

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 945
Committee Substitute Favorable 4/15/09

Short Title: Enforce Federal Indian Child Welfare Act. (Public)

Sponsors:

Referred to:

April 1, 2009

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING THAT THE NORTH CAROLINA DEPARTMENT OF HEALTH
3 AND HUMAN SERVICES ENSURES ENFORCEMENT OF THE FEDERAL INDIAN
4 CHILD WELFARE ACT.

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

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

10 Whereas, based on nationwide studies conducted between 1969 and 1974, 25% to
11 35% of Indian children were removed from their homes and placed in non-Indian foster and
12 adoptive homes by state courts and welfare agencies; and

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

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

19 Whereas, North Carolina should adopt measures to ensure full implementation of
20 ICWA for State-recognized Indian tribes and Indian organizations in relation to the care and
21 custody of Indian children; Now, therefore,
22 The General Assembly of North Carolina enacts:

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

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

34 The Division of Social Services shall collaborate with the American Indian Mothers, Inc., to
35 implement the requirements of this section.

36 **SECTION 2.** This act becomes effective July 1, 2009.

