



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

A Resolution entitled, "Adoption of New Laws – Customary Adoption Code, Post-Adoption Contact Agreement, and Cultural Connectedness Agreement"

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, Pursuant to Article III, Section 1 of the Constitution and By Laws of the Three Affiliated Tribes, the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Article I of the Constitution of the Three Affiliated Tribes expressly provides that the jurisdiction of the Three Affiliated Tribes shall extend to all persons and all lands, including lands held in fee, within the exterior boundaries of the Fort Berthold Reservation; and

WHEREAS, Article VI, Section 3 of the Constitution of the Three Affiliated Tribes specifically grants to the Tribal Business Council all necessary sovereign authority – legislative and judicial – for the purpose of exercising the jurisdiction granted by the people of the Three Affiliated Tribes in Article I of the Constitution; and

WHEREAS, Pursuant to Article VI, Section 5 (l) of said Constitution, the Tribal Business Council has the power to adopt resolutions regulating the procedures of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

WHEREAS, The Tribal Code of the Three Affiliated Tribes provides for certain legal permanent custodial goals and options for children not in the custodial care of their biological and legal parents; and

WHEREAS, The proposed Customary Adoption Code provides for an alternative to the permanency plan options included in the Tribal Code at this time - of which two are (1) termination of parental rights and adoption and (2) permanent guardianship - in the form of permanent suspension of parental rights and customary adoption; and



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WHEREAS, Permanent suspension of parental rights and then customary adoption, among other things, would allow for continued contact between the biological and legal parents and the subject child(ren) after an adoption if the Court finds that such contact would be in the best interests of the child(ren) while still allowing for a level of legal permanency with regard to the custody of child(ren) that is not present with a permanent guardianship; and

WHEREAS, The proposed Post-Adoption Contact Agreement provisions provide the procedure for the filing, consideration, and ordering of post-adoption contact agreements by the Tribal Court; and

WHEREAS, Cultural Connectedness Agreements provide for the continued contact between a Tribal child and, among other things, the Tribes and Tribal culture after an adoption, customary adoption, permanent guardianship or other permanent custodial arrangement has been ordered by a court for a Tribal child; and

WHEREAS, The proposed Cultural Connectedness Agreement provisions provide the procedure for the filing, consideration, and ordering of cultural connectedness agreements; and

WHEREAS, The aforementioned provisions have gone through all necessary readings and public comment period as required by Tribal law; and

WHEREAS, The Tribal Business Council finds that there is a need to provide a new alternative permanent custodial option for the Tribes' children in the best interests of the welfare and benefit of the children, Tribes and the enrolled members thereof; and

WHEREAS, Based on its review and discussion of the attached provisions, it is the considered judgment of the Tribal Business Council that such provisions should be approved and adopted and added to the Code of Laws of the Three Affiliated Tribes.

NOW, THEREFORE, BE IT RESOLVED that the Tribal Business Council of the Three Affiliated Tribes hereby approves and adopts the attached Customary Adoption Code, which are to be added to the Fort Berthold Tribal Code (the Code of Laws of the Three Affiliated Tribes) as Chapter 20 of Title V and are forthwith incorporated into the Code of Laws of the Three Affiliated Tribes and are to be effective immediately; and



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BE IT FURTHER RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby approves and adopts the attached Post Adoption Contact Agreement and Cultural Connectedness Agreement provisions, which are to be added to the Fort Berthold Tribal Code (the Code of Laws of the Three Affiliated Tribes) as Chapters 21 and 21.1 respectively of Title V and are forthwith incorporated into the Code of Laws of the Three Affiliated Tribes and are to be effective immediately.

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 5 members of whom 5 constitute a quorum, 5 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 2nd day of September, 2015; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman Voting. Not voting.

Dated this 2nd day of September, 2015.

ATTEST:

Handwritten signature of L. Kenneth Hall in cursive script.

Tribal Secretary, L. Kenneth Hall
Tribal Business Council
Three Affiliated Tribes

Handwritten signature of Mark Fox in cursive script.

Tribal Chairman, Mark Fox
Tribal Business Council
Three Affiliated Tribes