



**RESOLUTION OF THE GOVERNING BODY
OF THE THREE AFFILIATED TRIBES
OF THE FORT BERTHOLD INDIAN RESERVATION**

A Resolution entitled, “Consenting to the Exercise of Torres Martinez Desert Cahuilla Indians’ (TMDCI) Tribal Jurisdiction for the Sole and Limited Purpose of Transferring the Baker ICWA Matter from the Riverside Juvenile Court, a state court, to the TMDCI Tribal Court”

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the MHA Nation and of the enrolled members thereof; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The Indian Child Welfare Act, 25 U.S.C. § 1901 *et seq.*, recognizes that “there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children;” and

WHEREAS, Heather Baker (DOB 1-28-1990), and her children, Caleb Leon Baker, Jr. (DOB 8-16-2008), Arabella Rose Baker (DOB 12-25-2009), and Cabrina Dawn Baker (DOB 11-16-2011), are all enrolled members of the Three Affiliated Tribes; and

WHEREAS, Heather Baker’s tribal member children, Caleb, Arabella, and Cabrina Baker, were removed from her care and custody by the Riverside County Child Protective Services (“CPS”) in Banning, California on February 18, 2013 due to serious and confidential allegations relating to the safety and well-being of the children and the family; and

WHEREAS, As a result of the removal of the children by CPS, there is an active and open dependency case pending in the Riverside Juvenile Court in Riverside County, California; and

WHEREAS, MHA Nation/Tribal member mother, Heather Baker, is a current client of the Torres Martinez Desert Cahuilla Indians (TMDCI) Temporary Assistance to



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Needy Families (Tribal TANF) Program, operated by the TMDCI Tribe in Riverside and Los Angeles Counties, California; and

WHEREAS, Tribal member mother, Heather Baker, and her member children, reside within the Tribal TANF Program's service area in Riverside County, California; and

WHEREAS, Tribal member mother, Heather Baker, will receive culturally appropriate and supportive services through the Tribal TANF Program; and

WHEREAS, The focus of the Tribal TANF Program is on traditional values and cultural awareness in order to support, educate, and guide Tribal TANF clients toward the path of self-sufficiency; and

WHEREAS, Tribal member mother, Heather Baker, wishes to transfer the current dependency case in Riverside County to the jurisdiction of the Torres Martinez Tribal Court located on the Tribe's Reservation in Thermal, California; and

WHEREAS, The Three Affiliated Tribes Children & Family Services ICWA Department supports the transfer of the Baker matter to the TMDCI Tribe's jurisdiction and Tribal Court and will continue to participate in these proceedings and monitor the family's progress after the matter is transferred to the TMDCI Tribal Court; and

WHEREAS, The Three Affiliated Tribes Children & Family Services ICWA Department supports the application of the TMDCI Tribal Children's Code, which supports reunification of the family and placement of the children with relatives when safe and appropriate, to the Baker ICWA Matter once it is transferred to the Tribe's jurisdiction; and

WHEREAS, The TMDCI Tribal Children's Code provides that the "Tribe will have jurisdiction over all Indian child welfare matters where the parents, guardian, or custodian (and Tribe, where applicable) consent to the Tribe's jurisdiction" (TMDCI Tribal Children's Code, Ch. 1, Sec. 3 "Jurisdiction")(effective Oct. 8, 2011); and

WHEREAS, The Indian Child Welfare Act requires that an ICWA case be transferred to a Tribal Court absent good cause to the contrary (25 U.S.C. § 1911);

NOW THEREFORE BE IT RESOLVED that the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation hereby consents to the jurisdiction of the Torres Martinez Desert Cahuilla Indians Tribe for the limited and sole purpose of transferring the above-mentioned Baker ICWA Matter



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currently pending in Riverside Juvenile Court, a state of California court, to the TMDCI Tribal Court;

BE IT FURTHER RESOLVED that the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation hereby consents to the application of the Torres Martinez Desert Cahuilla Indians Tribe's Tribal Children's Code for the limited and sole purpose of the above-mentioned Baker ICWA matter upon transfer from the Riverside Juvenile Court to the TMDCI Tribal Court;

BE IT FURTHER RESOLVED that the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation hereby consents to and requests that the above-mentioned Baker ICWA Matter currently pending in Riverside Juvenile Court be transferred to the Torres Martinez Desert Cahuilla Indians Tribal Court (25 U.S.C. § 1911)(State court shall transfer Indian child welfare matter to Tribal Court absent good cause to the contrary);

BE IT FINALLY RESOLVED that the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation has determined that a transfer of the Baker ICWA Matter from the Riverside Juvenile Court to the TMDCI Tribal Court promotes the goals of the Indian Child Welfare Act, 25 U.S.C. § 1901 *et seq.*, and is in the best interests of the Baker children and Baker family.



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CERTIFICATION

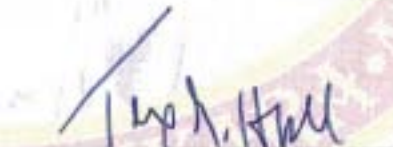
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 16 day of April, 2013; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] Voting. [] Not voting.

Dated this 16 day of April, 2013.

ATTEST:


Tribal Secretary, V. Judy Brugh
Tribal Business Council
Three Affiliated Tribes


Tribal Chairman, Tex G. Hall
Tribal Business Council
Three Affiliated Tribes