

UGASHIK TRADITIONAL VILLAGE



UGASHIK, ALASKA

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December 31, 2014

To: Ugashik Traditional Village Tribal Members

Re: Winter 2014-2015 ICWA Newsletter

Greetings,

When a tribe does not have their own tribal court then the application of the Federal ICWA law rests with the Alaska court system, which at this point in time is the situation for the children of Ugashik Traditional Village. It is very important to enroll children in their tribe as soon as possible after you get their Birth Certificate and their CIB because tribal membership strengthens the application of the ICWA law. State courts are required to uphold the ICWA law even if a Native child is not enrolled, but if the child is not a tribal member, then there is risk that the application of the ICWA law is weakened and is treated as a non-ICWA case for a Native child and as the BIA guidelines point out that "actions taken based on the court's determination prior to the child's becoming a tribal member continue to be valid."

Another important aspect is to have what the court calls an Indian Custodian appointed for your children. Indian Custodian – any Indian person who has legal custody of an Indian child under tribal law or custom, or under state law, or to whom temporary physical care, custody and control has been given by the parent of the child. According to Diane Payne, Justice for Native Children, this can be verbal or written, but when given only verbally has in some cases ended up being decided in a court case, so, it is better for the well-being of your children to have it in a written format. There is a general "Designation of Indian Custodian" and a "Special Delegation of Authority for Indian Custodian under the Indian Child Welfare Act" and there are great to have in place when a parent temporarily needs to leave the village and someone needs legal authority to sign documents for their children. From OCS point of view, once they get called into a case, you cannot designate an Indian Custodian verbally or written, the designation of an Indian Custodian must be in place before OCS gets involved in a case.

I have copies of both types of the Indian Custodian designation that I can send via mail or via email and please do not hesitate to call me with any inquiry you may have at 907-338-7611 or email me at the above listed email.

Wishing to all a blessed 2015 new year and all year long.

Best Regards,

A handwritten signature in red ink that reads "Irma Rhodes King".

Irma Rhodes King
ICWA Worker/TCWS