

TABLED

Cherokee Council House
Cherokee, Qualla Boundary (NC)

Date: OCT 17 2019

ORDINANCE NO. 25 (2019)

WHEREAS, The Eastern Band of Cherokee Indians recognize that grandparents have traditional and customary roles in the lives of their grandchildren teaching them and providing them with love, comfort, guidance and a bond that forms the building blocks for healthy relationships with others; and

WHEREAS, Cherokee law must reflect the respect that Cherokee has for a healthy grandparent-grandchild bond; and

WHEREAS, in the wake of trauma, substance abuse and other unfortunate scenarios, the bonds between parents and grandparents can break down preventing what would otherwise be a healthy grandparent and grandchild relationship and if this occurs then a court may have to decide whether the bond between the grandparent and grandchild is best for the child; and

WHEREAS, the best interest of the child is, and always will be, the paramount and guiding principal in all decisions made with respect to parental rights, child custody and visitation and therefore creating a rebuttable legal presumption favoring a grandparent-grandchild relationship is not inconsistent with the competing legal interests at stake, placing the child's interest before all others.

NOW THEREFORE, BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, that Chapter 50, Article II, Section 50-12 is amended to include subsection (g) to read as follows:

Sec. 50-12. - Other family law issues.

(g) There is a rebuttable presumption, consistent with Cherokee culture, that it is in the best interest of a child to have the love and support of grandparents through reasonable contact with a grandparent.

Sec. 50-14. – Custody Mediation.

The Cherokee Court shall administer a mediation program to resolve custody disputes and shall ensure that the program incorporates an alternative choice for culturally specific and

traditional practices such as the Peacemaking Circle model or other models that incorporate holistic, child centered approaches to strengthening and restoring harmony in the family.

BE IT FURTHER ORDAINED that this ordinance shall be effective upon ratification by the Principal Chief and that all prior ordinances and resolutions that are inconsistent with this ordinance are rescinded.

BE IT FURTHER ORDAINED that internal policies affected by these changes be amended, and reported back to Tribal Council for public awareness purposes.

BE IT FINALLY ORDAINED that the Office of Principal Chief and the Office of the Attorney General carry out the intent of this Ordinance.

Submitted by: Native American Indian Women's Association, Cherokee Chapter & Richard G. Sneed, Principal Chief