

CUSTODIANS' COMPLEX JOB

Obvious Complications May Be Threat to Land Money Distribution

(EDITOR'S NOTE: As distribution of the first individual payments under the Alaska Native Claims Settlement Act gets under way this month, more than one-third of the monies will be received in behalf of those who cannot legally receive it. These are the thousands of Native Alaskans under the age of 19 and the responsibilities of their custodians are tremendous. For a legal opinion of the problems surrounding the minors and their custodians, Tundra Times talked with an attorney who researched the matter for a regional corporation and got this report.)

From Dallas, Texas comes a call into the office of a regional Native corporation and the question "when do I get my money?"

Then the caller asks "Do I get the same amount for my children?"

The caller duly enrolled as a stockholder in a regional and village corporation under the Alaska Native Claims Settlement Act, will get approximately \$180 for herself and each of her children enrolled with her back to an Alaskan Native village.

Into the office of the same regional corporation, a few hours later, came a woman inquiring on the amount of money her adopted daughter would receive for herself and her child.

In this case the stockholders in question were a woman and child enrolled to the region at large and the answer was nearly \$1,000 a piece.

The woman who inquired smiled and asked if the adopted daughter would be able to spend the money coming to her as custodian of the child in any manner she liked?

"She sure can use the money," the woman said.

"The answer is "yes . . . but within limits."

State law says that the

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money received in behalf of a stockholder too young to receive that money himself must be spent only for the benefit of that child.

State law also requires that the custodian keep receipts on the expenditure of any of that money, a requirement which would be a headache to any person.

Yet, so long as the custodian keeps proper records, as to how the money is spent, there is no prohibition on him from utilizing the distribution monies for the support and maintenance of the minor.

In other words, the money could go for anything from groceries and rent to heat, light and clothing bills, to name a few.

The law also provides that a minor who has reached the age of 14, or a legal representative of the minor, or an adult member of the minor's family may request an accounting of that minor's money.

"Thus," the attorney told Tundra Times, "even though the custodian may be able to spend what money he receives from the cash distributions, be it 10 per cent or in some cases up to 50 per cent, he may nevertheless have to keep books on exactly how that money was spent."

Off the record, in various parts of the state, concern has mounted on how much of the money will eventually go to the children; in fact, whether some of these children will get much money at all.

There are also a number of unanswered questions arising in the case of youngsters who have become wards of the state, especially in cases of parental neglect.

Namely, who gets the money and who gets the voting rights of the child's stock?

Some argue that money due a child taken from a parent for reasons of neglect probably won't ever get to the child if the parent is named custodian.

On the other hand, there is some question of whether the state can legally take that money

to reimburse the state government for boarding or foster home costs for the child.

Another unanswered question is the voting power of the state on the child's stock, if the child is a ward of the state.

If the state can not only take the money of Native wards, but exercise their voting rights until the minor's 19th birthday as well, a problem could develop where the regional corporation and the state are at odds on an issue.

There is no legal way in which any regional Native corporation can require a custodian to place the monies received for a minor into a special trust fund or savings account until the minor reaches the age of maturity.

Furthermore, the regional corporations have no more control or responsibility over the acts of custodians than they have over the acts of any of their shareholders.

Still, with thousands of youngsters and ultimately millions of dollars involved, the concern is growing over the fate of these dollars which could largely shape the future of the children.

At least one regional corporation president, John Sackett of Doyon, Limited, has openly urged custodians of several thousand minor stockholders in the Interior of Alaska to put money received for the children into savings accounts.

Sackett is well aware that he can only suggest. Custodians can do as they please, so long as they keep receipts.

So there are a lot of unanswered questions regarding the future of monies due to thousands of young stockholders under the land claims settlement.

Some of them, this month will be getting checks via their custodians, for approximately \$180. Others, enrolled into a region at-large but not to a village corporation, will be getting closer to \$1,000.

Who will really get the money remains to be seen.