

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 945

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

Sponsors: Representatives Sutton; Jones and Wray.

Referred to: Federal Relations and Indian Affairs, if favorable, Health, if favorable,
 Appropriations.

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.

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



1 **SECTION 2.** There is appropriated from the General Fund to the American Indian
2 Mothers, Inc., a nonprofit organization, the sum of four hundred thousand dollars (\$400,000)
3 for the 2009-2010 fiscal year to implement this act.

4 **SECTION 3.** This act becomes effective July 1, 2009.