

**LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS**  
**7500 Odawa Circle**  
**Harbor Springs, MI 49740**

**TRIBAL RESOLUTION # 050408-02**

**Tribal Prosecutor Responsibilities in State Court Child Welfare Proceedings**

**WHEREAS** the Waganakising Odawak is a nation of citizens with inherent sovereignty and right to self-governance;

**WHEREAS** the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

**WHEREAS** the Little Traverse Bay Bands of Odawa Indians Tribal Council is the elected legislative body of the Tribe;

**WHEREAS** in accordance with the Little Traverse Bay Bands of Odawa Indians Constitution, the Tribal Council is to provide by law for the jurisdiction of the Tribe over Indian Child Welfare matters;

**WHEREAS** in accordance with the Little Traverse Bay Bands of Odawa Indians Constitution the Tribal Prosecutor is the attorney for the Tribe responsible to appear before all courts in "any and all child welfare cases";

**WHEREAS** the Indian Child Welfare Act was passed by the United State Congress in 1978 in response to the dramatically high number of Indian children being removed from their homes and placed for adoption by both public and private agencies and placed with non-Indian foster and adoptive homes and institutions;

**WHEREAS** the intent of Congress under ICWA was to "to promote the stability and security of Indian tribes and families" (25 U.S.C. § 1902);

**WHEREAS** the following is the Tribal placement preferences for Tribal children:

- Citizens of the child's Tribal extended family;
- Citizens of the child's non-Tribal extended family;
- An Indian family of the same tribe as the child, which is approved by the Commission or an Indian family otherwise authorized by law to provide care for the child;
- A facility operated by a licensed child welfare services agency or an Indian tribal facility; or
- Any other suitable placement which meets the standards for shelter care facilities established by the Tribe;

**THEREFORE, BE IT RESOLVED** all notices received by the Tribe for State Court Child Welfare proceedings, as required by the Indian Child Welfare Act, shall be immediately forwarded to the Tribal Prosecutor.

**FURTHER BE IT RESOLVED** that the Tribal Prosecutor, as the attorney for the Tribe, shall assert the rights of the Tribe in State Court Child Welfare proceedings and advocate for the best interests of the Tribe by promoting the stability and security of the Little Traverse Bay Bands of Odawa Indians Tribe and its families.

**FURTHER BE IT RESOLVED** the Tribe, through its Tribal Prosecutor will protect and promote the rights of the Tribe and its families by advocating for family unification AND all placements of Little Traverse Bay Bands Tribal children be in accordance to the Tribal preference for child placement.

**FURTHER BE IT RESOLVED** that the Little Traverse Bay Bands of Odawa Indians, through its Tribal Prosecutor shall intervene in all State Court Child Welfare proceedings on behalf of the Tribe and shall request a transfer to Tribal Court if placement of Tribal Children does not conform to the Tribe's placement preferences.

**FINALLY BE IT RESOLVED** that any exceptions to this resolution shall be reported immediately to Tribal Council in writing.

**CERTIFICATION**

As Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held May 4, 2008 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington, Jr.	X			
Melvin L. Kiogima	X			
Dexter McNamara	X			
Marvin Mulholland	X			
Shirley Oldman				X
Alice Yellowbank	X			
Gerald V. Chingwa	X			
Regina Gasco Bentley	X			
Beatrice A. Law	X			

Date: 5/4/08

\_\_\_\_\_  
Beatrice A. Law, Legislative Leader

Date: 5-4-08

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Regina Gasco Bentley, Secretary

Received by the Executive Office on 5-5-08 by \_\_\_\_\_

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 5-31-2008

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Frank Ettawageshik, Tribal Chairman

**VETO**

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
Tribal Court Room  
7500 Odawa Circle Harbor Springs MI 49740  
July 20, 2008

Closed Session: yes

Call to Order: Meeting was called to order at: 9:34 a.m.

Opening Ceremony: Beatrice A. Law

Council Present: Legislative Leader Beatrice A. Law, Secretary Regina Gasco Bentley, Treasurer Gerald Chingwa, Councilor Dexter McNamara, Councilor Alice Yellowbank, Councilor Melvin L. Kiogima, Councilor Fred Harrington, Jr., Councilor Marvin Mulholland

Absent: Councilor Shirley Oldman

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Office Manager Michele LaCount

Executive Officials and Staff Present: none

Guests: Stacey Borths, Roger Emery, Doug Emery, John Liebgott

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Motion made by Councilor McNamara and supported by Secretary Gasco Bentley to adopt the agenda with additions for July 20, 2008.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Councilor Yellowbank and supported by Councilor McNamara to approve the minutes of July 6, 2008 as corrected.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

There were no Elders comments at this time.

Motion made by Treasurer Chingwa and supported by Councilor Harrington, Jr., to send the Tribal Council budget appropriation request to the Appropriations and Finance Committee for review.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Councilor Yellowbank and supported by Treasurer Chingwa to override executive veto of Tribal Resolution 050408-02 as passed by Tribal Council on May 4, 2008, Tribal Resolution Prosecutor Responsibilities in State Court Child Welfare Proceedings.