The Indian Child Welfare Act

THE INDIAN CHILD WELFARE ACT

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A MICHIcAN CASE HISTORY: THE TESTIMONY OF ROBERT

THE INDIAN CHILD WELFARE ACT

American Indian Children and Mental Health

STATE OF MICHIGAN

of Choctaw Indurua, 1998),

Indian children in non-literate families and communities (Mississippi Band

of Choctaw Indians, 1998),

and determine their eligibility for


who were enrolled with

with no blood quantum (American Indian Policy Review Commission, 1976),

under American Indian Policies were (1) those who were 70% Native, (2) those who were enrolled with

the federal government, and communities

of 1974, the first piece of federal legislation signed by President Lyndon B. Johnson, the Indian Child Welfare Act (ICWA) came into existence. The Act is designed to protect the best interests of American Indian and Alaska Native children by ensuring that decisions regarding their placement, adoption, and permanent separation from their families are made in a way that is consistent with the cultural and traditional values of those communities. The Act requires that courts and other agencies take into account the wishes of the child, the views of the parents, and the cultural and traditional values of the tribe, and it provides for the appointment of attorneys to represent the interests of the child. The Act also provides for the appointment of examiners to investigate the circumstances of the case and to make recommendations to the court. The Act is intended to prevent the unnecessary removal of American Indian children from their families, to promote the best interests of the child, and to protect the cultural and traditional values of American Indian communities.
THE EFFECT OF THE INDIAN CHILD WELFARE ACT

These forces—decades of poverty, the erosion of the Indian children's social and educational opportunities, and the neglect of their unique cultural heritage—have led to a situation where the children of Indian descent are often at a disadvantage in school. The Indian Child Welfare Act of 1978 was designed to address these issues and to ensure that Indian children receive the same educational and legal protections as other American children. However, despite the passage of this legislation, many Indian children continue to face challenges in accessing quality education and healthcare.

The Act requires that Indian tribes have the authority to develop and implement programs to improve the well-being of Indian children and families. These programs must address a variety of issues, including education, health, and cultural preservation.

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