Tribal Adoption Granted in Unique Court Session

Participants in the special session of the Northern Cheyenne Tribal Court held in Escanaba, Michigan included: (front row, left to right) Richard and Judith Nelson, adoptive parents; Edward Walksnice; Loretta Walksnice, Edward's mother; Terence Wallace Nelson (wearing headband), an adoptive son of the Nelsons; and Blake Walksnice, one of Edward's elder brothers. Standing behind them are (left to right) Mike Bear Comes Out, probation counselor of the tribal court; Dolores Underwood, family counselor of the Cheyenne Home; Marie Sanchez, chief judge of the tribal court; and Margaret Shoulderblade, juvenile clerk.

The adoption of 8-year-old Edward Walksnice by a Michigan couple was concluded at a unique session of the Northern Cheyenne Tribal Court held in the Delta County Courthouse, Escanaba, Michigan last year. A Michigan state court judge granted the Tribal Court, which usually meets on the Northern Cheyenne Reservation in Montana, full use of the courtroom for a special session.

Edward had been placed with the Michigan couple by the Montana Department of Social Services. When the couple originally filed its adoption petition in the Michigan court, the Northern Cheyennes challenged the jurisdiction of the state court in the matter, and the couple voluntarily agreed that the Tribal Court was the proper forum for deciding the issue.

After hearing the case, including the testimony of a child psychiatrist asked by the tribe to make a psychiatric examination of the child and the adoptive family, the Tribal Court decided that the adoption should be allowed in accordance with Northern Cheyenne traditional custom and practice. Thus the adoption was granted, but there was no termination of parental rights of the natural family, as is done in non-Indian adoptions, and the Walksnice family will continue to have a relationship with Edward.

After the tribal court met, the Michigan state court dismissed the original adoption petition pending before it on the grounds that the Northern Cheyenne Tribe, and not the state, had jurisdiction in the case, thereby recognizing the tribe's sovereignty to determine placement of its children.

The AAIA represented the Northern Cheyenne Tribe in getting the state court proceeding dismissed and enabling the tribal court to assert its legitimate jurisdiction and determine the adoption.

Voters Defeat Cunningham

John E. Cunningham, a freshman Congressman who sought to don the mantle of anti-Indian celebrity was soundly defeated by the voters of western Washington at the polls this November. One of the bills introduced by Mr. Cunningham would have abrogated all treaties ever concluded between Indian tribes and the United States—thereby wiping out the centuries-old legal basis of Indian rights. Congress took no action on the bill.