

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(In the Matter of Indian Child Welfare Act Case re: Raymond S.)

RES. NO. 79-90

1 WHEREAS, the United States Congress enacted the Indian Child
2 Welfare Act of 1978:, pursuant to finding "that there is
3 no resource more vital to the continued existence and
4 integrity of Indian Tribes than our children," and that
5 an "alarmingly high percentage of Indian families are
6 broken up by the removal, often unwarranted, of our
7 children"; and

8 WHEREAS, the Tohono O'odham Nation recognizes the enormous
9 importance of maintaining individual and tribal family
10 relationships, and is desirous of maintaining the intent
11 of integrity of the Indian Child Welfare Act of 1978; and

12 WHEREAS, Section 1915(c) of the Indian Child Welfare Act provides
13 that a preference for the placement of Indian children
14 shall be in accordance with their tribe's stipulated order
15 of preference; and

16 WHEREAS, the Tohono O'odham Children's Code (Chapter II, Section
17 31) outline's the Nation's placement preference; and

18 WHEREAS, Raymond S. is an enrolled member of the Nation; and

19 WHEREAS, it appears to the Tohono O'odham Legislative Council that
20 there exists substantial issues related to proceedings
21 and/or actions of the Superior Court of the State of
22 California in the County of Sacramento; and

23 WHEREAS, Tohono O'odham Social Service has considered the best
24 interests of Raymond S. and the best interests of the
25 Nation; and

26 WHEREAS, the Tohono O'odham Social Service has recommended:

- 27 1. That the Nation intervene in the proceedings in
28 California in order to determine the alleged Indian
29 ancestry of the prospective adoptive parents to insure
30 that Sacramento County's Plan complies with the Tohono
31 O'odham Children's Code or alternatively;
- 32 2. In the event that it does not, that Raymond be placed
with a Tohono O'odham family or a Native American
family within the jurisdiction of the Sacramento
County Court; or
3. That in the event that adoptive parents of Native
American descent cannot be found, to request that
Raymond's case be transferred to the Tohono O'odham
Courts so that he may be placed with a Tohono O'odham
family; and

1 WHEREAS, the law firm of Strickland and Altaffer, P.C. (Firm) is
2 employed pursuant to a general counsel contract dated
3 September 24, 1989 to represent the Nation and the Firm
4 cannot represent the Nation in California.

5 NOW, THEREFORE, BE IT RESOLVED by Tohono O'odham Legislative
6 Council that it hereby adopts the recommendations of
7 Tohono O'odham Social Service as herein stated.

8 BE IT FURTHER RESOLVED that in accordance with the provisions of
9 paragraph 6 of the Firm's general counsel contract the
10 Legislative Council does hereby approve the selection and
11 employment, by the Firm, of legal counsel in California
12 to represent the Nation in these proceedings in
13 California.

14 BE IT FURTHER RESOLVED that whichever attorney is subcontracted
15 by the Firm is licensed to practice in the State of
16 California and is familiar with the Indian Child Welfare
17 Act, and that the subcontracted attorney is subject to
18 final review and approval by the Chairman of the Tohono
19 O'odham Nation.

20 BE IT FURTHER RESOLVED that legal costs not exceed \$15,000.00
21 inclusive of filing fees, retainer, travel and
22 miscellaneous expenditures.

23 BE IT FURTHER RESOLVED that the Tohono O'odham Legislative
24 Council does hereby authorize the initiation of legal
25 proceedings by the Nation's legal counsel in cooperation
26 with Tohono O'odham Social Service.

27 The foregoing Resolution was passed by the Tohono O'odham Council
28 on the 7th day of March, 1990 at a meeting at which a quorum was
29 present with a vote of 1,664.5 for; -0- against; 59.5 not voting;
30 03 absent, pursuant to the powers vested in the Council by Section
31 1(c)(1),(2) & (3) of Article VI of the Constitution of the Tohono
32 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


Edward D. Manuel, Legislative Chairman

8th day of March, 1990.

ATTEST:

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Teresa M. Choyguha for
Teresa M. Choyguha, Legislative Secretary
12th day of March, 1990.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 12th day of March, 1990, at 4:47 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

Edward D. Manuel
for Edward D. Manuel, Legislative Chairman

[] APPROVED) on the 13 day of March, 1990.
[] DISAPPROVED) at 9:38 o'clock, A.M.

Angelo Joaquin Sr.
ANGELO J. JOAQUIN, SR., Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 13th day of March, 1990, at 10:52 o'clock, A.M.

Teresa M. Choyguha
Teresa M. Choyguha
Legislative Secretary

MOVED: Virgil Lewis

SUBJECT: In the Matter of Indian Child

SECOND: Alex Ramon

Welfare Act cases re: Raymond S.

DATE: _____

RESOLUTION NO. 79-90

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico, Sr.)	114.5	X			
	2. Joann Garcia (Frances Miguel)	114.5	X			X
CHUKUT KUK 163.0	1. Rosita Ruiz (Rosemary Lopez)	81.5	X			
	2. Kenneth G. Williams (Harriet Toro)	81.5	X			
GU ACHI 166.0	1. Percy Lopez ()	83.0	X			
	2. Alex J. Ramon (Fernando Joaquin)	83.0	X			
GU VO 114.0	1. Cross Antone (Juan Joe Cipriano)	57.0	X			
	2. Virgil Lewis (Michael Flores)	57.0	X			
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5	X			
	2. Henry Ramon ()	62.5	X			
PISINEMO 119.0	1. Johnson Jose ()	59.5	X			
	2. Edward Manuel (Alex Antone)	59.5			X	
SAN LUCY 106.0	1. Albert Manuel, Jr. (Max P. Jose)	53.0	X			
	2. John Reno ()	53.0	X			X
SAN XAVIER 127.0	1. Eugene Enis. Sr. (Michael Rios)	63.5	X			
	2. Joanne C. Preston (Carmelita Mattias)	63.5	X			
SCHUK TOAK 107.0	1. JoAnn Francisco (David Valenzuela Sr.)	53.5	X			
	2. Joseph Juan (Frances Francisco)	53.5 ⁺	X			
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	X			
	2. Andrew Patricio (Daniel Lopez)	155.0	X			X
SIF OIDAK 158.0	1. Mary Ann Antone (Nina Jose)	79.0	X			
	2. Willard Juan, Sr. (Melissa Gregorio)	79.0	X			
TOTAL		1,724.0	1,664.5	-0-	59.5	3