



**AAIA**  
Association on American Indian Affairs

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## **The AAIA Releases Tribal-State ICWA Agreements Analysis: Only 10 States Have Executed Agreements**

WASHINGTON – The Association on American Indian Affairs (AAIA) has released its report entitled “A Survey and Analysis of Tribal-State Indian Child Welfare Act Agreements, Including Promising Practices” that provides important guidance to tribes and states regarding the implementation of the Indian Child Welfare Act (ICWA).

ICWA requires states to follow certain requirements during child custody proceedings that involve an Indian child, and also permits tribes and states to enter into agreements that detail how the tribe and state shall work together. The “Survey and Analysis” details best practices currently in use by tribes and states that support the Indian child and family in ICWA matters. The report also includes information about the new ICWA regulations passed by the Bureau of Indian Affairs in June 2016, as well as BIA’s new “Guidelines for Implementing the Indian Child Welfare Act.”

“Most surprising, we found that 39 years after ICWA became law, only ten states have entered into ICWA Tribal-State Agreements with 37 of the 567 federally recognized tribes across the country,” stated Shannon Keller O’Loughlin, author of the AAIA report and new Executive Director for the AAIA. “We are hoping that this report, along with the Bureau of Indian Affairs new regulations, will provide tribes and states strong motivation to renew their current agreements, or develop for the first time, effective ICWA Agreements that support the goals of ICWA.”

In 1969 and 1974, the AAIA completed studies exposing that 25-35% of all Indian children had been separated from their families and placed in foster homes, adoptive homes or institutions, and 90% of those placements were in non-Indian homes. As a result of these studies and AAIA’s continued partnerships with tribes and child welfare organizations, and its advocacy supporting tribal jurisdiction over Indian children, the ICWA was enacted in 1978 to protect the connection of the Indian child and Indian family.

Sarah Kastelic, Executive Director of the National Indian Child Welfare Association and a member of AAIA’s Board of Directors, stated, “The importance of a Tribal-State ICWA agreement should not be underestimated. There are processes that are not laid out in ICWA or the new regulations, which should be agreed to between a tribe and a state in order to effectively implement ICWA and protect Indian children. This report is a helpful resource to support tribes and states in fulfilling the purpose of ICWA.”

The report can be found on the AAIA website: [www.indian-affairs.org](http://www.indian-affairs.org). The ICWA Tribal-State Agreements that were reviewed for the report will be made available at the Native American Rights Fund, Indian Child Welfare webpage soon. Casey Family Programs provided the funding for this report.

The Association on American Indian Affairs is a 95 year old 501(c)(3) non-profit organization that works in partnership with tribal governments to empower tribes and individual Native Americans towards self-determining and culturally resilient communities at grass-roots and national levels.