



ASSOCIATION ON AMERICAN INDIAN AFFAIRS

Protecting Sovereignty ◦ Preserving Culture

Educating Youth ◦ Building Capacity

SINCE 1922

States	Federally Recognized Tribes ⁱ	Tribal-State ICWA Agreement ⁱⁱ	Title IV-E Agreements ⁱⁱⁱ	State ICWA ^{iv v}	Brakeen v. Bernhardt District Court Amicus Briefs ^{vi}	Brakeen v. Bernhardt Fifth Circuit Amicus Briefs ^{vii viii}
Alabama	1			X		
Alaska	228	18 ^{ix}	11	X	X	X
Arizona	20	1	1	X		X
Arkansas	0			X		
California	106		2	X	X	X
Colorado	2	1		X		X
Connecticut	2	1		X		
Delaware	0			X		
Florida	2			X		
Georgia	0					
Hawaii	0					
Idaho	4		2	X		X
Illinois	0					X
Indiana	0			X		
Iowa	1		1	X		X
Kansas	4			X		
Kentucky	0					

Louisiana	4			X		
Maine	5	2		X		X
Maryland	0					
Massachusetts	2			X		X
Michigan	12	1	6	X		X
Minnesota	6	11	4	X		X
Mississippi	1			X		X
Missouri	1			X		
Montana	7		6	X	X	X
Nebraska	4		3	X		
Nevada	17			X		
New Hampshire	0					
New Jersey	0					X
New Mexico	22	2	11	X	X	X
New York	8		1	X		
North Carolina	1			X		
North Dakota	4		4	X		
Ohio	0					
Oklahoma	37		34	X		
Oregon	9		6	X	X	X
Pennsylvania	0					
Rhode Island	1					X
South Carolina	1			X		
South Dakota	8		4	X		
Tennessee	0			X		
Texas	3	2				
Utah	5	5		X	X	X
Vermont	0			X		
Virginia	7					X

Washington	29	13	3	X	X	X
West Virginia	0					
Wisconsin	11		1	X		X
Wyoming	2		2	X		
Totals	577	39	102	37	7 supporting ICWA 4 opposing ICWA	21 supporting ICWA 4 opposing ICWA

ⁱ Dep't. of Interior, Bureau of Indian Affairs, Tribal Leaders Directory, https://www.bia.gov/sites/bia.gov/libraries/maps/tld_map.html.

ⁱⁱ Shannon Keller O'Loughlin, Association on American Indian Affairs, A Survey and Analysis of Tribal-State Indian Child Welfare Act Agreements Including Promising Practices (June 2017), https://www.indian-affairs.org/uploads/8/7/3/8/87380358/icwa_tribal-state_agreements_report.pdf.

ⁱⁱⁱ Jack Trope & Shannon Keller O'Loughlin, Association on American Indian Affairs, A Survey and Analysis of Select Title IV-E Tribal-State Agreements including Template of Promising Practices (March 2014), <https://www.indian-affairs.org/uploads/5/4/7/6/54761515/fulltitleiv-ereport.pdf>.

^{iv} Association on American Indian Affairs, Overview of U.S. Adoption Statutes Report (Feb. 2016).

^v Kelly Gaines-Stoner, Mark Tilden, & Jack Trope, *The Indian Child Welfare Act Handbook* 305-10 (American Bar Association 3rd Ed., 2018).

^{vi} Amicus Brief of the States of California, et al. in support of Defendants, *Brackeen v. Zinke*, Case 4:17-cv-00868-O (D. Texas May 25, 2018).

^{vii} Brief of the Amicus States of California, et al. in support of the United States and Intervenor Tribes and Reversal, *Brackeen v. Zinke*, Case: 18-11479 (5th Cir. Jan. 14, 2019).

^{viii} Texas, Indiana, and Louisiana are parties to the case and the State of Ohio has filed amicus briefs at both the district court and Fifth Circuit. Amicus Curiae Brief Opposing Defendants' Motion to Dismiss *Brackeen v. Zinke*, Case 4:17-cv-00868-O (D. Texas April 26, 2018); Brief of Amicus Curiae State of Ohio in Support of Plaintiffs-Appellees and Affirmance, *Brackeen v. Bernhardt*, Case: 18-11479 (5th Cir. Feb. 6, 2019).

^{ix} In late 2017, 18 Tribes and Tribal Organizations, collectively known as "Co-Signers," signed the Alaska Tribal Child Welfare Compact with the State of Alaska. These 18 Co-Signers represent 161 of Alaska's 229 Tribes. Alaska Tribal Child Welfare Compact (Dec. 2017), <http://www.dhss.alaska.gov/ocs/Documents/Publications/pdf/TribalCompact.pdf>.