

# *Preserving progress and strengthening support* for Indian children and their families



Casey Family Programs believes that every child deserves a safe, stable and permanent family. As a national operating foundation, we seek to safely reduce the need for foster care by working with public, private, tribal and faith-based organizations to prevent child abuse and neglect and ensure all children who enter foster care leave the system as soon as possible for a permanent family. We have provided direct services to children and families involved in public and tribal foster care systems for more than 40 years.

A case now before the U.S. Supreme Court, *Adoptive Couple v. Baby Girl*, calls into question the constitutionality of the Indian Child Welfare Act (ICWA). Casey Family Programs is filing an amicus brief in support of ICWA because the law has helped establish values and practices that have become central to effective child welfare practice: in particular, the important role that families and communities play in determining the best interests of children in their care.

Congress enacted ICWA in 1978 to address the routine removal of Indian children from their families, culture and communities without just cause. The law's focus on keeping children safe by working in partnership with their families and communities reflects key principles found in wider federal and state child welfare policies. These policies have led to significant improvements for vulnerable children and families across the nation.

In particular, ICWA created procedural safeguards -- often stronger than those available to non-native communities -- that help prevent the unnecessary break up of families who are struggling to provide for their children. Similar approaches are now used by child welfare systems across the nation to safely reduce the need for foster care.

ICWA's safeguards also aim to reduce the placement of children with strangers in foster care and instead look first to relatives who are in a better position to keep children safe without breaking the bonds of family and community. This approach, called kinship care, is widely recognized as a best practice by child welfare systems nationwide.

In addition, the Act promotes the reunification of families when it is safe and appropriate to do so. Safely reunifying families is recognized by child welfare systems as the best long-term outcome for children and parents alike.

Finally, ICWA places the responsibility for deciding how to best serve a vulnerable child in the hands of local communities. Under the Act, tribal courts have jurisdiction for making decisions about when, how and with whom a child should be placed or adopted. There is no requirement that Indian children be placed only with Indian families. Rather, the law recognizes that the leaders in the local community are best positioned to make those often complex decisions. This same principle is followed in non-native family courts across the nation.

For more than 35 years, ICWA has helped to establish important principles of strengthening families and encouraging community engagement to produce the best results for children. That is why Casey Family Programs is committed to helping others understand the important role this law continues to play for both Native American families and in shaping broader policies that support the rights of families to raise and care for their children within their own cultures and communities.

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