CTFC Joins Indian Country in Expressing Disappointment in Judge’s Refusal to Stay ICWA Ruling

The California Tribal Families Coalition joined others across Indian Country in expressing disappointment with the October 30, 2018 decision by U.S. District Court Judge Reed O’Connor in the Northern District of Texas to reject a bid by the Cherokee Nation, the Oneida Nation, the Quinault Indian Nation and the Morongo Band of Mission Indians to stay his recent decision in the case of Brackeen et al. v. Zinke.

While this is an unfortunate development, it is not surprising and does not change the nature or scope of the case. Judge O’Connor’s decision remains an outlier that does not apply in California. In support of its tribal partners, the California Department of Social Services issued a statement in October stating that Judge O’Conner’s ruling “does not impact California.”

Passed 40 years ago by Congress, ICWA was designed to reverse decades of cultural and political bias that led to one-third of all Indian children being forcibly removed by the government from their families and tribes - this rate of removal is the highest in the county when compared to children overall. ICWA sets specific child welfare rules designed to ensure that cases regarding abuse, neglect and adoption involving Indian children to maintain and reinforce each Indian child’s political and cultural connection to his or her tribe.

California Attorney General Xavier Becerra led a bipartisan coalition of Attorneys General that filed an amicus brief in the District Court case to defend the ICWA. Becerra has described ICWA as an important law that protects Native American children, and has vowed to continue fighting to defend ICWA.

California Tribal Families Coalition continues to work with its member tribes to ensure that Indian children are protected as citizens of their respective tribes, and that their connection to their tribal culture and community is understood as being in their best interest.

About the California Tribal Families Coalition.

Comprised of tribes and tribal leaders from across the state, the California Tribal Families Coalition’s mission is to promote and protect the health, safety and welfare of tribal children and families, which are inherent tribal governmental functions and are at the core of tribal sovereignty and tribal governance. For information, please visit https://www.caltribalfamilies.org/

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