



EXECUTIVE REPORT

June 2016

Dear AFN Co-Chairs and AFN Board,

Last week I received great news from the White House: early notice of the ICWA rule that would be released the afternoon of June 8th, adding powerful protections for Alaskan children caught up in child custody proceedings. This final rule will provide greater stability for Alaska Native children and their families and promote successful Native communities.

We are all intimately familiar with the complex and emotional nature of protecting our most precious resource: our Alaska Native children. As such, we have wholeheartedly supported this final rule. This is a great victory, especially during such contentious times.

But this is not the only victory we are celebrating. Last Friday, we hosted US Attorney General Loretta Lynch in Anchorage for a series of meetings covering topics ranging from drug policy to voting rights and land-into-trust issues. Please read on for exciting updates on the AG's visit and AFN's recent successes in Juneau related to Criminal Justice Reform and the state of Alaska's adoption policies.

Coming into election season, I hope you will join with me in committing to Get Out the Native Vote! We've include major registration and voting deadlines toward the end of this report, as well as reminders about upcoming Convention-related opportunities.

Sincerely,

Julie Kitka, President

Alaska Federation of Natives

CONTENTS

Indian Child Welfare Act	2
Criminal Justice Reform	4
Adoption	5
Election Deadlines and GOTV	6
Convention Update & Deadlines	7

UPCOMING EVENTS

White House Meeting

June 16, 2016
Washington DC

Registration and Registration Updates Online

Sunday, July 17, 2016

President's Awards Nominations

August 19, 2016

Convention Sponsorship Opportunities Deadlines

Convention Guide and Company Logo
August 26, 2016

BIA ANNOUNCES REGULATIONS TO STRENGTHEN ICWA

The Bureau of Indian Affairs announced a final rule last week to better protect the rights of Native American and Alaska Native tribes, families and children by strengthening its regulations implementing the Indian Child Welfare Act. The rule, which will add a new subpart to 25 CFR 23 in the coming weeks, seeks to standardize state ICWA proceedings no matter the child, tribe or state involved.

ICWA has been in place for nearly 40 years; however, compliance has been inconsistent across—and even within—states, including Alaska. Consequently, the disparities the Act was designed to mitigate remain today, chief among them the disproportionate removal of Native American and Alaska Native children from their homes and communities.

Nationwide, Native children are represented in state foster care at a rate 2.5 times higher than their presence in the general population. In Alaska, this proportion is double with data showing Native children are seven times more likely to be in foster care than non-Native children.

The state, led by Governor Walker, has endeavored to change these statistics by better protecting the rights of Alaska Native tribes, families and children subject to ICWA through similar regulations (and legislation). The BIA final rule and new federal regulations will further promote this effort by:

- Clarifying ICWA's applicability and codifying that states may not rely upon the so-called “existing Indian family” exception;
- Requiring state courts to ask, in each and every child welfare proceeding, whether or not the Act applies;
- Limiting the duration of emergency placements to 30 days before full ICWA rights are afforded to parents, relatives and tribes;
- Requiring notice of involuntary proceedings to parents and tribes;
- Clarifying the procedures for tribal court transfers, and limiting the grounds for “good cause” to deny a transfer from state court;
- Clarifying when placement preferences apply and what Native preferences apply to foster care, pre-adoptive and adoptive placements, and limiting the grounds to depart from the preferences for “good cause”;
- Clarifying the requirements for voluntary proceedings;
- Confirming the rights of persons adopted to receive information about their tribal affiliation upon adulthood;
- Identifying the records that must be maintained regarding the implementation of ICWA in judicial proceedings; and
- Underscoring the statutory right to invalidate actions taken in violation of ICWA.

Finally, the new regulations will no longer allow state courts to assert that BIA guidelines regarding the implementation of ICWA are instructive and not binding. **Thus, the most important feature of the final rule and new regulations is that they are regulations that Alaska courts cannot disregard.**

AFN appreciates the many Alaska Native leaders and organizations who submitted testimony and helped document the need for these final regulations. In particular, AFN would like to thank the Alaska regional tribal consortiums, federally recognized tribes, BBNC, CIRI, and Alaska Legal Services for their technical and policy support.

The full text of the ruling (367 pages) is available at:

www.indianaffairs.gov/cs/groups/public/documents/text/idc1-034238.pdf

WHAT'S NEXT

The final rule is effective 180 days after its publication in the Federal Register. The rule will apply to all proceedings that begin on or after the date the rule becomes effective. BIA plans to offer both on-line training modules and in-person training at regional locations for State courts and agencies on the rule.

US ATTORNEY GENERAL LORETTA LYNCH IN ANCHORAGE

On Friday, June 10th we had the honor of hosting US Attorney General Loretta Lynch for a series of meetings covering priorities ranging from combating the growing heroin and opiate epidemic in rural Alaska, to land-into-trust issues, voting rights, criminal justice reform, and upgrading capacity — related to tribal courts, relocation efforts, and Bristol Bay's salmon resources.

AFN staff prepared detailed briefing materials including both background details to bring the Attorney General up-to-date, as well as specific recommendations and requests regarding each priority area. Our recommendations were specifically targeted to encourage action on issues within the AG's jurisdiction at the Justice Department and in coordination with both our Native communities and the State of Alaska.

WHAT'S NEXT

The tenor of our meeting with Attorney General Lynch was positive and engaged. We look forward to following up to encourage concrete action related to the most timely of our requests that can have a specific impact through the balance of the year, especially with regard to support for voting rights and capacity building around relocation efforts coming into the fall storm season.



US Attorney General Loretta Lynch and AFN Co-Chair Ana Hoffman

CRIMINAL JUSTICE REFORM

In 2015, the delegates to the AFN Annual Convention identified criminal justice reform and reinvestment in Alaska as a priority for the organization. Later that year, the Alaska Criminal Justice Commission (“Commission”) released their Justice Reinvestment Report. The Commission found that a disproportionate number of Alaska Natives are being confined. While Alaska Natives represent about 15 percent of the state resident population, they represent 36 percent of the state’s pretrial inmates, 34 percent of the state’s sentenced prisoners, and 42 percent of the probation and parole violators in prison. Measures recommended in the Criminal Justice Commission report were aimed at reducing pretrial incarceration, diverting offenders from prison, adjusting criminal penalties, and making penalties for probation and parole violations more proportional -- all changes that would have a disproportionately positive effect on Alaska Natives, who are overrepresented in the state’s incarcerated population. Unfortunately, Alaska Natives also make up a disproportionate number of victims of crimes in Alaska.

Because of these statistics, AFN supported and advocated for the passage of a criminal justice reform bill in the Alaska State Legislature in the 2015-2016 legislative session. Senate Bill 91 incorporated the recommendations of the Alaska Criminal Justice Commission and was designed to make Alaskan families and communities safer, hold criminal offenders accountable for their behavior, curb spending on our corrections system, and reinvest a portion of the savings into programs aimed at reducing recidivism and helping victims, thus ensuring that we get a better public safety return on the state dollars we spend.

WHAT’S NEXT

The bill passed the legislature and will soon be sent to the governor for his signature. Most of the changes in the bill will take effect July 1, 2016, but some will not be implemented until as late as 2019.

ADOPTION REFORM

One of the first pieces of legislation to come out of the special session was a bill initiated and advanced by the Alaska Federation of Natives and sponsored by Governor Bill Walker. House Bill 200, Adoption of a Child in State Custody, enhances the emergency regulations issued by Health and Social Services Commissioner Valerie Davidson last year, making it easier for Native families to foster and adopt Native children in state custody by defining the meaning of a “proxy” in lieu of a formal petition adoption. It also streamlines the state’s judicial process by consolidating up to four separate civil legal proceedings into a single court case.

The bill comes in response to concerns raised by AFN following *Tununak II*, a high-profile lawsuit in which the Alaska Supreme Court ruled the placement preferences mandated by the Indian Child Welfare Act do not apply unless the Native preference formally files a petition to adopt (or foster) or submits a “proxy” in lieu of the petition.

HB 200 adopts the broad “proxy” definition outlined in the emergency regulations issued last year—an idea AFN came up with—and extends it to non-Native children, further cementing it as state law. The “proxy” procedure allows Native families to preserve and apply their ICWA placement preference by conveying their desire to foster or adopt a relative in state custody by telephone, fax, email, letter or in person. Moreover, the request can be communicated by a relative, tribal member or other Indian family interested in immediate placement of the child.

As an added bonus, HB 200 implements a “one judge, one family” model that will save the state considerable resources. Proceedings for a child-in-need-of-aid, guardianship, custody and adoption currently progress in up to four different courts with up to four different judges under Alaska law. The consolidation provision will collapse these related proceedings into one case, creating better institutional knowledge for more timely and just judicial determinations overall.

It was extremely difficult to push the bill through the Alaska State Legislature in the current political and economic climate, and our efforts would have fallen short without full cooperation and collaboration between the state and other stakeholders. AFN provided testimony at every House and Senate committee hearing, made several trips to Juneau and sent countless communications over the past year to ensure Native families are able to more easily adopt and foster Native children in state care. We especially appreciate the professional and personal efforts of Governor Walker, Commissioner Davidson and Office of Children’s Services Director Christy Lawton in helping reform Alaska’s child welfare system.

WHAT’S NEXT

One of the best ways you can help our children is to publicize the passage of HB 200 in your organization’s newsletters and communications, and update your organization’s child welfare workers on the change in state law through internal and external continuing education opportunities.

You can help ensure the state is ready for a successful January 1, 2017 implementation of the enhanced Native preference placement provisions by contacting your local Office of Children’s Services representative and asking how your organization can partner in the efforts.

ELECTIONS!

2016 is a big year for federal and state elections. Senator Lisa Murkowski and Congressman Don Young are up for reelection, as is the entire Alaska House of Representatives and half of the state Senate. The primary election will be on August 16, and the general election falls shortly after our Annual Convention on November 8. These elections offer incredible opportunities for meaningful engagement to advance the concerns and priorities of the Alaska Native community. First and foremost, we must make sure that our peoples are registered and ready to vote!

The State of Alaska has launched a new voter registration system where you can complete or update your voter registration online at <https://voterregistration.alaska.gov/>. Please note when registering online your Alaska driver's license or state ID card and the information you enter when registering must match the information on your Division of Motor Vehicles record.

Below are important election dates for 2016.

PRIMARY 2016 GENERAL ELECTION 2016

Election Day	Tuesday, August 16 Polls are open from 7:00am - 8:00pm
Registration and Registration Updates Deadline	Sunday, July 17
Early and In-Person Absentee, Special Needs and By-Electronic Transmission Voting Begins	Monday, August 1
Absentee By-Mail Application Deadline	Saturday, August 6
Absentee by Electronic Transmission Application Deadline	Monday, August 15 5:00pm Alaska Time

Election Day	Tuesday, November 8 Polls are open from 7:00am - 8:00pm
Registration and Registration Updates Deadline	Sunday, October 9
Early and In-Person Absentee, Special Needs and By-Electronic Transmission Voting Begins	Monday, October 24
Absentee By-Mail Application Deadline	Saturday, October 29
Absentee by Electronic Transmission Application Deadline	Monday, November 7 5:00pm Alaska Time



CONVENTION UPDATE

This month, the AFN board of directors announced the selection of Emil Notti (Athabascan) and Megan Alvanna Stimpfle (Inupiaq) to deliver the keynote address to the delegates, participants and observers of the 50th Anniversary of the Annual Alaska Federation of Natives (AFN) Convention on the first day of the three-day meeting, October 20-22, 2016 at the Carlson Center in Fairbanks, Alaska.

The theme of this year's convention, "50 Years: Reflect, Refresh, Renew," will guide the course of the agenda. Participants and presenters will reflect on the challenges, innovations and successes of the Alaska Native community since AFN's founding in 1966, refresh our collective accomplishments and aspirations, and renew our commitment to enriching the future of the Native peoples.

DEADLINES AT-A-GLANCE

President's Awards Nominations	August 19
Resolutions	September 23
Sponsorship Opportunities Deadlines	
- <i>Convention Guide and Company Logo</i>	August 26
- <i>Video, TV ad and App (Katmai and Denali sponsors only)</i>	September 30
Artist and Exhibitor Booth Space Payment Deadline	September 23
Delegate Early Registration Online and Mail-in Deadline	October 12