

Native American Rights Fund

Indigenous Peoples' Rights

<https://www.narf.org/native-american-rights-fund-commits-to-defending-the-indian-child-welfare-act/>

Public Facing Advocacy Writing

In 1978, Congress passed the Indian Child Welfare Act (ICWA) in an effort to address the soaring rates at which state courts and child welfare agencies were removing Native children from their families, and placing those children in non-Native foster or adoptive homes or residential institutions. Congress found that many of these removals and placements were due to state officials inability or unwillingness to understand tribal cultures and societies. The impact of the removals and placements was extremely detrimental to the children, their families, and their communities. Broken families, loss of culture, and forced assimilation led to identity problems, incarceration, addictions, and suicide.

While we've seen great improvements in the 36 years since Congress passed ICWA, some states and courts are exploiting loopholes in the law; resulting in countless Native children being moved through the broken child welfare system without any of the protections that ICWA intended. These problems with the enforcement of the law led the Bureau of Indian Affairs to recently issue updated ICWA guidelines and draft regulations which will strengthen ICWA and better protect Native children. Various well-financed special interest groups, however, have responded to such reforms by filing numerous lawsuits in the past month. These groups claim to have the best interests of Native children at heart, but in reality they are the groups that profit the most from the continued placements of Native children in non-Native homes.

To be clear, these lawsuits have no merit; they ignore well-established law and employ controversial, divisive language meant more for a sound bite than a courtroom. Their inflammatory rhetoric is a bare, cynical attempt to divide the families, communities, and organizations that work to improve the lives of Native children. Their arguments are grounded in the same harmful and outdated narrative that Native people have been fighting for decades: the notion that we, as Native people, are not able to care for our own children or to make decisions for ourselves.

Since our founding 45 years ago, NARF has worked to protect the rights of Native children, families, and communities. We stand hand in hand with our allies against these recent attacks on ICWA and we will fight these meritless lawsuits.

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