AND
CUSTOMS OF INDIAN CHILDREN
September 17, 2010

RESPECTFULLY SUBMITTED BY
PETER E. POWELL, LEGAL COUNSEL
NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS

My name is Pete Powell. I serve as Legal Counsel for the North Carolina Administrative Office of the Courts, and I have done so for 20 years. In that capacity I advise and teach court officials on a wide variety of aspects of North Carolina law and procedure, and I have testified hundreds of times before committees and commissions of the General Assembly. I am also a subcommittee member of the General Statutes Commission. Regrettably, I am not an expert on domestic law, adoptions or foster care. There are people far more qualified than I with the NC Attorney General's office, the Department of Health and Human Services, and the UNC School of Government. I would defer to their expertise on any questions you may have.

Nevertheless, I can tell you that the polar star of the court system when it comes to the placement of children is simply and solely the best interests of the child. We are aware that the federal Indian Child Welfare Act applies only to federally recognized tribes. It grants to a recognized tribe exclusive jurisdiction over a Native American child who resides within tribal lands. For children residing off the reservation, the Indian Child Welfare Act provides for concurrent jurisdiction between tribal and state courts, but it provides for notice, and allows the tribe to move to transfer the case to the tribal court at any time.

At the other end of the spectrum is the federal Multi-Ethnic Placement Act. It was designed to prevent the evil of sentencing various racial or ethnic children to a lifetime without a family, because a family placement with a Russian, Hmong, Afghani, Chinese, or African-American family, for example, could not be found. In fact, it specifically prohibits discrimination in adoption or foster care placements. Indeed, race, culture, or ethnicity may not be used as the basis for any denial of placement, nor may such factors be used as a reason to delay any foster or adoptive placement. It further provides that no person may be denied the opportunity to become an adoptive or foster parent on the basis of race, color, or national origin.

There may be very small window for the consideration of race and ethnicity in the collection of information to be presented to the court. Obviously, public agencies may not routinely consider race, ethnicity or culture in the placement of children. However, consideration of these factors may be permitted in individual cases where circumstances indicate it is warranted. This is true both of the assessment of the individual needs of the child and the capacity of the particular adults to serve as foster parents for specific children, which is the core of determining the best interests of the child.

VISITOR REGISTRATION SHEET

House Study Committee to Preserve the Culture and Customs of Indian Children
September 17, 2010

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dawn R Clark	Robeson Co. DSS 435 Caton Rd. Lumberton NC 28360
Alex Baker	LUMBEE TRIBE of NC PO Box 2709 Pembroke, NC 28372
Atysha S. Locklear	American Ind. Mothers Inc.
Mellicent Blayne	Jordan Institute for Families UNC-CH
Kara Allen-Eckard	NCSU - Center for Family and Community Engagement
Emily Jackson	NC DSS - Raleigh, NC
Angela D. Davis	Occaneechi Band of the Saponi Nation 725 Southshire Pkwy Durham NC 27703
ANDRE' P. DAVIS JR.	PASTOR OF KINGDOM INTERNATIONAL CHURCH DURHAM, NC.
JEAN SAUVATRE	NC DJJP
WAYNE M. BROWN	MEHERRIN INDIAN NATION

Candace Slate (Rep. Dollar)

From: Candace Slate (Rep. Dollar)
Sent: Friday, November 19, 2010 2:52 PM
Subject: <NCGA> House Study Committee to Preserve the Culture - Dec 10 @ 11am - Rm 1228LB
Attachments: Notice 4th.pdf

NORTH CAROLINA GENERAL ASSEMBLY
Raleigh, North Carolina 27601

November 19, 2010

MEMORANDUM

TO: Members, of the House Study Committee to Preserve the Culture and Customs of Indian Children
FROM: Representative Ron Sutton, Chair
SUBJECT: Meeting Notice for December 10, 2010

DAY	DATE	TIME	ROOM
Friday	12/10/2010	11:00 AM	1228-Legislative Building

Parking for non-legislative members of the committee/commission is available in the visitor parking deck #75 located on Salisbury Street across from the Legislative Office Building. Parking is also available in the parking lot across Jones Street from the State Library/Archives. You can view a map of downtown by visiting <http://www.ncleg.net/graphics/downtownmap.pdf>.

If you are unable to attend or have any questions concerning this meeting, please contact Candace Slate at (919) 715-0795.

cc: Committee Record X
Interested Parties X

AGENDA

**House Study Committee to Preserve the Culture and Customs of Indian
Children**

December 10, 2010

11:00 a.m.

**Room 1228, Legislative Building
Representative Ronnie Sutton, Chair**

- 1. Call to Order**
- 2. Opening Remarks**
Chairman Sutton
- 3. Review of Draft Report to the 2011 General Assembly**
- 4. Committee Discussion**
- 5. Adjourn**

Committee Sergeants at Arms

NAME OF COMMITTEE House - Culture / Customs Indian Children

DATE: 12/10/10 Room: 1225

House Sgt-At Arms:

- 1. Name: Fred Hines
- 2. Name: John Brandon
- 3. Name: Don McGinnis
- 4. Name: _____
- 5. Name: _____

Senate Sgt-At Arms:

- 1. Name: _____
- 2. Name: _____
- 3. Name: _____
- 4. Name: _____
- 5. Name: _____

VISITOR REGISTRATION SHEET

HOUSE STUDY TO PRESERVE THE CULTURE AND CUSTOMS

12-10-10

Name of Committee OF INDIAN CHILDREN

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

[Signature]

AOE

Coraham

Rep. Elect

Shekinah Jacobs

Mellicent Blythe

UNC-CH Jordan Instit. for Families

MINUTES

HOUSE STUDY COMMITTEE TO PRESERVE THE CULTURE AND CUSTOMS OF INDIAN CHILDREN

Friday, December 10, 2010
Room 1228- Legislative Building

The House Study Committee to Preserve the Culture and Customs of Indian Children had its last meeting on Friday, December 10, 2010 at 11:00 a.m. in Room 1228 Legislative Building. The following members were present: Representative Ron Sutton, Chairman; Representative Michael Wray; public members Beverly Collins-Hall, Candice Britt for Charisse Johnson, Tammi Jacobs, Kara Jones, and Greg Richardson. Chairman Sutton presided.

Research Division staff included Drupti Chauhan, Tim Hovis, Denise Huntley-Adams, Fiscal Research Division Denise Thomas and Candace Slate, Committee Assistant. A visitor's registration form is attached and made a part of the minutes.

Chairman Sutton welcomed the visitors and recognized the Sergeant-at-Arms staff.

Chairman Sutton began with opening remarks and gave a recap of the Committee's work. He then called upon Tim Hovis to explain the draft report to the members. Copies of the report were previously distributed to all members. Mr. Hovis explained what had been included in the report as a result of the sub-committee meetings. He asked the members to review the Findings and Recommendations.

A discussion then took place with questions to clarify items and general comments and further suggestions from the members.

A motion was made by Representative Michael Wray that the report be adopted with recommendations being corrected and modified.

Mr. Hovis stated to the committee that he would prepare the final report copy and would send it to them. A copy has been attached.

There being no further business the meeting was adjourned by the Chairman.



Representative Ron Sutton, Chairman



Candace Slate, Committee Assistant