



U.S. District Court Decision Puts Native American Children and Families at Risk

The California Tribal Families Coalition joined others nationwide in expressing disappointment over the ruling.

In an unprecedented ruling that threatens Native American children and families, U.S. District Court Judge Reed O'Connor in the Northern District of Texas declared the federal Indian Child Welfare Act (ICWA) unconstitutional in an opinion in *Brackeen et. al. v. Zinke*, filed October 4, 2018.

While unnerving, attorneys fighting for ICWA say the decision is not applicable throughout the United States. Rather, it is limited in scope and will likely be stayed pending appeal. The decision from a U.S. District Court in Texas is not applicable in California.

The Indian Child Welfare Act (ICWA) is a 40-year old remedial statute that protects Indian children, families and tribes. The original complaint was filed by adoptive parents and supported by Texas, Indiana and Louisiana, and the decision is contrary to Congressional intent, the Constitution and decades of well-established Indian law.

California Attorney General Xavier Becerra, leading a bipartisan coalition of Attorneys General, filed an amicus brief in the case to defend the ICWA. ICWA sets specific child welfare rules designed to ensure that cases regarding abuse, neglect and adoption involving Native American children are handled in a culturally appropriate manner.

“Those of us who were raised in Indian Country, those of us who raise our children on the reservations, those of us who know Indian families – we know that ICWA protects our children. This targeted and well-financed attack on ICWA only reminds tribes of the long and tortured history we have endured in the United States,” Robert Smith, chairman of the California Tribal Families Coalition and the Pala Band of Mission Indians.

About the California Tribal Families Coalition.

Comprised of tribes and tribal leaders from across the state, the California Tribal Families Coalition’s mission is to promote and protect the health, safety and welfare of tribal children and families, which are inherent tribal governmental functions and are at the core of tribal sovereignty and tribal governance. For information, please visit

<https://www.caltribalfamilies.org>

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