



**Arizona Department of Child Safety and
Pascua Yaqui Tribe's
Memorandum of Understanding
Signing Ceremony**

Purpose

This MOU is predicated on a government to government relationship formed in the spirit of communication, cooperation, coordination, and good will for the purpose of providing guidance and interpretation in the application of the provisions of the Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 et seq., hereinafter referred to as “ICWA” or the “Act” and the 2016 Federal Regulations, 25 C.F.R. 23. Section 1919 of the Act provides that the States and Indian tribes are authorized to enter into agreements with each other respecting the care and custody of Indian children and jurisdiction over child custody proceedings.

It is the expressed intent of both parties to share resources and expertise in addressing the needs of Pascua Yaqui children; to facilitate the provision of services; and to promote cooperation among agencies dedicated to the welfare of children...

Policy

The DCS and the Tribe recognize that:

1. There is no resource that is more vital to the continued existence and integrity of the Tribe than its children.
2. The United States has a direct interest, as trustee, in protecting Indian children who are members of or are eligible for membership in an Indian Tribe.
3. The State has a direct interest in protecting the cultural diversity of the citizens of the State of Arizona.

Policy

4. The Tribe has an interest in promoting and maintaining the integrity of the Tribe as a society, to preserve the unique values of the culture, to promote and strengthen families, and to protect the best interests of the children. Where possible, the child will be raised within his or her family and the Pascua Yaqui culture.
5. DCS and the Tribe have an interest in preventing any cultural separation of children from their families and Tribe and to ensure the placement of all children in a manner which preserves the unique value of the Pascua Yaqui culture.

Highlights

Collaborative Coordination

Sections 2(C) through 2(E) provides for quarterly meetings and established liaisons

Informal Notice in Investigation Phase

Section 3 requires DCS to contact the Tribe as soon as possible in the investigation phase

Ongoing Relations

Section 5 requires DCS to invite the Tribe to all case conferences and staffings

Transfer

Section 6 establishes coordination among DCS and the Tribe when transferring a case to Tribal Court

Highlights

Placement Preferences

Section 7 states that DCS will work with the Tribe to comply with the Tribe's placement preferences

Permanency Preferences

Section 8 provides that DCS will work with the Tribe to identify permanency alternatives

Voluntary Intervention

Section 12 encourages DCS to work with the Tribe to minimize DCS intrusion that do not necessitate a petition being filed

Questions?

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