

# Indian Child Welfare Act

**Everyone wants  
what is best for  
the child !**

**“Why are **Indian**  
children and families  
treated differently?”**

# PERCEPTION

- **Is often influenced by your where you are standing when observing**

Further research?

Adoption and Ethics: The Role of Race, Culture and National Origin in Adoption

By **Freundlich** [CWLA]

# **The historical context ...**

**for child welfare efforts  
and Indians**

**Why trust is not automatic  
when confronted with:**

**“I am from the  
government - I am here  
to help”**

**or**

**“Trust us, we know what  
is best for your children”**

## **Indian Child Welfare Efforts**

130 years ago

# BIA boarding schools

BIA started as part of the War  
Department



# Education as a part of the “civilizing” function



**LITTLE FOX**  
Son of Sitting Bull.  
Killed with his father on Dec. 15, 1890 by  
Indian Police. Crow Foot surrendered his  
father to Gen. M. Lee. Smithsonian Institution

Education was supposed to be the  
Solution to the “**Indian Problem**”



1878 the Hampton Institute, a school for freed slaves, accepted Indian prisoners in an assimilation experiment.



In 1879 Carlisle Indian School, patterned after the military model, opened.



By 1890 attendance was enforced through threats of cessation of rations and supplies.

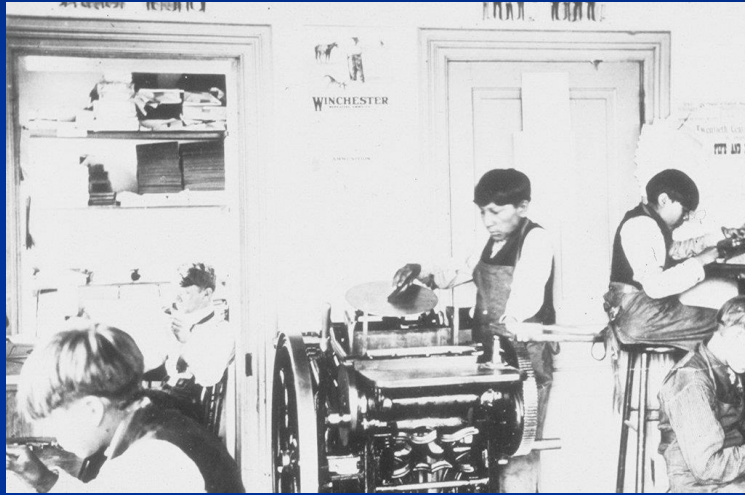


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Many died of disease and broken hearts.



...in the museum at Haskell



Succeeded in breaking intergenerational teaching in Indian communities. Language, religious practices, cultural knowledge were targeted.



Generations learned to parent from BIA dorms





## View from another continent

- Same impact...
- “Rabbit Proof Fence”
  - Movie about the Australian Aborigine experience with education

# **Indian Child Welfare Efforts**

50 years ago

## **1958 Indian Adoption Project**

**Joint project of the BIA  
&  
the Child Welfare League  
of America [CWLA]**

## 1958 Indian Adoption Project

- **Goal:** to provide adoptive placement for American Indian children whose parents were deemed unable to provide a 'suitable' home
- States were paid by the BIA to remove Indian children from their homes alleging "neglect"
- Transracial placements were encouraged and most were separated from their communities
- 25 – 35% of all Indian children were removed from their homes

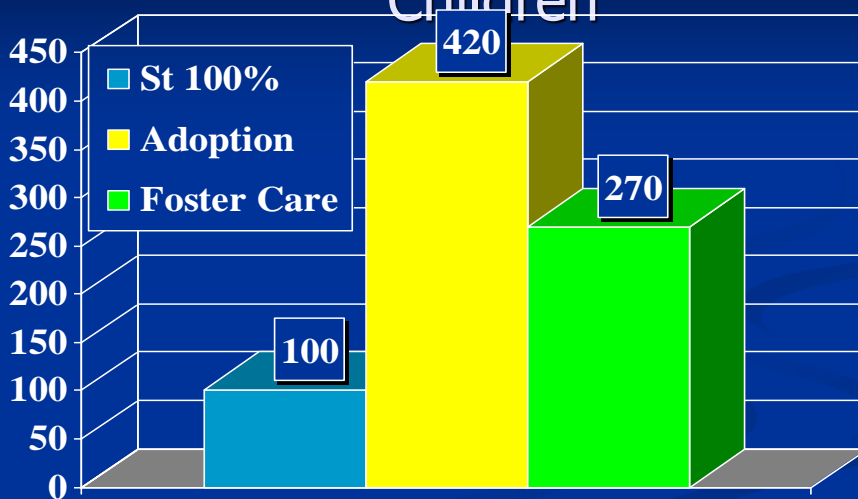
## Indian Child Welfare Efforts

30 years ago

# American Indian Policy Review Commission of the United States Congress

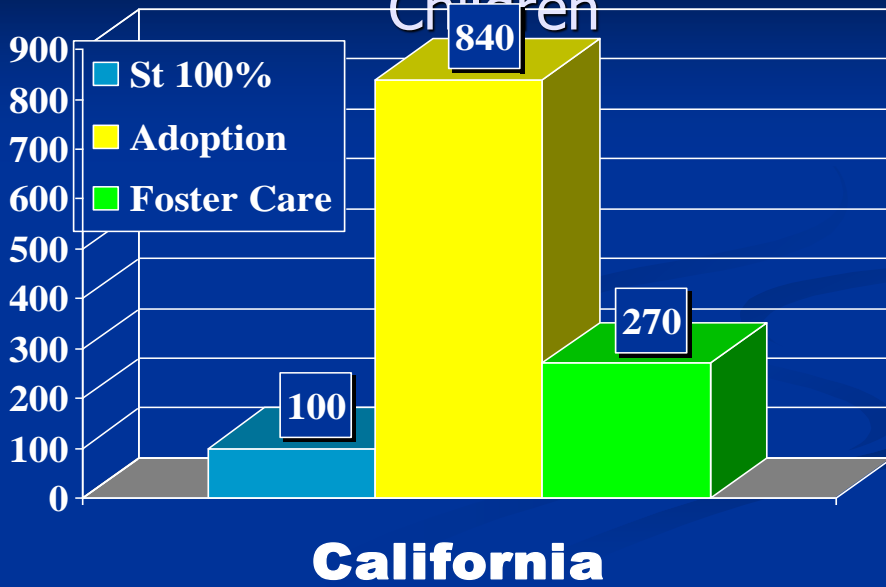
May 17, 1977

## Comparative Rates for Indian Children

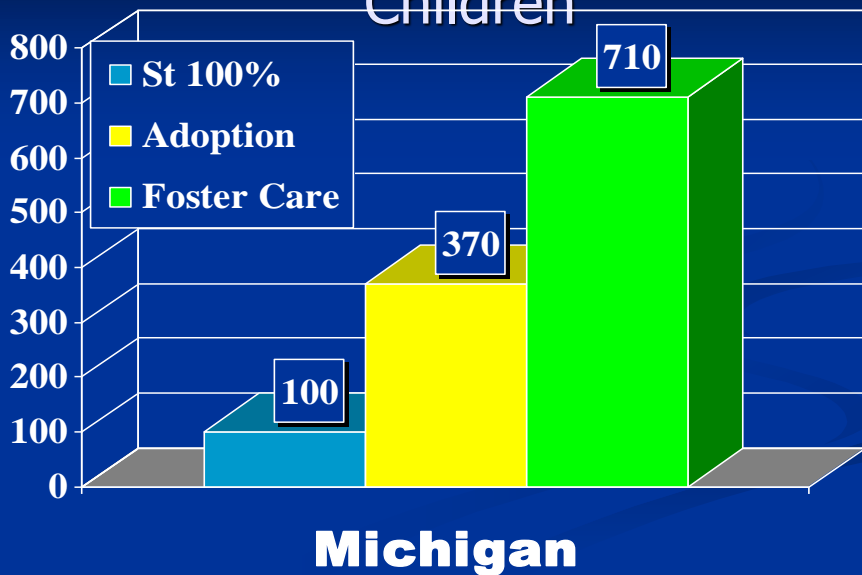


Arizona

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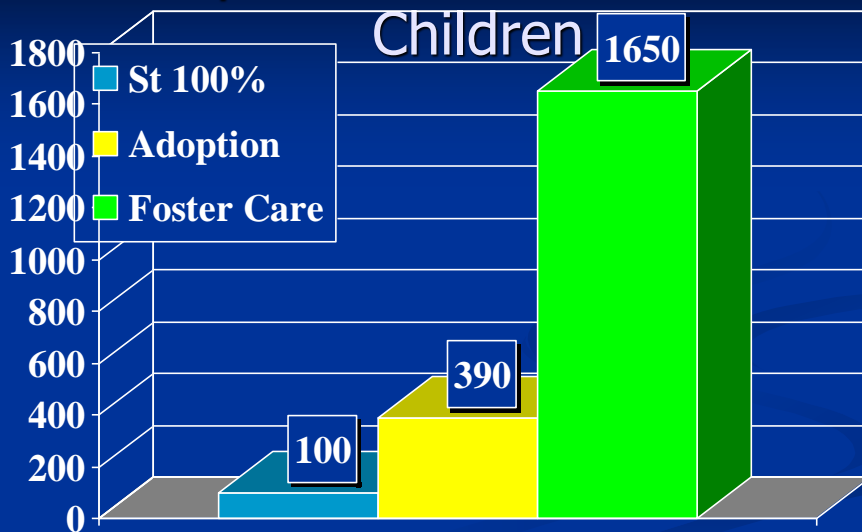


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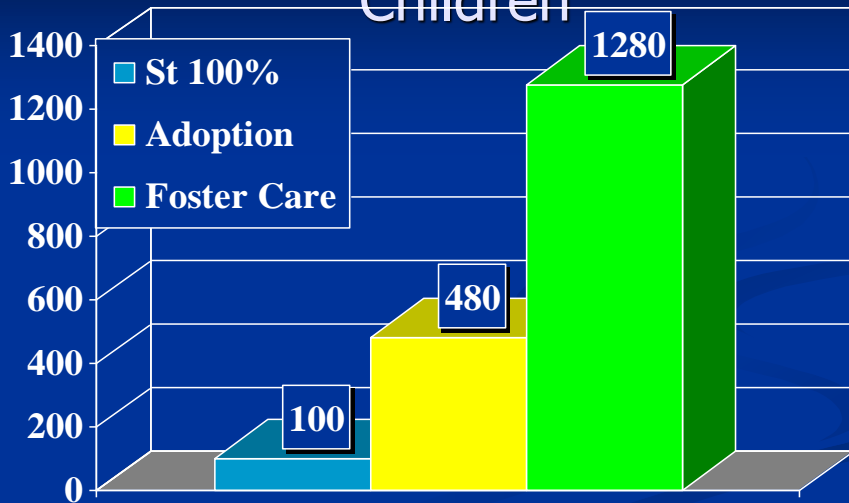


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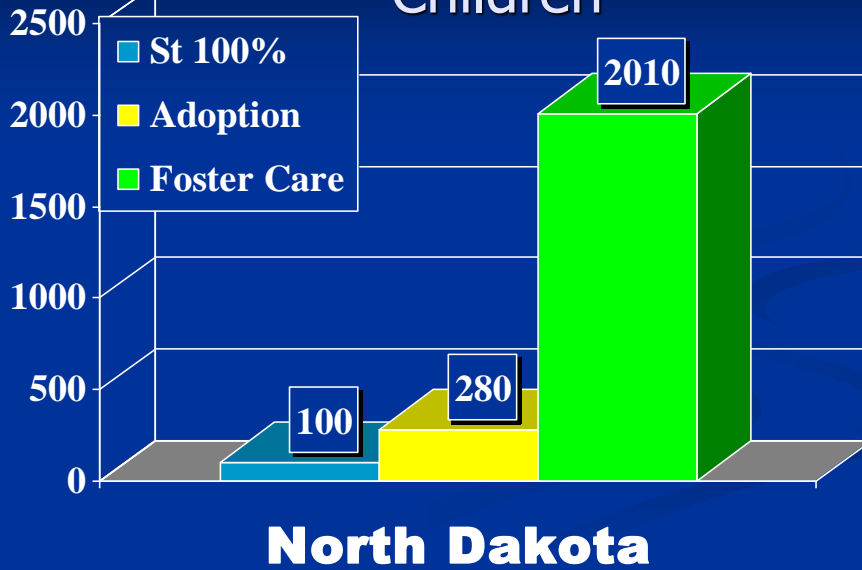
**Minnesota**

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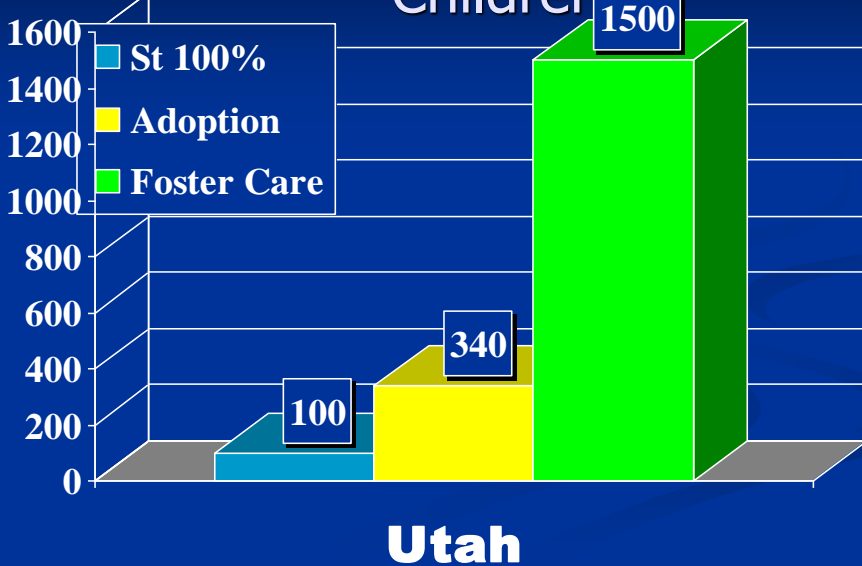


**Montana**

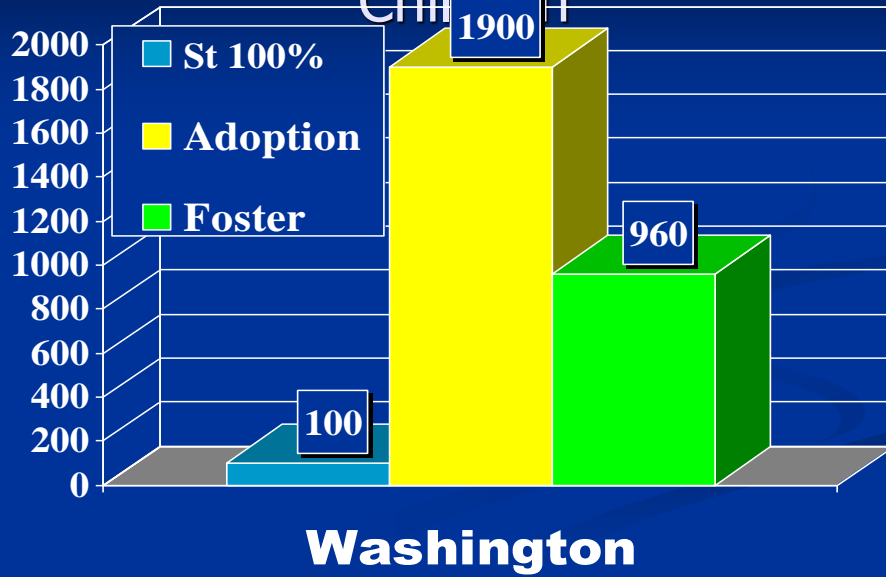
## Comparative Rates for Indian Children



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## Comparative Rates for Indian Children



INDIAN CHILD  
WELFARE ACT  
P.L. 95-608 (11/8/78)

# Indian Child Welfare Efforts 2007

## 2007 GAO Report [St. = 1.0]

- Colorado -- 1.94 [.78]
- North Dakota -- 3.09 [.69]
- Utah -- 3.97 [.82]
- Washington -- 4.99 [.80]
- Iowa -- 5.41 [.86]
- Nebraska -- 6.54 [.80]
- Minnesota -- 7.31 [.63]
- Oregon -- 8.68 [.75]

## Disproportionality Rates: NCJFCJs

■ State	2004	2009
■ South Dakota	3.7	3.9
■ Nevada	0.4	1.2
■ Idaho	5.9	6.6
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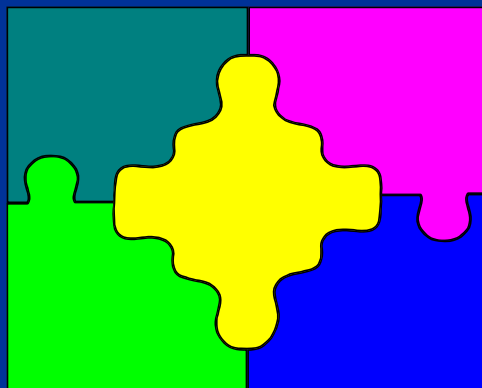
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**ICWA is designed to remedy cultural mistakes that result in Indian children being placed out of home more often than necessary**

ICWA ...



**INDIAN CHILD  
WELFARE ACT  
P.L. 95-608 (11/8/78)**

**DEFINITIONS**

## Indian

- (3) “”...member of an Indian tribe [federally recognized], or who is an Alaska Native and a member of a Regional Corp....”
- **Political**, not racial, identification
- Government to government relationship

## Indian Child

- (4) “**Indian child**” unmarried under 18...either
- (a) a member of an Indian tribe **or**
- (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe;

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- (9) “parent” means the biological parent or parents of an Indian child or any Indian person who has lawfully adopted an Indian child, including adoptions under tribal law or custom. It does not include the unwed father where paternity has not been acknowledged or established;

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TITLE I , SECTION 102  
25 U.S.C. 1911

- **Notice**

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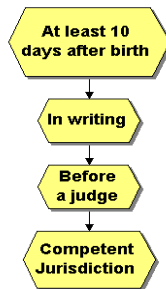
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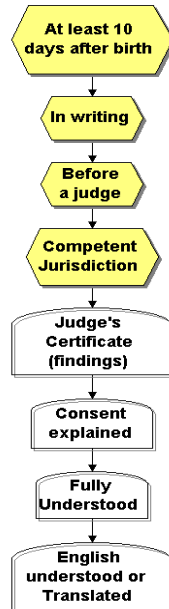
# Section 103 25 U.S.C. 1913

## ■ Voluntary Consent

### Voluntary consent to TPR



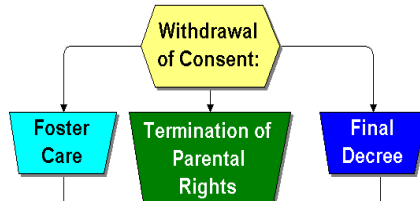
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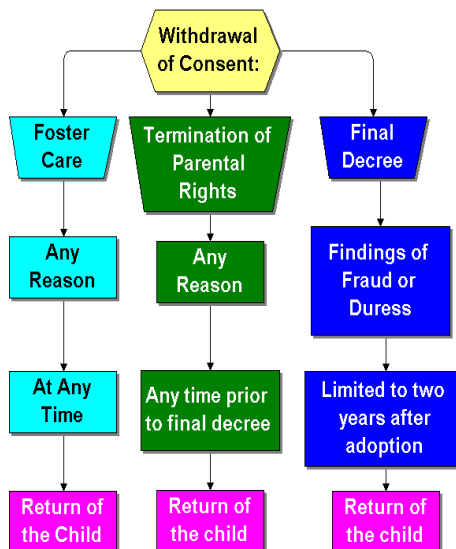
## Section 103 25 U.S.C. 1913

- Voluntary Consent
- Withdrawal of Consent

## Withdrawal of Consent (sec 103)



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How does this happen?

■ *An exercise ...*

## MIND THE LITTLE THINGS

**Springs are little things, but they are sources of large streams; nails and pegs are little things, but they hold the parts of a large building together; a word, a look, a smile, a frown, are all little things, but powerful for good or evil. Think of this and mind the little things. - Hillis**

Find the number of

**F**s



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**Zero  
to  
Three**

**Four**

**Five**

**Six**



# More ?

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