



Coalition of Bar Associations of Color

**RESOLUTION SUPPORTING THE INDIAN CHILD WELFARE ACT PARTICULARLY
AGAINST COLLATERAL ATTACKS**

Endorsed March 2016

WHEREAS, the Coalition of Bar Associations of Color (“**CBAC**”), organized in 1992, is a coalition created to act as a collective voice for issues of common concern to its member organizations; and

WHEREAS, the member organizations of the CBAC are the Hispanic National Bar Association (“**HNBA**”), the National Asian Pacific American Bar Association (“**NAPABA**”), the National Bar Association (“**NBA**”), and the National Native American Bar Association (“**NNABA**”); and

WHEREAS, the member organizations of CBAC are the national voices of their respective legal communities in the United States and its territories and possessions; and

WHEREAS, CBAC supports the strength and well-being of tribal nations, including the vibrancy and sacredness of Native youth and Native families; and

WHEREAS, prior to the passage of the Indian Child Welfare Act (“**ICWA**”), American Indian children were systematically and disproportionately being taken from their homes and either put up for adoption or placed in foster care; and

WHEREAS, in 1978 Congress passed the ICWA in order to protect Indian culture and tribal integrity from the unnecessary removal of Indian children by state and federal agencies; and

WHEREAS, in 2015, the Bureau of Indian Affairs (“**BIA**”) published new ICWA Guidelines and declared its intent to promulgate regulations to govern the implementation of ICWA in state courts and agencies; and

WHEREAS, after 35 years of inconsistent interpretations and implementation of ICWA’s provisions, these Guidelines and proposed regulations provide the clarity and certainty that Native children and families deserve; and

WHEREAS, in response to the BIA’s guidelines and proposed regulations, various anti-ICWA organizations have challenged the very existence of ICWA in various lawsuits; and

WHEREAS, these lawsuits threaten foundational provisions of ICWA and related state-enacted statutes, undermining decades of efforts to counteract the devastating effects of systemic removal of Indian children from their homes; and

WHEREAS, concerted efforts to coordinate a legal response and educate state and federal policymakers and the media concerning the importance of ICWA is necessary to defend against such lawsuits.

NOW THEREFORE BE IT RESOLVED that CBAC calls upon the tribal, state, and local governments, and bar associations to coordinate legal efforts in defense of ICWA and related state statutes; and

NOW THEREFORE BE IT FURTHER RESOLVED that CBAC authorizes its officers and staff to communicate the content of this resolution to other bar associations, advocacy groups, members of Congress, the Administration, the press, and to whomever else CBAC board deems suitable to receive the information; and

NOW THEREFORE BE IT FINALLY RESOLVED, that this resolution shall be the policy of CBAC until it is withdrawn or modified by subsequent resolution.

[Remainder of page intentionally blank.]

CERTIFICATION

WE, the duly-elected Presidents of the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA), hereby certify that the foregoing Resolution was duly enacted by a duly noticed meeting of the Board of Directors.



Roberto T. Maldonado

Roberto Maldonado
President, Hispanic National Bar Association

March 1, 2016

Date

Jim Y. Hwang

Jim Hwang
President, National Asian Pacific American Bar Association

March 1, 2016

Date

Benjamin Crump

Benjamin Crump
President, National Bar Association

March 1, 2016

Date

Linda Benally

Linda Benally
President, National Native American Bar Association

March 1, 2016

Date