

So what is ICWA and how does it affect the role of a CASA?

The Indian Child Welfare Act was passed by congress in 1978. According to the Tribal Law and Policy Institute the purpose of the Indian Child Welfare Act is to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children... and placement of such children in... homes which will reflect the unique values of Indian culture and ensure that a Native child has the right;

To tribal identity and entitlements;

NOT to have family broken up;

To be placed with a Native family;

To have information regarding the child's Tribal identity protected and preserved.

The Tribe has the right;

To receive notice of a child custody proceeding involving an "Indian child" as defined by ICWA, 25 U.S.C 1912(a).

To intervene at anytime until the case is dismissed; 25 U.S.C. 1911(c)

To request transfer of jurisdiction to Tribal court from State court; 25 U.S.C. 1911(b)

To get records; 25 U.S.C. 1912(c)

To establish child welfare programs; 25 U.S.C. 1931

To petition the Secretary of Interior for resumption of jurisdiction. 25 U.S.C. 1918

To full faith and credit from Federal and state courts for any child custody proceeding in Tribal court, 25 U.S.C. 1911(d)

This is the document where I found the information above from the Tribal Law and Policy Institute:

<http://nc.casaforchildren.org/files/public/community/programs/Tribal/indian-child-welfare-actsummary.pdf>

## **Additional resources for learning more about ICWA (Indian Child Welfare Act)**

### **National CASA - Article**

[http://nc.casaforchildren.org/files/public/community\\_programs/Tribal/07\\_09\\_icwa\\_and\\_volunteer\\_0012.pdf](http://nc.casaforchildren.org/files/public/community_programs/Tribal/07_09_icwa_and_volunteer_0012.pdf)

**“The Indian Child Welfare Act and CASA/GAL Volunteers: Advocating for the Best Interests of Native Children.”** By Abby Abinanti

A great overview from the National CASA website that talks about the role of CASA in an ICWA case.

### **ICWA statutes**

<http://www.nicwa.org/policy/law/icwa/ICWA.pdf>

Actual ICWA statutes.

### **Radiolab – Podcast**

[http://www.radiolab.org/popup\\_player/#](http://www.radiolab.org/popup_player/#)

**“Adoptive Couple v. Baby girl”**

A podcast about baby Veronica who was removed from her adoptive family, which she had been living with for 2 years and was the only family she had ever known, when her biological father surfaced, a tribal member, and the tribe fought to get the child back.

### **Slate Article**

[http://www.slate.com/articles/double\\_x/doublex/2012/08/baby\\_veronica\\_returns\\_to\\_her\\_biological\\_father\\_affirming\\_icwa\\_south\\_carolina\\_s\\_supreme\\_court\\_made\\_the\\_right\\_decision.html](http://www.slate.com/articles/double_x/doublex/2012/08/baby_veronica_returns_to_her_biological_father_affirming_icwa_south_carolina_s_supreme_court_made_the_right_decision.html)

**“Doing What’s Best for The Tribe”** by Marcia Zug

### **NPR Article**

<http://www.npr.org/blogs/codeswitch/2013/04/16/177466521/senator-who-drafted-law-in-baby-v-eronica-case-says-its-repeal-would-be-tragic>

**“Repealing Law In ‘Baby Veronica’ Case Would Be ‘Tragic,’ Says Author GeneDemby**

### **History of ICWA from the National Indian Child Welfare Association**

[http://www.nicwa.org/indian\\_child\\_welfare\\_act/](http://www.nicwa.org/indian_child_welfare_act/)

**“Indian Child Welfare Act of 1978”**

### **Native American Rights Fund**

<http://narf.org/icwa/>

**“A Practical Guide to the Indian Child Welfare Act”**

DVD in CASA office

“Reclaiming Our Children: A story of the Indian Child Welfare Act”

This can be borrowed or you can schedule a time to come in and watch it.