

State Bar of Michigan
American Indian Law Committee
Minutes of February 17, 2006 10:00a Teleconference Meeting

Jurisdiction: Shall review issues of American Indian law, focusing on the relationship between tribal courts, state courts, and federal courts, and on the promotion of positive relationships between the lawyers of Michigan and the American Indian Community.

1. Call to Order, Welcome & Introductions -- Present: S. Gaskell (Chair); member D. Duncan, Supreme Court Representative A. Voice; State Bar Liaison Janet Welch, UDM Law School Student Elizabeth Ollgaard (M. Petoskey advised that due to scheduling conflicts, he was unable to participate in today's teleconference; K. Scotta & J. Keedy advised that due to weather conditions/office closures, they were unable to attend). Some members advised that they did not receive reminder of today's teleconference or the agenda/January teleconference minutes.
2. Agenda Adoption
3. Approval of Minutes of Jan. 27, 2006 teleconference – tabled due to lack of quorum.
4. Chair's Report - As a follow-up to last month's meeting, S. Gaskell contacted SBM AIL Section Chair Angela Sherigan to determine whether there are issues that relate to the jurisdiction of the Committee that may have come to the attention of the Section; this item will be placed on the agenda for the Section's next meeting.
5. Reports
 - a. Child Support, custody & guardianship issues: these areas were identified for possible focus by the Committee during the January meeting. Included in the topic is the delivery of foster care services to Indian children in Michigan as well as the cross-jurisdictional enforcement of orders of support and custody. The Committee will continue to gather information to further define these issues. The following resources are available for further consideration by members:

Title 4, Part E, of the Social Security Act, governs federal payments to States for Foster Care and Adoption Assistance. The U.S. Dep't of Health & Human Services has published a Summary report of the Title IV-E Child Welfare Waiver Demonstration projects in States other than Michigan. The waivers grant States flexibility in the use of Federal funds for alternative services and supports that promote safety and permanency for children in the child protection and foster care systems. This study can be found at http://www.acf.hhs.gov/programs/cb/programs_fund/cwwaiver/summary_demo.htm

The Indian and Alaska Native Foster Care and Adoption Services Amendments of 2003 (S.331/H.R. 443) sponsored by Senator Tom Daschle (D-SD) & Representative Dave Camp (R-MI), respectively, would have allowed a federally recognized tribe or consortium of tribes to submit an application to the U.S. Dep't of Health & Human

Services to receive federal funds for foster care and adoption services. The Bills were to amend Title IV-E to provide equitable access for foster care and adoption services for Indian children in tribal areas. Last available data is that the Bills were referred to Subcommittees. See also The Child Welfare League of America website containing "CWLA 2004 Child Welfare Agenda" summarizing Tribal Child Welfare Issues related to this legislation, found at <http://www.cwla.org/advocacy/2004legagenda16.htm>

National Indian Child Welfare Association, a national, private non-profit organization dedicated to the well-being of American Indian children and families that serves as a comprehensive source of information on American Indian child welfare and work on behalf of Indian children and families. The website is <http://www.nicwa.org>

b. Tribal/State/Federal Judges Forum: During the January meeting, the Committee discussed the possibility of assisting in the planning of a meeting involving Tribal, State, and Federal Judges; the meeting would provide judges with an opportunity to explore cross-jurisdictional issues, and for state and federal Judges to learn about tribal courts. S. Gaskell has contacted the Michigan Indian Judicial Institute & the MIJA supports efforts to arrange such a meeting; the Michigan Judicial Institute has also been contacted to explore the possibility of arranging such a meeting in conjunction with other planned events of the MJJ.

c. Michigan Court Rule 3.980, involving transfers of Indian children to tribal court in situations involving protective proceedings or certain offenses. During the January meeting the Committee considered the possible need to review the application of this rule and whether amendments are needed due to problems associated with changes in federal laws and/or procedures for emergency removals. This issue will be further clarified through Committee research and outreach efforts.

6. Other -- Monthly teleconferences are scheduled for 10:00a on Friday Mar. 24, Apr. 28 & May 26. To participate dial 1.800.270.1153 and when prompted enter 134891#. If you were unable to participate in a teleconference and would like your opinions heard, please contact Sheila at gaskellk@msn.com or 248.421.4691.

7. Adjournment.