

NCUIH Applauds Supreme Court Decision to Uphold Indian Child Welfare Act

Category: Policy Blog, Press Release
written by NCUIH | June 15, 2023

FOR IMMEDIATE RELEASE

WASHINGTON, D.C. (June 15, 2023) – The National Council of Urban Indian Health released the following statement on the Supreme Court’s decision to reject all challenges to the Indian Child Welfare Act (ICWA) in *Haaland v. Brackeen*.

“ICWA was enacted over 40 years ago to protect the best interests of Native children, by keeping them with their families and communities, and promote the stability and security of Tribes and Native families. ICWA requires state courts to respect Tribal sovereignty and to account for a child’s culture and community in child welfare proceedings. Today’s decision is a major win for all of Indian Country because it ensures that these protections remain in place. We applaud the tireless efforts of the Stand with ICWA campaign and the countless advocates who joined to fight for our children and for tribal sovereignty,” said NCUIH CEO Francys Crevier (Algonquin).

ICWA was created in 1978 by the federal government to re-establish Tribal authority over the adoption of Native American children. The Act aimed to strengthen and preserve Native American family structure and culture. [Studies conducted](#) in advance of ICWA’s drafting showed that between 25% and 35% of all Native children were being removed from their homes by state child welfare and private adoption agencies. Of those, 85% were placed with non-Native families, even when fit and willing relatives were available.

American Indian and Alaska Native children are overrepresented in state foster care systems. According to [NICWA](#), AI/AN children are in foster care at a rate 2.7 times greater than their proportion in the general population. This means that while AI/AN children represent 0.9% of all children in the United States, they are 2.1% of all children placed in foster care. Because more than [70% of AI/AN people live in urban settings](#), this overrepresentation undoubtedly has an impact on urban AI/AN communities. Many [health problems arise for AI/ANs living in urban settings](#) because of mental and physical hardships due to the lack of family and the traditional cultural environments. Additionally, urban Indian youth are at a greater risk for serious mental health and substance abuse problems, suicide, increased gang activity, teen pregnancy, abuse, and neglect.

On August 19, 2022, NCUIH and five urban Indian organizations (UIOs) (Nebraska Urban Indian Health Coalition, Inc., Sacramento Native American Health Center, Fresno American Indian Health Project, All Nations Health Center, and Oklahoma City Indian Clinic) [signed on](#) to the National Indigenous Women’s Resource Center’s (NIWRC) [amicus brief](#) to the Supreme Court in support of the constitutionality of ICWA in the *Haaland v. Brackeen* case. NCUIH worked directly with NIWRC to engage with UIOs to ensure that the submitted brief was inclusive of urban AI/ANs.

A full archive of our coverage on ICWA is available at: <https://ncuih.org/policy-resource-center/#icwa>.

- [Supreme Court Held Oral Argument on Case Challenging the Indian Child Welfare Act](#)
- [NCUIH Submits Comment on Consistent Application of the Indian Child Welfare Act](#)

- [NCUIH Signs on to Amicus Brief in Support of the Indian Child Welfare Act](#)
- [Challenge to Indian Child Welfare Act Advances at Supreme Court](#)
- [ICWA's Constitutionality Challenged and Review by the Supreme Court Underway](#)

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