

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Support of the Passage of the Model Uniform State Indian Child
Welfare Act Drafted by the Uniform Law Commission)

RESOLUTION NO. 26-345

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vest the Tohono O'odham
2 Legislative Council with the authority to provide resolutions "to promote,
3 protect and provide for the public health, peace, morals, education and general
4 welfare of the Tohono O'odham Nation and its members" (Constitution of the
5 Tohono O'odham Nation, Article VI, Section 1(c)(2)); and

6 **WHEREAS,** the Tohono O'odham Nation recognizes that the Nation's children are a precious
7 resource today and its future tomorrow, and as such the Tribe has prioritized
8 protecting its children and providing for their health, education and welfare to
9 give them the best opportunity to fulfill their potential, support the Tohono
10 O'odham community and carry the Nation's way of life forward to future
11 generations; and

12 **WHEREAS,** the United States Congress enacted the Indian Child Welfare Act of 1978 ("ICWA")
13 to protect the best interest of the Indian children and to promote the stability
14 and security of Indian families and tribes by establishing minimum Federal
15 standards for state court child dependency proceedings involving Indian
16 children, 25 U.S.C. § 1902; and

17 **WHEREAS,** the ICWA has played and continues to play a critically important role in the
18 adjudication of dependency cases involving children who are enrolled in, or
19 eligible to be enrolled in, the Tohono O'odham Nation ("Nation children"); and

20 **WHEREAS,** the Tohono O'odham Nation has a fundamental interest in the preservation and
21 effectiveness of the ICWA, and in its faithful application in state courts
22 throughout the United States wherever Nation children may be living; and

23 **WHEREAS,** there have been repeated failed challenges to the ICWA, which was most recently
24 upheld against such a challenge by the United States Supreme Court in *Haaland*
25 *v. Brackeen*, 599 U.S. 255 (2023), in which the ICWA was supported by an amicus
26 brief joined by the Tohono O'odham Nation, 496 additional tribes and 62 tribal
27 and Indian organizations, as well as an amicus brief joined by twenty-three
28 states; and

29 **WHEREAS,** the Uniform Law Commission ("ULC") drafts and promotes enactment of non-
30 partisan, well-conceived, and well-drafted state legislation that brings clarity to
31 important fields of state statutory law where uniformity and consistency are
32 desirable; and

RESOLUTION NO. 26-345

(Authorizing Support of the Passage of the Model Uniform State Indian Child Welfare Act Drafted by the Uniform Law Commission)

Page 2 of 4

1 **WHEREAS,** the ULC uses deliberative and open development process benefiting from the
2 expertise of commissioners chosen by states as well as input from legal and
3 subject-matter experts, advisors and observers representing the views of
4 organizations, entities and parties that may be affected by the proposed laws;
5 and

6 **WHEREAS,** Uniform Acts adopted by the ULC do not have the force of law, but must be
7 considered and enacted by legislatures in individual states, with the usual
8 opportunities for involvement by affected tribes and other interested parties;
9 and

10 **WHEREAS,** the ULC met and collaborated with tribes in the ULC's deliberative process,
11 through which tribal leaders, tribal attorneys, tribal social service providers,
12 ICWA experts and scholars, national Native organizations, and Native
13 individuals with lived child welfare and adoption experience, had the
14 opportunity to and did engage in extensive document review, writing,
15 correspondence and discussion that informed and resulted in the creation of a
16 Uniform State Indian Child Welfare Act, attached hereto as Exhibit A; and

17 **WHEREAS,** the adoption by the ULC of a comprehensive Uniform State Indian Child Welfare
18 Act that has been drafted with the substantial and meaningful tribal input and
19 collaboration, and that also integrates developments in child welfare law and
20 policy in the decades since the passage of the ICWA in 1978, will provide a
21 broadly-conceived, contemporary and well-drafted model for state legislatures
22 to consider when contemplating passage of a state Indian Child Welfare Act; and

23 **WHEREAS,** the adoption by the ULC of a Uniform State Indian Child Welfare Act informed by
24 tribal input and tribal collaboration would be an important step toward
25 establishment of much needed consistent and up-to-date protections for the
26 Nation children and other tribal children and families wherever they may live;
27 and

28 **WHEREAS,** the Domestic Affairs Committee has reviewed this Resolution and recommends
29 its approval.

30 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council supports a
31 Uniform State Indian Child Welfare Act that should incorporate tribal input,
32 include tribal collaboration and broad child welfare expertise and should,
33 wherever possible, provide a higher standard of protection to tribal children

RESOLUTION NO. 26-345

(Authorizing Support of the Passage of the Model Uniform State Indian Child Welfare Act Drafted by the Uniform Law Commission)

Page 3 of 4

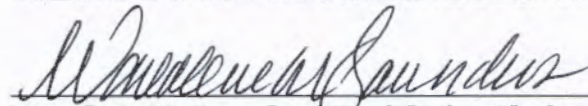
and families than the federal ICWA's minimum standards, in order to best protect the health, safety, and welfare of tribal children and families.

BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council supports the adoption and enactment of a robust Model Uniform State Indian Child Welfare Act by the Uniform Law Commission and encourages states to consider enactment of legislation that protects Indian children, preserves Indian families, and respects tribal sovereignty.

BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that it supports the enactment of the Uniform State Indian Child Welfare Act in the State of Arizona.

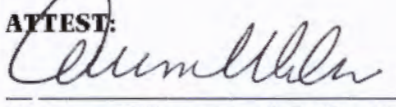
The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22ND day of SEPTEMBER 2026 at a meeting at which a quorum was present with a vote of 3,223.45 FOR; 97.65 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 (c)(2) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Wavalene M. Saunders, Legislative Chairwoman

24 day of September, 2026

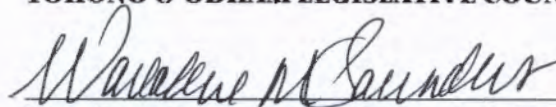
ATTEST:


Evonne Wilson, Legislative Secretary

20 day of September, 2026

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 24 day of September, 2026 at 8:15 o'clock, a.m., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Wavalene M. Saunders, Legislative Chairwoman

RESOLUTION NO. 26-345

(Authorizing Support of the Passage of the Model Uniform State Indian Child Welfare Act Drafted by the Uniform Law Commission)

Page 4 of 4

☒ APPROVED

on the 30 day of September, 2026

☐ DISAPPROVED

at 3:44 o'clock, p.m.

Verlon M. Jose Vice Chairman on behalf of
VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 30 day of

September, 2026, at 4:00 o'clock, p.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: AUTHORIZING SUPPORT OF THE PASSAGE OF THE MODEL UNIFORM STATE INDIAN CHILD WELFARE ACT DRAFTED BY THE UNIFORM LAW COMMISSION

Moved: COUNCILMAN BENNETT CHEWING

SECOND: COUNCILWOMAN VIVIAN JUAN-SAUNDERS

DATE: SEPTEMBER 22, 2026

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 251.2	1. WAVALENE M. SAUNDERS (Mary Lopez)	125.6	X			
	2. FRANCIS HOMEWYTEWA (Dionne Kuth-Le)	125.6	X			
SELLS 565.7	1. JANET B. ELEANDO ()	282.85	X			
	2. EVELYN JUAN MANUEL (Juan Buendia)	282.85	X			
SCHUK TOAK 195.3	1. THEORIA CAMPILLO (Rebecca Ann Valentine)	97.65		X		
	2. DELISA M. RAMON (Quintin C. Lopez)	97.65	X			
SAN XAVIER 249.8	1. DANIEL L.A. PRESTON III ()	124.9	X			
	2. JANICE FELIX ()	124.9	X			
SAN LUCY 266.3	1. GLORIA M. RAMIREZ (Lorraine M. Eiler)	133.15	X			
	2. ROGER MANUEL (Christina Andrews)	133.15	X			
PISINEMO 240.3	1. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	120.15	X			
	2. NAOMI MONTE (Edward D. Manuel)	120.15	X			
HICKIWAN 222.9	1. LOUIS R. LOPEZ (Loretta A. Ortega)	111.45	X			
	2. DELMA M. GARCIA ()	111.45	X			
GU VO 279.6	1. LESLIE LUNA ()	139.8	X			
	2. BENNETT CHEWING ()	139.8	X			
GU ACHI 289.2	1. GLORIA JOHNSON (Rodney T. Aguilla)	144.6	X			
	2. LUCIUS E. LOPEZ (Victoria A. Hobbs)	144.6	X			
CHUKUT KUK 361.9	1. MARLAKAY HENRY ()	180.95	X			X
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	180.95	X			
BABOQUIVARI 398.9	1. JESSE NAVARRO ()	199.45	X			
	2. NED NORRIS, JR. (Leander Mase)	199.45	X			
TOTAL		3,321.1	3,223.45	97.65	-0-	[01]