



**NCA 16-052**

**CLASSIFICATION: #8. CHILDREN AND FAMILY RELATIONS**

**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 6, CHAPTER 1, §1-811(A) ENTITLED "Placement Preferences"**

**Be it Enacted by the National Council of the Muscogee (Creek) Nation:**

**SECTION ONE. FINDINGS.** The National Council finds that:

A. The Muscogee (Creek) Nation has an interest in preserving the tribal relationship with Muscogee (Creek) children within the United States and Indian children within its jurisdictional boundaries.

B. To fully address the need for placement preferences, the code of the Muscogee (Creek) Nation should be updated to adequately provide placement preferences of children under the jurisdiction of Children and Family Services in foster care and adoption cases.

C. By updating these code provisions, the Nation will be able to ensure the preferences of placement of Indian children with approved households consistent with tribal preferences and Indian Child Welfare requirements.

**SECTION TWO. AMENDMENT.** This amendment shall be codified in Title 6, Chapter 1, §1-811 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification and amendment and its inclusion in pocket parts of the Code Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and; (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

**SECTION THREE. AMENDMENT.** MCNCA Title 6, Chapter 1, §1-811(A) is hereby amended to read as follows:

**§1-811. Placement Preferences**

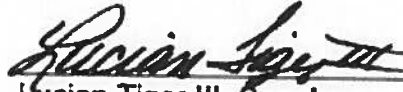
**A. Preferences.** In making a placement of committing legal custody of a child to some person, whether for foster care or adoption, the Court shall place the child with ~~extended family members~~ persons, as defined in Title 6, § 1-103, in the following descending order of preference:

1. The **Non-offending** natural or adoptive parents;
2. A ~~step-parent who is a member of the Muscogee (Creek) Nation~~ **A member of the child's extended family;**
3. A ~~member of the child's extended family~~ **A step-parent who is a member of the child's tribe;**
4. A member of the same band, clan, or tribal town within ~~the Muscogee (Creek) Nation of the child;~~
5. **A Muscogee (Creek) Nation resource home certified, approved or specified by the tribe;**
6. A ~~Muscogee (Creek) Nation alternative/foster care home approved or specified by CFSA~~ **Any Indian or non-Indian resource home certified approved or specified by the Muscogee (Creek) Nation;**
7. With approval of CFSA **Muscogee (Creek) Nation Children and Family Services Administration approval,** ~~a foster home~~ **a resource home certified,** licensed or approved by another Tribe;
8. A ~~public or private institution for children approved by CFSA or operated by an Indian organization which has programs suitable to meet the needs of~~ ~~an Muscogee (Creek) Indian Child;~~ ~~provided that a child attending a BIA, Muscogee (Cree) Nation or other Tribal School will not be eligible for reimbursement, except that weekend care in an alternative/foster care home is reimbursable.~~ **A Federally recognized tribal resource home certified or licensed by the Oklahoma Department of Human Services;**
9. **A Public or non-public (private) institution for children approved by the Muscogee (Creek) Nation Children and Family Services Administration or operated by an Indian organization which has programs suitable to meet the needs of an Indian child under the jurisdiction of the Muscogee (Creek) Nation; (A child attending a Bureau of Indian Affairs school will not be eligible for reimbursement; however, weekend care in a foster home is reimbursable.);**
10. **A non-Indian foster home approved by the Oklahoma Department of Human Services, only after a court or judicial finding or good cause to deviate from placement preferences as listed above.**

**SECTION FOUR. EFFECTIVE DATE** This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

**ENACTED** by the Muscogee (Creek) National Council on this 30<sup>th</sup> day of April, 2016.

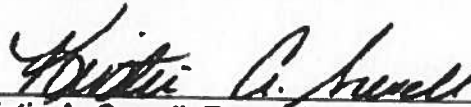
**IN WITNESS WHEREOF**, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



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Lucian Tiger III, Speaker  
National Council  
Muscogee (Creek) Nation

**CERTIFICATION**

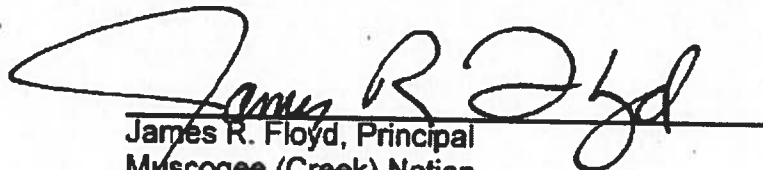
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with Fifteen members attending this meeting on the 30<sup>th</sup> day of April, 2016 and that the above is in conformity with the provisions therein adopted by a vote of 14 in favor, 0 against, and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



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Kristie A. Sewell, Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 5<sup>th</sup> day of May, 2016 to the above Law, NCA 16-052 authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



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James R. Floyd, Principal  
Muscogee (Creek) Nation

