



Little River Band of Ottawa Indians
2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288

Resolution #16-0617-174

Authorizing the Tribal Ogema's execution of a Letter of Agreement and a Letter of Commitment with the Grand Traverse Band of Ottawa and Chippewa Indians, the Michigan Court Improvement Program, the Michigan Department of Health and Human Services, the Grand Traverse County Prosecuting Attorney, Michigan State University College of Law, and the Sault Ste. Marie Tribe of Chippewa Indians to collaboratively apply for the FY 2016 State and Tribal Indian Child Welfare Act Implementation Partnership Grant offered by the Department of Health and Human Services Administration for Children and Families

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the legislative powers of the Tribe are vested in the Tribal Council according to Article IV, Section 1 of the Constitution; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) and (2) to exercise the inherent powers of the Tribe by establishing laws through the enactment of ordinances and adoption of resolutions to govern the conduct of Tribal Members and others within the Tribe's jurisdiction and to promote, protect and provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council is authorized by Article IV, Section 7(b) to authorize and ratify agreements and contracts negotiated by the Tribal Ogema on behalf of the Little River Band with political subdivisions or private parties on all matters within the authority of the Tribal Council; and

WHEREAS, the executive powers of the Tribe are vested in the Tribal Ogema according to Article V, Section 1 of the Constitution; and

WHEREAS, the Tribal Ogema is authorized to consult, negotiate and execute agreements and contracts on behalf of the Little River Band with governments, political subdivisions and private parties subject to authorization and ratification by Tribal Council; and

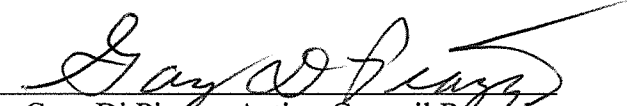
WHEREAS, the Tribal Ogema, through the Family Services Department, has consulted with the Grand Traverse Band of Ottawa and Chippewa Indians, the Michigan Court Improvement Program, the Michigan Department of Health and Human Services, the Grand Traverse County Prosecuting Attorney, Michigan State University College of Law, and the Sault Ste. Marie Tribe of Chippewa Indians; and

NOW THEREFORE IT IS RESOLVED, that the Tribal Council approves the Tribal Ogema's execution of a Letter of Agreement with the Grand Traverse Band of Ottawa and Chippewa Indians, the Michigan Court Improvement Program, the Michigan Department of Health and Human Services, the Grand Traverse County Prosecuting Attorney, Michigan State University College of Law, and the Sault Ste. Marie Tribe of Chippewa Indians for the purposes of applying for the FY 2016 State and Tribal Indian Child Welfare Act Implementation Partnership Grant offered by the DHHS Administration for Children and Families.

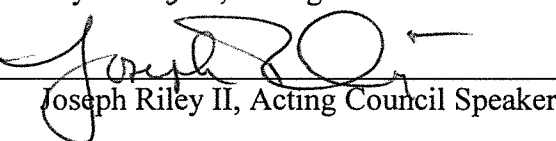
IT IS FURTHER RESOLVED, that nothing about this Letter of Agreement that shall be construed to waive the Tribe's sovereign immunity from any action by any party or private individual, nor shall it operate to create a cause of action against the Tribe.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 0 AGAINST, 0 ABSTAINING, and 3 ABSENT, at an Emergency Session of the Little River Band of Ottawa Indians Tribal Council called by the Tribal Ogema and held on June 17, 2016, at the Government Center in Manistee, Michigan, with a quorum being present for such vote.



Gary Di Piazza, Acting Council Recorder



Joseph Riley II, Acting Council Speaker

Attest:

Distribution: Council Records Tribal Ogema Family Services Department Legal Department



Letter of Commitment

6/9/2016

David Kelly
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau
CB Operations Center, c/o LCG, Inc.
1400 Key Boulevard, Suite 900
Arlington, VA 22209

Dear Mr. Kelly,

The Little River band of Ottawa Indians is pleased to partner with Grand Traverse Band of Ottawa and Chippewa Indians (GTB) in their application for the Administration for Children and Families Department Federal Department of Health & Human Services State and Tribal Indian Child Welfare Act (ICWA) Implementation Partnership Grant.

This grant will enhance collaboration and partnership between state and tribal courts and child welfare agencies, which will enable the partners to design, implement, and test a practice model co-created and agreed upon by the participating state and tribal government(s) identifying where responsibilities lay, why, and the procedures each government will follow. The Little River Band of Ottawa Indians will assist in providing the opportunity for states and tribes to build and strengthen relationships of trust by working together toward common ICWA-related goals and build interagency collaboration, coordination, and trust.

We are committed to providing input and guidance in meeting the objectives articulated in the Letter of Agreement and we strongly endorse the goals in this grant application.

Sincerely,

Larry Romanelli, Ogema

Little River Band of Ottawa Indians

LETTER OF AGREEMENT
State and Tribal Indian Child Welfare Act (ICWA) Implementation Partnership Grant
HHS-2016-ACF-ACYF-CT-1123

WHEREAS, the Grand Traverse Band of Ottawa and Chippewa Indians (Grand Traverse Band or GTB); the Michigan Department of Health & Human Services (DHHS); the Michigan Court Improvement Program (CIP); the Grand Traverse County Prosecuting Attorney (GTCPA); Michigan State University (MSU) College of Law – Indigenous Law and Policy Center; Little River Band of Ottawa Indians Family Services Department; and the Sault Ste. Marie Tribe of Chippewa Indians, Anishnaabek Community and Family, Child Placement Program, (collectively the “Partners”) have come together to collaborate and to make an application for the FY 2016 State and Tribal Indian Child Welfare Act (ICWA) Implementation Partnership Grant; and

WHEREAS, the Partners to this Letter of Agreement (LOA) endorse the goals of the State and Tribal Indian Child Welfare Act (ICWA) Implementation Partnership Grant identified in the “abstract” presented in the Grant proposal; and

WHEREAS, the Partners listed below have agreed to enter into this LOA, in which the Grand Traverse Band Tribal Prosecutor’s Office will be the lead agency and named applicant and the other agencies will be Partners in this application; and

WHEREAS, the Partners herein desire to enter into this Letter of Agreement (LOA) setting forth the services to be provided; and

WHEREAS, the application prepared and approved by the collaborative effort through the Partners is to be submitted to the Department of Health & Human Services Administration for Children and Families.

The mission of the Partners’ grant proposal is to improve outcomes for Native American families by compliance by State Courts with the Indian Child Welfare Act (ICWA). Non-compliance with ICWA comes in many forms; lack of notification and/or untimely notification by State Courts to Tribes; failure to follow prescribed foster care and adoption placement preferences; judges and attorneys who are unfamiliar and/or uneducated with regard to ICWA and its mandates. The goal is to develop through the joint efforts of Tribal/State collaboration evidence supported best practice model for ICWA implementation.

The Partners will provide input in meeting four primary objectives:

Objective 1: Improve compliance rates throughout the State of Michigan with the Indian Child Welfare Act in all State court proceeding involving Indian children. (1-60 months).

Activity 1.1: Meet with State and Tribal partners to discuss strengths and areas needing improvement regarding ICWA/Michigan Indian Family Preservation Act (MIFPA) compliance and serve as the format for collaboration in the planning and assessment process of the practice model and relationship building. (Quarterly).

Activity 1.2: Implement mass media options with Partners as a means of relaying ICWA/MIFPA information to the public. (Months 2-60).

Activity 1.3: Site visits to the locations of the twelve tribes in Michigan will be provided for State Court and DHHS personnel and Partners to enhance their knowledge base regarding Tribal culture and customs. (Quarterly meetings).

Objective 2: Expedite ICWA notices to Tribes utilizing current technology.

Activity 2.1: State Court participants along with DHHS, Court Improvement Program (CIP) and Tribal Partners will research for quality improvement purposes, new technological solutions to improve the timeliness of ICWA notices to Tribes. (Months 1-12).

Activity 2.2: Financial and legal issues will be addressed regarding utilizing information sharing. (Months 1-60).

Activity 2.3: Utilize ICWA Assessment Toolkit for State Courts to measure compliance with ICWA. (Months 3-60).

Objective 3; Educate State Courts on ICWA to strengthen interagency communication and collaboration.

Activity 3.1: Host, in collaboration with the DHHS and CIP, the annual ICWA/MIFPA Conference. (Annual).

Activity 3.2: Schedule date for ICWA/MIFPA Conference planning meetings and obtain Presenters utilizing staff from the twelve Michigan Tribes within DHHS staff, CIP and experts on ICWA. (Annual).

Activity 3.3: Apply for continuing educations units for licensed social workers. (Annual).

Objective 4: Evaluate impact of implementation of best practice model developed collaboratively with State and Tribal partners.

Activity 4.1: Tribal/State Partners will evaluate how activities addressed the identified problems and how results and achievements built or strengthened relationships between State and Tribal Partners. Evaluation will assess the plan for ongoing collaboration regarding the agreed upon goals after grant funding ends. (Months 48-60).

Activity 4.2: Measure identification methods for compliance as specified in grant to ensure protocols and practices are met for quality improvement purposes. (Months 1-60).

I. Description of Partner Departments

The Grand Traverse Band of Ottawa and Chippewa Indians became duly acknowledged as a federally recognized Indian Tribe having a government-to-government relationship with the United States by action of the Department of the Interior effective May 27, 1980 (*see* 45 Fed. Reg. 18321-322 (March 25, 1980)). The Grand Traverse Band's Reservation and its service areas are located in the northwest section of the lower peninsula of Michigan. The GTB service area for the delivery of federal and tribal services encompasses six counties - Antrim, Benzie, Charlevoix, Grand Traverse, Leelanau, and Manistee. The following tribal departments will provide support for this ICWA Implementation Partnership Grant:

- (1) The GTB Department of Public Safety, which includes the departments of Tribal Law Enforcement and the Tribal Prosecutor's Office;
- (2) The GTB Department of Human Services, which includes the departments of Behavioral Health and Anishinaabek Family Services; and
- (3) The GTB Tribal Court.

The Michigan Department of Health and Human Services is the principal department of the State of Michigan with the power and authority to develop, administer and coordinate health and family security initiatives and programs in the state.

The Michigan Court Improvement Program is a multi-disciplinary taskforce within the judicial branch of the State of Michigan, and identifies and addresses barriers to safety, permanency and child and family well-being throughout the state.

The Grand Traverse County Prosecuting Attorney is the office with the power and authority to represent the People of the State of Michigan in criminal prosecutions within Grand Traverse County, and to act as chief civil counsel for the Grand Traverse County.

The Michigan State University College of Law Indigenous Law and Policy Center (ILPC) was established to provide competent, experienced and inexpensive legal services to tribal governments in an effort to assist tribes in attaining their judicial and governmental goals. By offering the highest quality legal services and policy advice at minimal cost, the Center aids in empowering tribal governments to improve their communities and address the particular needs of their citizens.

The Little River Band of Ottawa Indians Family Services Department administers ICWA & MIFPA child welfare and prevention, self-sufficiency, elder services, family/individual services, juvenile justice and domestic violence programs. These programs focus on children and their families with the goal of maintaining, supporting, and strengthening the community through its members. The department assists families in finding and maintaining balance and harmony through the integration of Tribal culture and traditions in its programs. Utilizing a holistic approach, the department hopes to maintain the integrity of the family and to promote self-sufficiency.

The Sault Ste. Marie Tribe of Chippewa Indians, Anishnaabek Community and Family, Child Placement Program provide human services or social services for the Sault Ste. Marie Tribe of Chippewa Indians. The program provides three components: Direct Services: To provide direct assistance to tribal members experiencing financial and other difficulties. Child Placement: To improve the outcomes of safety, permanency and well-being in each program area of the Child Placement component, to include Adult Protective Services. Advocacy Resource Center: To provide supportive services that meet the needs of victims of crime in a culturally competent manner.

II. Individual Roles and Responsibilities

A. Grand Traverse Band Prosecuting Attorney

1. The GTB Prosecuting Attorney will be the lead partner for grant administration and for financial management purposes, in collaboration with GTB Office of Management and Budget. Grant funds will be distributed in an equitable and appropriate manner to support project goals and activities.
2. The GTB Prosecuting Attorney will facilitate meetings among the Partners articulated in this LOA.

3. The GTB Prosecuting Attorney will compile reports to the funding agency.

B. Anishinaabek Family Services Daily Operations Supervisor

1. The AFS Daily Operations Supervisor will assist with program development.
2. The AFS Daily Operations Supervisor will assist with grant reporting.

C. Grand Traverse Band Tribal Court Chief Judge

1. The GTB Tribal Court Chief Judge will provide input and guidance in meeting the objectives articulated above.

D. Department of Health and Human Services

1. DHHS will provide input and guidance in meeting the objectives articulated above.

E. Michigan State Court Improvement Program

1. The CIP will provide input and guidance in meeting the objectives articulated above.

F. Grand Traverse County Prosecuting Attorney

1. The GTCPA will provide input and guidance in meeting the objectives articulated above.

G. Michigan State University College of Law Indigenous Law and Policy Center

1. The MSU College of Law Indigenous Law Center will provide legal and technical assistance for the objectives defined above, and at the direction of tribal partners.

H. Little River Band of Ottawa Indians Family Services Department

1. The LRBOI Family Services Department will provide input and guidance in meeting the objectives articulated above.

I. Sault Ste. Marie Tribe of Chippewa Indians, Anishnaabek Community and Family, Child Placement Program Director

1. The Sault Ste. Marie Anishnaabek Community and Family Child Placement Program will provide input and guidance in meeting the objectives articulated above.

III. Commitment to Partnership

The creation of this partnership and unification is for the singular goal of addressing an underlying problem affecting Native American families and tribal sovereignty. The purpose is to create and implement intergovernmental partnership models to improve administration of ICWA.

IV. Amendments or Modifications

Any individual Partner or sub-department thereof wishing to amend/modify this Letter of Agreement will notify the Grand Traverse Band Prosecutor of the issue(s) to be amended and/or modified, and the Partners will address the issue(s) for purposes of modifying and/or amending

this Letter of Agreement. Any modifications and/or amendments will be decided by consensus (if possible) or simple majority, if not.

IN WITNESS THEREOF, the Partners have caused their duly authorized representatives from their respective offices to execute this Letter of Agreement.

Date: _____
Jolanda Murphy, Department Manager
Grand Traverse Band Department of Public Safety

Date: _____
Matthew J. Feil, Grand Traverse Band Prosecutor

Date: _____
Helen Cook, Daily Operations Supervisor
Grand Traverse Band Department of Human Services


Date: _____
Tanya Wanageshik, Chief Judge
Grand Traverse Band Tribal Court

Date: _____
Michigan Department of Health and Human Services

Date: _____
Kelly Wagner, Director
Michigan Court Improvement Program

Date: _____
Noelle Moeggenberg
Grand Traverse County Prosecuting Attorney

Date: _____
Rick Lameti, COO, Michigan State University College of Law

Date: 6-17-16 _____

Larry Romanelli, Ogema
Little River Band of Ottawa Indians

Date: _____
Melissa VanLuven, Child Placement Program Director
Sault Ste. Marie Tribe of Chippewa Indians
Anishnaabek Community and Family Services