

For Immediate Release

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rachel@childrensleague.org**CLM URGES SUPREME COURT TO UPHOLD INDIAN CHILD WELFARE ACT*****ICWA represents the “gold standard” of preserving families and prioritizing kinship connections***

BOSTON, MA – The Children’s League of Massachusetts (CLM) stands with tribes, Native American rights activists, youth advocates, child welfare experts, and partners in urging the Supreme Court to uphold the constitutionality of the Indian Child Welfare Act (ICWA). Oral arguments for [Brakeen v. Haaland](#) begin on November 9. The case involves a white family seeking to adopt a Native American child with proponents arguing that ICWA discriminates based on race, in stark contrast to child welfare experts who call the ICWA the “gold standard” of child welfare practices.

Central to the case is ICWA’s requirement that child welfare agencies engage in “active efforts” to prevent a Native American family’s breakup and to promote reunification. With heightened emphasis on family preservation and kinship, ICWA mandates that tribes be notified and included in children’s legal proceedings and state and tribal child welfare agencies take clear steps to keep children connected to their families and tribes when a Native American child is removed from their home for abuse or neglect. These steps include prioritizing placement with relatives, a Native American family, or a setting approved by the child’s tribe.

At a larger policy level, ICWA represents respect for the sovereignty of tribal nations and a step toward actively reforming the practices of cultural genocide perpetuated by the Indian boarding school system that sought to destroy Native communities by erasing their children’s identities. The legal threat to ICWA is also seen as an opening to undermine tribal sovereignty in other aspects of government relations, such as land rights.

CLM’s Executive Director Rachel Gwaltney shares: “At its heart, ICWA is a clear mandate to preserve kinship and cultural connections, which we should value in all child welfare cases. When a child is removed from their home, they also risk losing their links to their extended family and heritage. We should make every effort to preserve, protect, and nurture these essential parts of a person’s identity.”

The [Massachusetts Department of Children and Families FY2021 annual report](#) shows that while overall a small number of Native children and families enter the DCF system each year, they are over-represented when compared to the general Native population in the Commonwealth. Native children in Massachusetts are nearly twice as likely to be placed out-of-home than white children, they experience the second highest average number of placement moves, and their average length of stay in placement is more than double any other racial or ethnic category. Data from [a national study of child protective services](#) (CPS) showed that from 2014-2018 Native children in Middlesex County, MA had among the highest cumulative risk for CPS involvement in the nation.



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While a ruling on ICWA is expected next year, CLM calls on Massachusetts to join other states that have already codified and augmented ICWA's federal protections in state law, including California, Oregon, Washington, Iowa, Minnesota, Michigan, Nebraska, New Mexico, Wisconsin, and Oklahoma.

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The Children's League of Massachusetts (CLM) is a statewide non-profit association of private and public organizations and individuals that collectively advocate for public policies and quality services that are in the best interest of children, youth, and families in the Commonwealth. It is through public education and advocacy that the Children's League promotes the availability, accessibility, and quality of these needed services.