

Native Village of Port Lions

Indian Child Welfare Ordinance

ORDINANCE No. 2014-03-(a)

Adopted: March 6, 2014

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- I. **AUTHORITY** - This ordinance is enacted by the Native Village of Port Lions a federally recognized Indian Tribe as defined in Section 3 (c) of the Alaska Native Claims Settlement Act as amended; and pursuant to the provisions of the Constitution of the Native Village of Port Lions Article VI, Traditional Tribal Council-Legislature, Section 7. Powers and Duties of the Traditional Tribal Council as the governing body, x) To enact any other laws, ordinances, resolutions and statutes necessary to exercise its legislative powers delegated by the by the Traditional General Council pursuant to Article V, including but not limited to the foregoing list of powers.

- II. **PURPOSE** - The purpose of this ordinance is to establish rules, guidelines, and an orderly procedure to protect the children of our tribe.

- III. **DEFINITIONS** – The following terms and phrases, when used in this ordinance shall have the meaning ascribed to them.

Advocate – to support or speak in favor of something, somebody who acts or intercedes on behalf of another.

Board – Indian Child Welfare Board

Family:

Extended – Aunts, Uncles, Cousins, etc.,

Immediate – Parent(s), Grandparents, & Siblings etc.,

Felony – a serious crime such as murder that is punished more severely than a misdemeanor

ICWA – Indian Child Welfare Act, a law enacted by the U.S. Congress

Intervene – to involve yourself deliberately in a situation, especially in a conflict or dispute, in order to influence what is happening and, most often, to prevent undesirable, consequences, law to enter a lawsuit as a third party in order to protect your own interests.

Legitimate – complying with recognized rules, standards, or traditions

Mandated – an official command or instruction from an authority

Misdemeanor – a crime less serious than a felony and resulting in a less severe punishment

IV. INDIAN CHILD WELFARE BOARD

- A. Establishment of Board – The Native Village of Port Lions Traditional Tribal Council by formal action taken on May 7, 2009, motion #5, does hereby establish the Native Village of Port Lions Indian Child Welfare Board.
- B. Organization of the Board – The Board shall be organized as follows:
1. Number – The Board shall consist of five (5) members, (18) years of age or older, all of whom shall be appointed by the President of the Port Lions Traditional Tribal Council, subject to the approval of the Traditional Tribal Council.
 2. Term of Office – Each member of the Board shall hold their seat on the board until:
 - i. They elect to resign
 - ii. Move away from the community
 - iii. They are removed for a legitimate reason.
 - iv. Have been found guilty of or pled no contest to a misdemeanor or felony
 3. Vacancies – Vacancies on the Board shall be appointed by the President of the Port Lions Traditional Tribal Council, Subject to the approval of the Traditional Tribal Council.
 4. Removal – If in the view of a majority of the members of the Board, a member of the board should be removed for the best interest of the Tribe, the Chairperson of the board shall notify the P.L.T.T.C. in writing stating the reason(s) why removal of a board member is being requested. The P.L.T.T.C. shall then review the request and take formal action by motion calling for a roll call vote of the P.L.T.T.C. The decision of the P.L.T.T.C. will be final.
 5. Quorum – Three (3) members of the Board shall constitute a quorum for the transaction of business. If a quorum is present, the acts of a majority of the members of the Board in attendance shall be the acts of the Board.
 6. Regular Meetings – The Board shall hold quarterly meetings which will be determined at the call of the Chairperson of the Board.
 7. Special Meetings – Special Meetings are at the call of the Chairperson of the Board.
 8. Composition of Board – The Board shall have the following: Chairperson, Vice-Chairperson, Secretary and two members.

9. Election of Officers: The Officers of the board shall be elected by a majority vote of the Board, at the first meeting of each new Fiscal Year.
- C. Qualifications of Board Members, Each member of the Board must be.
1. Eighteen (18) years of age or older
 2. Have a clean record
 3. No individual may sit on the board if they have any misdemeanor or felony on their record.
- D. Function of the Board – The Board shall perform the following functions
1. Report all suspected abuse and neglect of a child as mandated by the Native Village of Port Lions Traditional Tribal Council and in accordance with 25 U.S. Code §- Reporting Procedures.
 2. Review all potential cases of intervention and determine whether or not to intervene.
 3. Review this ordinance annually and make recommendations to the P.L.T.T.C. for consideration of amendments.
- E. Authority of the Board – The Board shall have the following authority in performing its functions:
1. Investigate and intervene if necessary on any local cases of suspected child abuse or neglect
 2. Act on behalf of the Native Village of Port Lions regarding all notifications of impending child custody hearings including the decision to intervene.
 3. To adopt written policies and procedures to ensure the protection of our children provided such policies and procedures are not inconsistent with the provisions of this Ordinance or the laws of the Native Village of Port Lions.

V. INDIAN CHILD WELFARE ADVOCATE

- A. The NVOPL Indian Child Welfare Advocate is designated to work with the Board.

The Indian Child Welfare Advocate is responsible for performing the following duties:

1. Maintain all confidential case files
2. Inform the Board of all Child in Need of Aid (CINA) inquiries that have an affiliation with the NVOPL.
3. Report to the Board the number of all CINA inquiries that weren't affiliated quarterly.
4. Prepare all written documents regarding intervention(s)

5. Handle confidential cases under the Indian Child Welfare Act, that involve families
6. Maintain confidentiality and professionalism at all times.
7. Maintain familiarity regarding all open cases.
8. Report all suspected abuse and neglect of a child as mandated by the Native Village of Port Lions Traditional Tribal Council and in accordance with 25 U.S. Code §- Reporting Procedures.

B. Qualifications – Must be eighteen (18) years or older, must have a clean back ground and meet the qualification set forth by the NVOPL.

VI. INTERVENTION PROCEDURES

- A. Upon receipt of a CINA inquiry that has an affiliation with the NVOPL the Chairperson will call for a Special Meeting to determine the following:
1. Confirm membership or any family ties to the tribe.
 2. Review all pertinent correspondence received
 3. Make the decision by motion to intervene if needed
 4. Pending Intervention contact immediate family or extended family to help determine where the child in said case should be placed.
- B. Process of executing an intervention
1. Upon an affirmative vote of the Board the following documents will be immediately executed:
 - a. Certified Mailing List
 - b. Notice of Intervention – Filed with the Court
 - c. Designation of Tribal Representatives – Filed with the Court

VII. PLACEMENT PREFERENCE

When out-of-home placement of a Native child is made the Board sets forth the following placement preference(s):

1. With a member of the child's family immediate or extended
2. In a home approved or specified by the Board
3. In an Indian foster home licensed by non-Indian licensing authority
4. In an institution for children approved by the Board or operated by Indian organization that can meet child's needs

VIII. APPEALS

The appeal process will be inserted pending the formation of the Native Village of Port Lions Judicial System.

IX. RECORDS


- A. Confidential Case Files will be maintained in a fire proof locking cabinet, for five (5) years following the date the case was closed.
- B. Confidential Case Files that have exceeded the five (5) year limitation above will be archived.

X. AMENDMENTS

This ordinance may be amended by the Port Lions Traditional Tribal Council at any regularly called meeting at which a quorum is present.

XI. CERTIFICATE OF ENACTMENT

We, the undersigned, as President and Secretary/Treasurer of the Native Village of Port Lions Traditional Tribal Council, do hereby certify that a quorum was present at a regularly called meeting of the Port Lions Traditional Tribal Council on this 6th day of March 2014, and that the foregoing ordinance was adopted with the affirmative vote of 6 for, 0 opposed and 0 abstaining. Therefore, this ordinance is duly enacted and the date of this meeting shall be the effective date of the provisions of this ordinance.


Arnold D. Kewan, President


Susan R. Kewan Secretary/Treasurer