

Native American Rights Fund

Indigenous Peoples' Rights

<https://www.narf.org/cases/vb-by-next-friend/>

Campaign and Advocacy

A civil rights lawsuit filed to protect the rights of a tribal child and family.

Status: Archived

On July 30, 2013, in coordination with the National Indian Child Welfare Association (NICWA) and the National Congress of American Indians (NCAI), the Native American Rights Fund (NARF) filed a civil rights lawsuit on behalf of Veronica Brown (Baby Veronica) in the U.S. Federal District Court for the District of South Carolina. In our press release, NARF Executive Director John Echohawk confirmed, As Executive Director of NARF, I have instructed my legal staff to work with local counsel in South Carolina and Oklahoma to determine our best legal recourse through the federal courts to protect the rights of Baby Veronica. In this case, we strongly believe that federal civil rights laws are being violated.

Two years ago, the South Carolina Family Court held best interest hearings and determined that it was in Veronicas best interest to be with her father, Dusten Brown, a member of the Cherokee Nation. At that time, the state court determined that he was a fit and loving parent, and as a result, the South Carolina Supreme Court transferred custody to Mr. Brown.

However, on June 25, 2013, the U.S. Supreme Court issued a 5-4 decision in *Adoptive Couple v. Baby Girl*, reversing and remanding the case back to the South Carolina courts based on its determination that the provisions of ICWA do not to apply to this case.

On July 24, 2013, the South Carolina Supreme Court issued a controversial order to the states family court calling for an expedited transfer of custody to the South Carolina-based adoptive couple without a hearing of best interest for Veronica. It is standard procedure that adoption proceedings require a hearing to determine the best interest of the child in advance of any transfer of custody proceeding, an essential step the South Carolina Supreme Court failed to take, thus denying Veronica the right to have her current best interests considered.

On July 31, 2013, the federal district court denied without prejudice our motion for a temporary restraining order against the South Carolina Family Court, and Judge Martin issued an order transferring custody of Veronica to the adoptive couple. On September 23, 2013, Veronica was transferred to the custody Adoptive Couple.

Although appeals through the Oklahoma courts remained, on October 10, 2013, Dusten Brown announced his decision to end the custody battle. In his statement, he said: It was no longer fair for Veronica to be in the middle of a battle. It was the love for my daughter that finally gave me the strength to let go of things I can no longer control. In conformity with the fathers decision and with the best interests of Veronica in light of these developments, NARF filed a voluntary dismissal of the federal civil rights complaint.

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