



National
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AAIA
Association on American Indian Affairs

FOR IMMEDIATE RELEASE

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Joint Statement on the Fifth Circuit Granting the Motion to Stay the District Court's Decision on the Indian Child Welfare Act—The Gold Standard Remains Applicable in All 50 States

(Portland, Ore., December 4, 2018)—Statement from the National Indian Child Welfare Association (NICWA), the National Congress of American Indians (NCAI), Native American Rights Fund (NARF), and the Association on American Indian Affairs (AAIA) about the Indian Child Welfare Act (ICWA) judgment stay pending appeal:

"Yesterday's decision to stay the District Court's ruling in *Brackeen v. Zinke* pending appeal to the Fifth Circuit Court of Appeals is welcome news for Indian children and families, especially in states like Texas where efforts already were underway to remove ICWA's protections. ICWA remains the law of the land and applicable in all 50 states. The critical work between states and tribes to apply the 'gold standard in child welfare' by keeping Indian children with their family and community will continue."

NCAI President Jefferson Keel (Chickasaw Nation of Oklahoma) said:

"The stay granted yesterday by the Fifth Circuit Court of Appeals is a welcome and positive step. It means that no Indian child who encounters the child welfare system in Texas, Indiana and Louisiana during this time should be denied the protections and safeguards afforded them under the Indian Child Welfare Act. NCAI will continue to support the intervening Tribal Nations and the Department of Justice as they fight to protect the best interests of all Indian children across the United States through the Indian Child Welfare Act."

NARF Staff Attorney Dan Lewerenz (Iowa Tribe of Kansas and Nebraska) said:

"The Fifth Circuit made the right decision. ICWA is not some new, unimplemented statute that can be set aside without repercussions. It is an Act of Congress, 40 years tried and true, that is intricately woven into state and tribal child welfare systems. Its unraveling would have had serious and harmful effects on dozens, if not hundreds, of Native children. We're glad that the Fifth Circuit recognizes that."

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About the National Indian Child Welfare Association

The National Indian Child Welfare Association works to support the safety, health, and spiritual strength of Native children along the broad continuum of their lives. NICWA promotes building tribal capacity to



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prevent child abuse and neglect through positive systems change at the state, federal, and tribal level. For more information, visit www.nicwa.org.

About the National Congress of American Indians:

Founded in 1944, the National Congress of American Indians is the oldest, largest and most representative American Indian and Alaska Native organization in the country. NCAI advocates on behalf of tribal governments and communities, promoting strong tribal-federal government-to-government policies, and promoting a better understanding among the general public regarding American Indian and Alaska Native governments, people and rights. For more information, visit www.ncai.org.

About the Association on American Indian Affairs:

AAIA is the oldest non-profit serving Indian Country protecting sovereignty, preserving culture, educating youth and building capacity. The Association was formed in 1922 to change the destructive path of federal policy from assimilation, termination and allotment, to sovereignty, self-determination and self-sufficiency. Throughout its 96-year history, the Association has provided national advocacy on watershed issues that support sovereignty and culture, while working at the grassroots level with Tribes to support the implementation of programs that improve lives on the ground. For more information, visit www.indian-affairs.org.

About the Native American Rights Fund:

Since 1971, the Native American Rights Fund (NARF) has provided legal assistance to Indian tribes, organizations, and individuals nationwide who might otherwise have gone without adequate representation. Throughout its history, NARF has impacted tens of thousands of Indian people in its work for more than 250 tribes. NARF has defended the Indian Child Welfare Act (ICWA) for decades, and will continue to do so. For more information, visit www.narf.org.