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	Title	Author	Year	Citation	Thesis	Note/Comment
1	The Indian Child Welfare Act of 1978: Does it Apply to the Adoption of an Illegitimate Indian Child?	Michelle L. Lehmann	1989	Michelle L. Lehmann, Comment, <i>The Indian Child Welfare Act of 1978: Does it Apply to the Adoption of an Illegitimate Indian Child?</i> , 38 Cath. U. L. Rev. 511 (1989)	"Congress [should] enact those sections of the proposed 1987 amendments that clarify the applicability of the ICWA to illegitimate Indian children."	Comment
2	Voluntary Adoptions Under the Indian Child Welfare Act of 1978: Balancing the Interests of Children, Families, and Tribes	Stan Watts	1989	Stan Watts, Note, <i>Voluntary Adoptions Under the Indian Child Welfare Act of 1978: Balancing the Interests of Children, Families, and Tribes</i> , 63 S. Cal. L. Rev. 213 (1989)	"Congress did intend state courts to apply a uniform federal definition of 'Domicile' in determining jurisdiction over voluntary ICWA adoptions[.]" "[C]ourts must recognize and respect the interests of Indian children, their extended families, and their tribe in adoption decisions."	Note
3	The Role of Domicile in Adopting Indian Children: Mississippi Band of Choctaw Indians v. Holyfield	Wendy Lewis	1990	Wendy Lewis, Note, <i>The Role of Domicile in Adopting Indian Children: Mississippi Band of Choctaw Indians v. Holyfield</i> 1990 Utah L. Rev. 899 (1990)	In determining jurisdiction in a child welfare case, the courts should apply a cultural-identity test on a case-by-case basis.	Note
4	Curbing the Erosion of the Rights of Native Americans: Was the Supreme Court Successful in Mississippi Band of Choctaw Indians v. Holyfield?	Richard B. Taylor	1990	Richard B. Taylor, Note, <i>Curbing the Erosion of the Rights of Native Americans: Was the Supreme Court Successful in Mississippi Band of Choctaw Indians v. Holyfield?</i> 29 J. Fam. L. 171 (1990)	"Because the ICWA's goal is so important, state courts should look not only to the letter of the law in deciding whether or not to apply the Act in a given case, but also to the policy behind it."	Note
5	Tribal Jurisdiction Over Indian Children: Mississippi Band of Choctaw Indians v. Holyfield	Diane Allbaugh	1991	Diane Allbaugh, Note, <i>Tribal Jurisdiction Over Indian Children: Mississippi Band of Choctaw Indians v. Holyfield</i> 16 Am. Indian L. Rev. 533 (1991)	"[N]either the individual nor the state should be allowed to defeat the purpose of ICWA."	Note
6	A Minnesota Lawyer's Guide to the Indian Child Welfare Act	Peter W. Gorman; Michelle Therese Paquin	1992	Peter W. Gorman & Michelle Therese Paquin, <i>A Minnesota Lawyer's Guide to the Indian Child Welfare Act</i> , 10 Law & Ineq. 113 (1992)	"Minnesota lawyers on behalf of their clients must demand compliance with the ICWA and related Minnesota statutes; if they do so, the ICWA's goal of natives self-determination will be fulfilled."	
7	The Best Interests of Indian Children in Minnesota	Lynn Klicker Uthe	1992	Lynn Klicker Uthe, Note, <i>The Best Interests of Indian Children in Minnesota</i> 17 Am. Indian L. Rev. 237 (1992)	Competent Indian cultural experts sensitive to the subtleties of Indian was should be involved in Indian child welfare decisions, and "the safeguards incorporated into the ICWA must be strictly enforced to secure the well-being and future existence of tribes."	Note
8	The Existing Indian Family Exception to the Indian Child Welfare Act	Toni Hahn Davis	1993	Toni Hahn Davis, <i>The Existing Indian Family Exception to the Indian Child Welfare Act</i> 69 N.D. L. Rev. 465 (1993)	The courts should stop using and applying the existing Indian family exception.	
9	The Indian Child Welfare Act in Nebraska: Fifteen Years, A Foundation for the Future	Catherine M. Brooks	1993	Catherine M. Brooks, <i>The Indian Child Welfare Act in Nebraska: Fifteen Years, A Foundation for the Future</i> 27 Creighton L. Rev. 661 (1993)	"Discussion among child welfare advocates, while rooted in the perceived interests and needs of children, must look both to the short- and long-term results of placement and adoption."	
10	In the Best Interest: The Adoption of F.H., an Indian Child	Ivy N. Voss	1993	Ivy N. Voss, Notes & Comments, <i>In the Best Interest: The Adoption of F.H., An Indian Child</i> , 8 BYU J. Pub. L. 151 (1993)	"[A] child's well-being must weigh heavily in the balance against the interests of other parties."	Notes & Comments
11	The Indian Child Welfare Act of 1978: The Congressional Foray Into the Adoption Process	Brian D. Gallagher	1994	Brian D. Gallagher, <i>The Indian Child Welfare Act of 1978: The Congressional Foray Into the Adoption Process</i> , 15 N. Ill. U.L. Rev. 81 (1994)	ICWA's "continuing vitality appears crucial to the survival of the Indian nations and their way of life."	
12	The Indian Child Welfare Act of 1978: A Montana Analysis	Debra Dumontier-Pierre	1995	Debra Dumontier-Pierre, <i>The Indian Child Welfare Act of 1978: A Montana Analysis</i> , 56 Mont. L. Rev. 505 (1995)	"ICWA is in the best interest of the Indian child, the tribal court system is the best forum to determine Indian child custody issues, and ICWA is a law that should be followed, not ignored."	
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14	When Judicial Flexibility Becomes Abuse of Discretion: Eliminating the "Good Cause" Exception in Indian Child Welfare Act Adoptive Placements	Erik W. Aamot-Snapp	1995	Erik W. Aamot-Snapp, <i>When Judicial Flexibility Becomes Abuse of Discretion: Eliminating the "Good Cause" Exception in Indian Child Welfare Act Adoptive Placements</i> , 79 Minn. L. Rev. 1167 (1995)	"[A] mandatory order of placements with strictly defined exceptions would best effectuate Congress's goal of preserving Native American communities by restricting state court discretion in child placement proceedings."	
15	An Overview of the Indian Child Welfare Act	Michael C. Snyder	1995	Michael C. Snyder, <i>An Overview of the Indian Child Welfare Act</i> , 7 St. Thomas L. Rev. 815 (1995)	"This article provides an overview of these basic ICWA requirements and judicial interpretations of these requirements. It also includes references to the Federal Guidelines for State Courts. These Guidelines do not have the binding legislative effect of federal regulations, but are helpful in interpreting the ICWA."	
16	The Indian Child Welfare Act: Guiding the Determination of Good Cause to Depart from the Statutory Placement Preferences	Denise L. Stiffarm	1995	Denise L. Stiffarm, Note & Comment, <i>The Indian Child Welfare Act: Guiding the Determination of Good Cause to Depart from the Statutory Placement Preferences</i> , 70 Wash. L. Rev. 1151 (1995)	"Congress [should] codify the BIA Guidelines to direct the 'good cause' determination in a manner consistent with the policy of ICWA."	Note & Comment
17	Children of the Tribe	Joan Heifetz Hollinger	1996	Joan Heifetz Hollinger, <i>Children of the Tribe</i> , 1 U.C. Davis J. Juv. L. & Pol'y 19 (1996)	"Without some tailoring, ICWA is vulnerable to attack for impermissibly burdening the due process and equal protection rights that the court convincingly argued are guaranteed to all children under the Fifth and Fourteenth Amendments. "	
18	Rye v. Weasel: Applying the Indian Child Welfare Act of 1978 to Satisfy Conflicting Interests and Congressional Intent	Jeff Brown	1996	Jeff Brown, Note, <i>Rye v. Weasel: Applying the Indian Child Welfare Act of 1978 to Satisfy Conflicting Interests and Congressional Intent</i> , 34 U. Louisville J. Fam. L. 935 (1996)	"In cases such as <i>Rye v. Weasel</i> , the only way to fulfill this country's commitment to Native Americans is through a strict application of the ICWA commensurate with Congressional intent."	Note
19	Legislative Update on ICWA Amendments	Joan Heifetz Hollinger	1996	Joan Heifetz Hollinger, <i>Legislative Update on ICWA Amendments</i> , 1 U.C. Davis J. Juv. L. & Pol'y 52 (1996)	The article briefly discusses H.R. 1448 and S. 1962 from 1996.	
20	The Indian Child Welfare Act: Its Impact on Unknowing Adoptive Parents	Alana J. DeGarmo	1996	Alana J. DeGarmo, Note and Comment, <i>The Indian Child Welfare Act: Its Impact on Unknowing Adoptive Parents</i> , 17 J. Juvenile L. 32 (1996)	There is "a clear need for legislative modification of the Act or a final word from the Supreme Court[on the Act's applicability.]"	Note & Comment
21	Young Once, Indian Forever	No Author	1996	<i>Young Once, Indian Forever</i> , 1 U.C. Davis J. Juv. L. & Pol'y 16 (1996)	"The federal government has failed, however, to adequately implement and fund ICWA, and state governments have ignored its mandate."	
22	The Existing Indian Family Exception: Is it Appropriate to Use a Judicially Created Exception to Render the Indian Child Welfare Act of 1978 Applicable?	Charmel L. Cross	1997	Charmel L. Cross, Comment, <i>The Existing Indian Family Exception: Is it Appropriate to Use a Judicially Created Exception to Render the Indian Child Welfare Act of 1978 Inapplicable?</i> , 26 Cap. U. L. Rev. 847 (1997)	"[T]he line of cases refusing to adopt a judicially created exception to the ICWA have interpreted the ICWA correctly in consideration of the Act's legislative history and current legislative activity."	Comment
23	The Existing Indian Family Exception: Denying Tribal Rights Protected by the Indian Child Welfare Act	Wendy Therese Parnell	1997	Wendy Therese Parnell, <i>The Existing Indian Family Exception: Denying Tribal Rights Protected by the Indian Child Welfare Act</i> , 34 San Diego L. Rev. 381 (1997)	"[T]he existing Indian family exception is a judicially created exception to the ICWA which subverts the tribal and family rights the ICWA was designed to protect."	

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24	The Indian Child Welfare Act of 1978: Violating Personal Rights for the Sake of the Tribe	Christine D. Bakesis	1997	Charmel L. Cross, Comment, <i>The Existing Indian Family Exception: Is it Appropriate to Use a Judicially Created Exception to Render the Indian Child Welfare Act of 1978 Inapplicable?</i> , 26 Cap. U. L. Rev. 847 (1997)	"[E]ven if the ICWA is constitutional, because it is being applied inconsistently, congressional or judicial direction is needed."	Comment
25	The Best Interests of Children in the Cultural Context of the Indian Child Welfare Act in In Re S.S. and D.S.	Alissa M. Wilson	1997	Alissa M. Wilson, <i>The Best Interests of Children in the Cultural Context of the Indian Child Welfare Act in In Re S.S. and D.S.</i> , 28 Loy. U. Chi. L.J. 839 (1997)	"[T]he In re S.S. holding will result in confusion and inefficiency when future ICWA issues arise in Illinois courts."	
26	The Indian Child Welfare Act: A Study in the Codification of the Ethnic Best Interests of the Child	Jennifer Nutt Carleton	1997	Jennifer Nutt Carleton, <i>The Indian Child Welfare Act: A Study in the Codification of the Ethnic Best Interests of the Child</i> , 81 Marq. L. Rev. 21 (1997)	"[A]ttempts [by Congress] to codify the 'best interests of the child' standard [in ICWA] to include the ethnic heritage of a child face an uphill battle."	
27	The Indian Child Welfare Act: In Search of a Federal Forum to Vindicate the Rights of Indian Tribes and Children Against the Vagaries of State Courts	B. J. Jones	1997	B. J. Jones, <i>The Indian Child Welfare Act: In Search of a Federal Forum to Vindicate the Rights of Indian Tribes and Children Against the Vagaries of State Courts</i> , 73 N.D. L. Rev. 395 (1997)	"[T]here is a compelling need for federal court supervision of state court decisions to both promote uniformity and effectuate the design of the Act."	
28	The Indian Child Welfare Act in the Face of Extinction	Sloan Philips	1997	Sloan Philips, Note, <i>The Indian Child Welfare Act in the Face of Extinction</i> , 21 Am. Indian L. Rev. 351 (1997)	"If the ICWA fails to protect Indian children, then tribal leaders and tribal court officials, who understand the unique characteristics of Indian culture, should be the people to suggest amendments to the Act."	Note
29	In re Elliott: Michigan's Interpretation and Rejection of the Existing Indian Family Exception to the Indian Child Welfare Act	Jennifer L. Walters	1997	Jennifer L. Walters, <i>In re Elliott: Michigan's Interpretation and Rejection of the Existing Indian Family Exception to the Indian Child Welfare Act</i> , 14 T.M. Cooley L. Rev. 633 (1997)	"[T]o further the goals of the ICWA and to protect and preserve Indian heritage and culture, all courts should reject [the existing Indian family] exception."	
30	The Existing Indian Family Exception: An Impediment to the Trust Responsibility to Preserve Tribal Existence and Culture as Manifested in the Indian Child Welfare Act	Christine Metteer	1997	Christine Metteer, <i>The Existing Indian Family Exception: An Impediment to the Trust Responsibility to Preserve Tribal Existence and Culture as Manifested in the Indian Child Welfare Act</i> , 30 Loy. L.A. L. Rev. 647 (1997)	"[T]he judicial creation of the existing Indian family exception has thwarted congressional intent to fulfill its trust obligation towards the tribes."	
31	Little Power to Help Brenda? A Defense of the Indian Child Welfare Act and its Continued Implementation in Minnesota	Peter K. Wahl	2000	Peter K. Wahl, <i>Little Power to Help Brenda? A Defense of the Indian Child Welfare Act and its Continued Implementation in Minnesota</i> , 26 Wm. Mitchell L. Rev. 811 (2000)	"[G]reat improvements have been made in solving problems of Indian child custody. Continued adherence to ICWA will further the goals for which it was originally enacted."	
32	A Law Unto Itself: The Indian Child Welfare Act as Inapplicable and Inappropriate to the Transracial/Race-Matching Adoption Controversy	Christine M. Metteer	2000	Christine M. Metteer, <i>A Law Unto Itself: The Indian Child Welfare Act as Inapplicable and Inappropriate to the Transracial/Race-Matching Adoption Controversy</i> , 38 Brandeis L.J. 47 (2000)	"[T]he ICWA is inapplicable and inappropriate to the discussion [on race-based adoption.]"	
33	The Indian Child Welfare Act and Inupiat Customs: A Case Study of Conflicting Values, With Suggestions for Change	Andrea V.W. Wan	2001	Andrea V.W. Wan, <i>The Indian Child Welfare Act and Inupiat Customs: A Case Study of Conflicting Values, With Suggestions for Change</i> , 27 Alaska L. Rev. 43 (2001)	"[A]lthough the ICWA purports to allow tribes to have increased control over children, in practice tribes often do not have the skills or resources needed to reassume such control successfully."	

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34	The Indian Child Welfare Act of 1978 and the Missed Opportunity to Apply the Act in Guardianships	Richard B. Maltby	2002	Richard B. Maltby, Note, <i>The Indian Child Welfare Act of 1978 and the Missed Opportunity to Apply the Act in Guardianships</i> 46 St. Louis U. L.J. 213 (2002)	"[C]ourts and legislatures must become more assertive in developing explicit laws pertaining to ICWA guardianships to avoid frustrating the principles that drove Congress to pass the legislation."	Note
35	Flashpoints Under the Indian Child Welfare Act: Toward a New Understanding of State Court Resistance	Barbara A. Atwood	2002	Barbara Ann Atwood, <i>Flashpoints Under the Indian Child Welfare Act: Toward a New Understanding of State Court Resistance</i> , 51 Emory L.J. 587 (2002)	"A construction of the Act that permits a multiplicity of voices to be heard at the placement stage of Indian child custody proceedings in state court . . . will better serve the interests of children while safeguarding the federal policy of promoting tribal self-determination and tribal survival."	
36	Speedy Termination of Alaska Native Parental Rights: The 1998 Changes to Alaska's Child in Need of Aid Statutes and Their Inherent Conflict With the Mandates of the Federal Indian Child Welfare Act	Sheri L. Hazeltine	2002	Sheri L. Hazeltine, <i>Speedy Termination of Alaska Native Parental Rights: The 1998 Changes to Alaska's Child in Need of Aid Statutes and Their Inherent Conflict With the Mandates of the Federal Indian Child Welfare Act</i> , 19 Alaska L. Rev. 57 (2002)	Alaska's "CINA's laws should be amended to incorporate the special requirements under the ICWA for Indian child welfare proceedings."	
37	An Article in Favor of Abrogating the Use of the Best Interests of the Child Standard to Circumvent the Jurisdictional Provisions of the Indian Child Welfare Act in South Dakota	Amanda B. Westphal	2003	Amanda B. Westphal, <i>An Argument in Favor of Abrogating the Use of the Best Interests of the Child Standard to Circumvent the Jurisdictional Provisions of the Indian Child Welfare Act in South Dakota</i> , 49 S.D. L. Rev. 107 (2003)	"[T]ribal courts with judges who are versed in the Native American culture and the unique needs of Indian children, are the proper forum for making decisions in cases that involve Indian children."	
38	Terminating Active Efforts: The Alaska Supreme Court Misfires in <i>J.S. v. State</i>	Mark Andrews	2003	Mark Andrews, Comment, <i>Terminating Active Efforts: The Alaska Supreme Court Misfires in J.S. v. State</i> , 20 Alaska L. Rev. 305 (2003)	"[T]he [Alaska Supreme Court's] reasoning [in <i>J.S. v. State</i>] was unfounded given the guarantees of the Indian Child Welfare Act and the current state of federal law."	Comment
39	The Indian Child Welfare Act	Thomas R. Myers; Jonathan J. Siebers	2004	Thomas R. Myers & Jonathan J. Siebers, <i>The Indian Child Welfare Act</i> , 83 Mich. Bar J. 19 (2004)	"Since its enactment, the ICWA clearly has had positive results, but mistakes continue to be made in interpretation and application of the ICWA, mistakes that may be easily corrected."	
40	Uneasy Tensions Between Children's Rights and Civil Rights	Annette Ruth Appell	2004	Annette Ruth Appell, <i>Uneasy Tensions Between Children's Rights and Civil Rights</i> 5 Nev. L.J. 141 (2004)	"As children's advocates, we may better serve children as a class if we ground our agendas in larger theoretical frameworks regarding justice and the potential regressive implications of enlarging children's dependency rights."	
41	Applying Twenty-Five Years of Experience: The Iowa Indian Child Welfare Act	Kirk Albertson	2005	Kirk Albertson, <i>Applying Twenty-Five Years of Experience: The Iowa Indian Child Welfare Act</i> , 29 Am. Indian L. Rev. 193 (2004-2005)	"[T]he Iowa Indian Child Welfare Act is a landmark piece of legislation that provides greater protection to Indian tribes and families."	
42	In <i>Re M.J.J., J.P.L., & J.P.G.</i> : The "Qualified Expert Witness" Requirements of the Indian Child Welfare Act	Paul David Kouri	2005	Paul David Kouri, Note, <i>In Re M.J.J., J.P.L., & J.P.G.: The "Qualified Expert Witness" Requirements of the Indian Child Welfare Act</i> , 29 Am. Ind. L. Rev. 403 (2005)	"Oklahoma . . . [shou]ld mandat[e] expert testimony concern[ing] whether cultural bias is implicated in every case in which ICWA applies."	Note

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43	Turning Back the Clock: The Loss of Tribal Jurisdiction Over Involuntary Juvenile Dependency Proceedings	Sarah Martinez	2006	Sarah Martinez, Comment, <i>Turning Back the Clock: The Loss of Jurisdiction Over Involuntary Juvenile Dependency Proceedings</i> , 10 U.C. Davis J. Juv. L. & Pol'y 541 (2006)	"The departure from the original purposes of ICWA for promoting tribal self-determination and sovereignty toward interpretations favoring broader state jurisdiction downplays ICWA's significance to Native American communities."	Comment
44	The "Existing Indian Family Exception to the Indian Child Welfare Act: The States' Attempt to Slaughter Tribal Interests in Indian Children	Cheyanna L. Jaffke	2006	Cheyanna L. Jaffke, <i>The "Existing Indian Family" Exception to the Indian Child Welfare Act: The States' Attempt to Slaughter Tribal Interests in Indian Children</i> , 66 La. L. Rev. 733 (2006)	"[T]he 'existing Indian family' exception is wrong for five reasons."	
45	An Overview of the Indian Child Welfare Act of 1978	Christine Basic	2007	Christine Basic, <i>An Overview of the Indian Child Welfare Act of 1978</i> , 16 J. Contemp. Legal Issues 345 (2007)	"The ICWA goes a long way in ensuring that an Indian child will know its culture and, as a result, its culture will have a better chance of continued survival."	
46	The Terminator Terminates Terminators: Governor Schwarzenegger's Signature, SB 678, and How California Attempts to Abolish the Existing Indian Family Exception and Why Other States Should Follow	Daniel Albanil Adlong	2007	Daniel Albanil Adlong, <i>The Terminator Terminates Terminators: Governor Schwarzenegger's Signature, SB 678, and How California Attempts to Abolish the Existing Indian Family Exception and Why Other States Should Follow</i> , 7 Appalachian J.L. 109 (2007)	"[O]ther States should follow California's example and institute legislation eliminating the existing Indian family exception for three reasons: first, the existing Indian family exception violates main principles of the ICWA; second, Supreme Court precedent strongly favors eliminating the existing Indian family exception; third, the Nation or states should follow California and pass legislation eliminating the existing Indian family exception to promote uniformity amongst the states."	
47	Borders Beyond Borders – Protecting Essential Tribal Relations Off Reservation Under the Indian Child Welfare Act	Patrice H. Kunesh	2007	Patrice H. Kunesh, <i>Borders Beyond Borders – Protecting Essential Tribal Relations Off Reservation Under the Indian Child Welfare Act</i> , 42 New Eng. L. Rev. 15 (2007)	"[T]here should be no fixed geographic boundary delimiting tribal jurisdiction over Indian children who are wards of the tribal court."	
48	A Call for an Assessment of the Welfare of Indian Children in South Dakota	Patrice H. Kunesh	2007	Patrice H. Kunesh, <i>A Call for an Assessment of the Welfare of Indian Children in South Dakota</i> , 52 S.D. L. Rev. 247 (2007)	"[B]oth state and tribal policymakers must engage in an earnest dialogue about factors implicating the political, economic, and social well-being of Indian people in South Dakota."	
49	Race, Culture, and Adoption: Lessons from Mississippi Band of Choctaw Indians v. Holyfield	Solangel Maldonado	2008	Solangel Maldonado, <i>Race, Culture, and Adoption: Lessons from Mississippi Band of Choctaw Indians v. Holyfield</i> , 17 Colum. J. Gender & L. 1 (2008)	"While ICWA's language and pre-enactment hearings suggest that preservation of tribal sovereignty benefits not only tribes but also Indian parents and Indian children who may experience psychological harm if placed in non-Indian homes, <i>Holyfield</i> demonstrates that children's best interests and parents' interests are sometimes separate from and in tension with tribal interests."	
50	Civil Procedure: Narrowed Lens, Clearer Focus: Considering the Use of De Novo Review in Indian Child Welfare Proceedings - In re Welfare of Child of T.T.B.	Emily Bucher	2008	Emily Bucher, Note, <i>Civil Procedure: Narrowed Lens, Clearer Focus: Considering the Use of De Novo Review in Indian Child Welfare Proceedings-in re Welfare of Child of T.T.B.</i> , 34 Wm. Mitchell L. Rev. 1429 (2008)	"Through a de novo standard of review, coupled with a lens of interpretive narrowness, courts can best safeguard against future discord between state law and native tribes in Indian child welfare proceedings by reducing the opportunities available for majoritarian influence."	Note

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51	In Defense of the Indian Child Welfare Act in Aggravated Circumstances	C. Eric Davis	2008	C. Eric Davis, Note, <i>In Defense of the Indian Child Welfare Act in Aggravated Circumstances</i> , 13 Mich. J. Race & L. 433 (2008)	"[A]n aggravated circumstances exception would do violence to the ICWA and its family preservation goals, and such an exception is unnecessary to protect Native children from dangerous parents."	Note
52	Goodbye to Good Bird: Considering the Use of Contact Agreements to Settle Contested Adoptions Arising Under the Indian Child Welfare Act	Ronald M. Walters	2008	Ronald M. Walters, Comment, <i>Goodbye to Good Bird: Considering the Use of Contact Agreements to Settle Contested Adoptions Arising Under the Indian Child Welfare Act</i> , 6 U. St. Thomas L.J. 270 (2008)	"[C]hild welfare workers must be educated to understand that ICWA is a narrowly-tailored law that makes a thoughtful, well-reasoned determination of what is in the best interests of Indian children."	Comment
53	Achieving Permanency for American Indian and Alaska Native Children: Lessons from Tribal Traditions	Barbara Ann Atwood	2008	Barbara Ann Atwood, <i>Achieving Permanency for American Indian and Alaska Native Children: Lessons from Tribal Traditions</i> 37 Cap. U. L. Rev. 239 (2008)	"Through such time-honored arrangements as guardianships, open adoptions, and customary or traditional adoptions, state courts may be able to satisfy the Indian child's need for familial security in a placement that comports with the child's tribal heritage."	
54	The Voice of the Indian Child: Strengthening the Indian Child Welfare Act Through Children's Participation	Barbara Atwood	2008	Barbara Atwood, <i>The Voice of the Indian Child: Strengthening the Indian Child Welfare Act Through Children's Participation</i> 50 Ariz. L. Rev. 127 (2008)	"[G]iving Indian youths a greater voice in disputes about their placements for the future would enrich the decision-makers' understanding of the competing interests involved and produce greater respect among participants for the decisions themselves."	
55	One Step Forward, Two Giant Steps Back: How the "Existing Indian Family" Exception (Re)Imposes Anglo American Legal Values on American Indian Tribes to the Detriment of Cultural Autonomy	Suzianne D. Painter-Thorne	2009	Suzianne D. Painter-Thorne, <i>One Step Forward, Two Giant Steps Back: How the "Existing Indian Family" Exception (Re)Imposes Anglo American Legal Values on American Indian Tribes to the Detriment of Cultural Autonomy</i> 33 Am. Indian L. Rev. 329 (2008-2009)	Congress must act to halt the states' application of the Existing Indian Family Exception so that ICWA can be effective in allowing tribes to control their cultural futures.	
56	The Indian Child Welfare Act's Unconstitutional Impact on the Welfare of the Indian Child	Amanda Tucker	2009	Amanda Tucker, <i>The Indian Child Welfare Act's Unconstitutional Impact on the Welfare of the Indian Child</i> , 9 Whittier J. Child & Fam. Advoc. 87 (2009)	ICWA must be eradicated, because it "is dated, it is unconstitutional, and it is racist."	
57	Where Sovereigns and Cultures Collide: Balancing Federalism, Tribal Self-Determination, and Individual Rights in the Adoption of Indian Children by Gays and Lesbians	Steve Sanders	2010	Steve Sanders, <i>Where Sovereigns and Cultures Collide: Balancing Federalism, Tribal Self-Determination, and Individual Rights in the Adoption of Indian Children by Gays and Lesbians</i> , 25 Wis. J.L. Gender & Soc'y 327 (2010)	"ICWA should override a state's anti-gay adoption policy if such a law would present a roadblock to the placement of an Indian child in an Indian home."	
58	Finding the Indian Child Welfare Act in Unexpected Places: Applicability in Private, Non-Parent Custody Actions	Jill E. Tomkins	2010	Jill E. Tomkins, <i>Finding the Indian Child Welfare Act in Unexpected Places: Applicability in Private, Non-Parent Custody Actions</i> , 81 U. Colo. L. Rev. 1119 (2010)	"[T]he Indian children who are the subjects of private proceedings are entitled to the same familial and cultural protections of ICWA as those children in abuse or neglect proceedings and guardianships."	
59	The End of "Existing Indian Family" Jurisprudence: Holyfield at 20, In the Matter of A.J.S., and the Last Gasps of a Dying Doctrine	Dan Lewerenz & Padraic McCoy	2010	Dan Lewerenz & Padraic McCoy, <i>The End of "Existing Indian Family" Jurisprudence: Holyfield at 20, In the Matter of A.J.S., and the Last Gasps of a Dying Doctrine</i> , 36 Wm. Mitchell L. Rev. 684 (2010)	"[A]lthough the 'existing Indian family' doctrine is not completely dead, its rationale has been persuasively shown to be contrary to both the plain language and the intent of the ICWA."	

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60	2009 Survey of Rhode Island Law	Heather O'Connor	2010	Heather O'Connor, <i>2009 Survey of Rhode Island Law</i> , 15 Roger Williams U. L. Rev. 361 (2010)	"In judicial procedures under 28 U.S.C. 1912(e) of the ICWA, a judge must adhere to the mandatory requirements and not order foster care placement unless there is clear and convincing evidence, including the testimony of qualified expert witnesses, to determine that the continued custody of the child with the parent is likely to result in serious emotional or physical damage to the child."	
61	State of Alaska v. Native Village of Tanana: Enhancing Tribal Power by Affirming Concurrent Tribal Jurisdiction to Initiate ICWA-Defined Child Custody Proceedings, Both Inside and Outside of Indian Country	Heather Kendall-Miller	2011	Heather Kendall-Miller, <i>State of Alaska v. Native Village of Tanana: Enhancing Tribal Power by Affirming Concurrent Tribal Jurisdiction to Initiate ICWA-Defined Child Custody Proceedings, Both Inside and Outside of Indian Country</i> , 28 Alaska L. Rev. 217 (2011)	"Alaska Native tribes are entitled to all of the rights and privileges of Indian tribes under ICWA, including procedural safeguards imposed on states and 1911(d) full faith and credit with respect to ICWA-defined child custody orders to the same extent as other states' and foreign orders."	
62	From Theory to Practice: Incorporating the "Active Efforts" Requirement in Indian Child Welfare Act Proceedings	Megan Scanlon	2011	Megan Scanlon, Comment, <i>From Theory to Practice: Incorporating the "Active Efforts" Requirement in Indian Child Welfare Act Proceedings</i> , 43 Ariz. St. L.J. 629 (2011)	"[A] uniform definition and application of 'active efforts' should exist in every jurisdiction. " "Active efforts' require more than 'reasonable efforts,' and these standards are different."	Comment
63	Waves of Education: Tribal-State Court Cooperation and the Indian Child Welfare Act	Kathryn E. Fort	2012	Kathryn E. Fort, <i>Waves of Education: Tribal-State Court Cooperation and the Indian Child Welfare Act</i> , 47 Tulsa L. Rev. 529 (2012)	"[T]he welfare of Indian children binds together tribal and state judicial systems, regardless of either side's participation. Federal intervention in this area under the auspices of the Indian Child Welfare Act virtually forces tribes and states to work together."	
64	Child Abuse is Color Blind: Why the Involuntary Termination of Parental Rights Provision of the Indian Child Welfare Act Should Be Reformed	Ashley E. Brennan	2012	Ashley E. Brennan, Comment, <i>Child Abuse is Color Blind: Why the Involuntary Termination of Parental Rights Provision of the Indian Child Welfare Act Should Be Reformed</i> , 89 U. Det. Mercy L. Rev. 257 (2012)	"[T]he involuntary termination of parental rights ("ITPR") provision of the Indian Child Welfare Act ("ICWA") should be reformed."	Comment
65	Reclaiming the Promise of the Indian Child Welfare Act: A Study of State Incorporation and Adoption of Legal Protections for Indian Status Offenders	Thalia Gonzalez	2012	Thalia Gonzalez, <i>Reclaiming the Promise of the Indian Child Welfare Act: A Study of State Incorporation and Adoption of Legal Protections for Indian Status Offenders</i> , 42 N.M. L. Rev. 131 (2012)	"[T]he future welfare of Indian children is in many ways the future of Indian tribes, and recognition of protections for Indian status offenders is critical to creating long-term positive systematic change for Indian youth, parents, and tribes consistent with the thirty-three-year-old commitment of ICWA to tribal identity, integrity, and rights."	
66	Do We Have it Right This Time? An Analysis of the Accomplishments and Shortcomings of Washington's Indian Child Welfare Act	Karen Gray Young	2013	Karen Gray Young, <i>Do We Have it Right This Time? An Analysis of the Accomplishments and Shortcomings of Washington's Indian Child Welfare Act</i> , 11 Seattle J. for Soc. Just. 1229 (2013)	"[W]hile the new statutory language in the [Washington Indian Child Welfare Act] WICWA is somewhat helpful for statutory interpretation, in that it provides some definitional clarity, particularly in the 'best interests of the child,' many terms remain ambiguous."	
67	Indian Child Welfare Act - Termination of Parental Rights - Adoptive Couple v. Baby Girl	No Author	2013	Leading Cases, <i>Indian Child Welfare Act - Termination of Parental Rights - Adoptive Couple v. Baby Girl</i> , 127 Harv. L. Rev. 368 (2013)	"More than a mere inquiry into Indian exceptionalism, [Adoptive Couple v. Baby Girl] tests the contours of parental rights, asking whether natural parents or custodial families should most warrant judicial protection."	

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68	The Oncoming Storm: State Indian Child Welfare Act Laws and the Clash of Tribal, Parental, and Child Rights	Philip McCarthy, Jr.	2013	Philip McCarthy, Jr., Symposium, <i>The Oncoming Storm: State Indian Child Welfare Act Laws and the Clash of Tribal, Parental, and Child Rights</i> 15 J. L. & Fam. Stud. 43 (2013)	"State ICWA laws may not grant Indian tribes greater rights 'at the expense of the parents' or children's rights."	
69	The Oncoming Storm: State Indian Child Welfare Act Laws and the Clash of Tribal, Parental, and Child Rights	Philip McCarthy, Jr.	2013	Philip McCarthy, Jr., Symposium, <i>The Oncoming Storm: State Indian Child Welfare Act Laws and the Clash of Tribal, Parental, and Child Rights</i> 2013 Utah L. Rev. 1027 (2013)	State ICWA laws may not grant Indian tribes greater rights 'at the expense of the parents' or children's rights.'	
70	Adoptive Couple v. Baby Girl: Two-and-a-Half Ways to Destroy Indian Law	Marcia Zug	2013	Marcia Zug, <i>Adoptive Couple v. Baby Girl: Two-and-a-Half Ways to Destroy Indian Law</i> , 111 Mich. L. Rev. First Impressions 46 (2013)	"[R]egardless of whatever might have motivated the Court to take this appeal, there is no good option but to affirm the South Carolina Supreme Court's decision to return Veronica to her father."	Commentary
71	Adopting "Biology Plus" in Federal Indian Law: Adoptive Couple v. Baby Girl's Refashioning of ICWA's Framework	Shreya A. Fadia	2014	Shreya A. Fadia, Note, <i>Adopting "Biology Plus" in Federal Indian Law: Adoptive Couple v. Baby Girl's Refashioning of ICWA's Framework</i> , 114 Colum. L. Rev. 2007 (2014)	The Supreme Court's decision in <i>Adoptive Couple v. Baby Girl</i> creates an apparent tension in federal Indian law. Reading <i>Adoptive Couple</i> as an application of the Supreme Court's biology-plus standard provides an additional means of furthering tribal, familial, and individual interests while working within the existing framework of ICWA and federal Indian law.	Note
72	The Supreme Court's Revitalization of the Dying "Existing Indian Family" Exception	Shawn L. Murphy	2014	Shawn L. Murphy, <i>The Supreme Court's Revitalization of the Dying "Existing Indian Family" Exception</i> , 46 McGeorge L. Rev. 629 (2014)	"[T]he Supreme Court endorsed a limited application of the "existing Indian family" exception in the recent ruling of <i>Adoptive Couple</i> , signaling to lower courts that the EIFE should apply in cases that implicate a violation of Indian children's equal protection rights."	
73	Tribes and Race: The Court's Missed Opportunity in Adoptive Couple v. Baby Girl	Christopher Deluzio	2014	Christopher Deluzio, <i>Tribes and Race: The Court's Missed Opportunity in Adoptive Couple v. Baby Girl</i> , 34 Pace L. Rev. 509 (2014)	"The Supreme Court, seeking to avoid the difficult and obvious equal protection issues implicated in <i>Adoptive Couple</i> , inexplicably failed to acknowledge ICWA for what it was in this case: an inherently racial classification that should have been subject to and failed strict scrutiny."	
74	The "Baby Veronica" Case: Current Implementation Problems of the Indian Child Welfare Act	Jane Burke	2014	Jane Burke, Note, <i>The "Baby Veronica" Case: Current Implementation Problems of the Indian Child Welfare Act</i> , 60 Wayne L. Rev. 307 (2014)	"[T]here are currently no repercussions for states that fail to follow the ICWA, and similar to this country's child support system, there should be a threat of losing federal funding if ICWA is not properly implemented in the states."	Note
75	Adoptive Couple v. Baby Girl: The Creation of Second-Class Native American Parents Under the Indian Child Welfare Act of 1978	Dustin C. Jones	2014	Dustin C. Jones, Comment, <i>Adoptive Couple v. Baby Girl: The Creation of Second-Class Native American Parents Under the Indian Child Welfare Act of 1978</i> , 32 Law & Ineq. 421 (2014)	"[T]he U.S. Supreme Court erred in holding that the ICWA does not apply when a Native American parent never had legal or physical custody of his or her child."	Comment
76	Mutual Misunderstanding: How Better Communication will Improve the Administration of the Indian Child Welfare Act in Texas	Kate Shearer	2014	Kate Shearer, Comment, <i>Mutual Misunderstanding: How Better Communication Will Improve the Administration of the Indian Child Welfare Act in Texas</i> , 15 Tex. Tech. Admin. L.J. 423 (2014)	"[T]he Texas DFPS must improve its knowledge of the ICWA requirements and work to facilitate better communication between tribal leaders and CPS caseworkers."	Comment

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77	You're Breaking Up: The Faulty Connection Between Congressional Intent and Supreme Court Interpretation in <i>Adoptive Couple v. Baby Girl</i> , 133 S. Ct. 2552 (2013)	Danielle J. Larson	2014	Danielle J. Larson, Note, <i>You're Breaking Up: The Faulty Connection Between Congressional Intent and Supreme Court Interpretation in Adoptive Couple v. Baby Girl</i> , 133 S. Ct. 2552 (2013) 93 Neb. L. Rev. 517 (2014)	"[I]n an effort to do right, the majority of Supreme Court justices twisted ICWA to arrive at a conclusion the statute, if read plainly, does not support."	Note
78	<i>Adoptive Couple v. Baby Girl</i> : The Supreme Court's Distorted Interpretation of the Indian Child Welfare Act of 1978	Jessica Di Palma	2014	Jessica Di Palma, Comment, <i>Adoptive Couple v. Baby Girl: The Supreme Court's Distorted Interpretation of the Indian Child Welfare Act of 1978</i> , 47 Loy. L.A. L. Rev. 523 (2014)	"[T]he Court's results-oriented holding unnecessarily complicates the straightforward language of the ICWA, which will result in many unintended consequences."	Comment
79	The Real Impact of <i>Adoptive Couple v. Baby Girl</i> : The Existing Indian Family Doctrine is Not Affirmed, But the Future of the ICWA's Placement Preference is Jeopardized	Marcia A. Zug	2014	Marcia A. Zug, <i>The Real Impact of Adoptive Couple v. Baby Girl: The Existing Indian Family Doctrine is Not Affirmed, But the Future of the ICWA's Placement Preferences is Jeopardized</i> , 42 Cap. U. L. Rev. 327 (2014)	"[T]he Court's decision in <i>Baby Girl</i> did not affirm the EIF doctrine, but that it did significantly curtail the applicability of the placement preferences in many future ICWA cases."	
80	<i>Adoptive Couple v. Baby Girl</i> : From Strict Construction to Serious Confusion	Allison E. Burke	2014	Allison E. Burke, <i>Adoptive Couple v. Baby Girl: From Strict Construction to Serious Confusion</i> , 43 Hofstra L. Rev. 139 (2014)	"After the Court's ruling, the legislature must take action to amend the ICWA to ensure its consistent and logical application."	
81	The Indian Child Welfare Act's Waning Power After <i>Adoptive Couple v. Baby Girl</i>	Kathleena Kruck	2015	Kathleena Kruck, <i>The Indian Child Welfare Act's Waning Power After Adoptive Couple v. Baby Girl</i> , 109 Nw. U. L. Rev. 445 (2015)	"Until legislation is passed to clarify the language and purpose of the ICWA, states will continue to avoid its application. <i>Adoptive Couple</i> failed to provide concrete guidance for state courts regarding ICWA's application."	
82	A Response to Professor Berger's 'In the Name of the Child: Race, Gender, and Economics in <i>Adoptive Couple v. Baby Girl</i> '	Barbara A. Atwood	2015	Barbara A. Atwood, <i>A Response to Professor Berger's 'In the Name of the Child: Race, Gender, and Economics in Adoptive Couple v. Baby Girl</i> ', 67 Fla. L. Rev. F. 1 (2015)	"[B]y portraying the father as an almost ideal father, Professor Berger misses the opportunity to make a deeper point about the toll of destructive policies on Native families, the reality of intergenerational trauma, and the essential role of ICWA."	
83	In the Name of the Child: Race, Gender, and Economics in <i>Adoptive Couple v. Baby Girl</i>	Bethany R. Berger	2015	Bethany R. Berger, <i>In the Name of the Child: Race, Gender, and Economics in Adoptive Couple v. Baby Girl</i> , 67 Fla. L. Rev. 295 (2015)	<i>Adoptive Couple v. Baby Girl</i> "reflected concerns founded in race, gender, and economics that have little to do with children's interests."	
84	The ICWA's Pre-Existing Custody Requirement: A Flexible Approach to Better Protect the Interests of Indian Fathers, Children, and Tribes	Jeffrey A. Parness; Amanda Beveroth	2015	Jeffrey A. Parness & Amanda Beveroth, <i>The ICWA's Pre-Existing Custody Requirement: A Flexible Approach to Better Protect the Interests of Indian Fathers, Children, and Tribes</i> , 35 Child. Legal Rts. J. 25 (2015)	"[C]ontinued custody' should not be limited to physical custody[, but] . . . should also include efforts to meaningfully accept the role of parenthood so that unwed Indian fathers without physical custody are not automatically excluded from the ICWA's protections."	
85	In the Courts: Interpreting the ICWA in Light of <i>Adoptive Couple</i>	Christina Cook	2015	Christina Cook, <i>In the Courts: Interpreting the ICWA in Light of Adoptive Couple</i> , 35 Child. Legal Rts. J. 87 (2015)	"Decisions such as <i>In re Alexandria P.</i> provide important insight into the direction of courts within states and across the country on the important issues surrounding the custody and adoption of Native American children in the United States today."	

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86	Thompson v. Fairfax County Department of Family Services: Determining the Best Interests of the Indian Child	Katerina Silcox	2015	Katerina Silcox, Note, <i>Thompson v. Fairfax County Department of Family Services: Determining the Best Interests of the Indian Child</i> , 10 Liberty U. L. Rev. 141 (2015)	"[C]ourts deciding whether to transfer a case to tribal court under 1911(b) should apply the immediate harm standard because it best balances the competing interests of the child and the continuation of tribal culture."	Note
87	Born Native, Raised White: The Divide Between Federal and Tribal Jurisdiction With Extra-Tribal Native American Adoption	Christina Lewis	2015	Christina Lewis, Note, <i>Born Native, Raised White: The Divide Between Federal and Tribal Jurisdiction With Extra-Tribal Native American Adoption</i> , 7 Geo. J. L. & Mod. Critical Race Persp. 245 (2015)	"[T]he <i>Baby Girl</i> Court grants far too much deference to the state court system, particularly to South Carolina in this case, to handle a custody matter that should explicitly and exclusively belong to the tribes."	Note
88	A Response to Professor Berger's 'In the Name of the Child: Race, Gender, and Economics in Adoptive Couple v. Baby Girl'	B. J. Jones	2015	B.J. Jones, <i>A Response to Professor Berger's 'In the Name of the Child: Race, Gender, and Economics in Adoptive Couple v. Baby Girl'</i> , 67 Fla. L. Rev. F. 17 (2015)	Berger's "article sounds the alarm for Indian tribes and families to realize that native families continue to be under constant scrutiny in the state judicial systems and that the strong economic interests opposed to strict application of the ICWA remain as vigilant as they were in 1978."	
89	Is the Indian Child Welfare Act Losing Steam?: Narrowing Non-Custodial Parental Rights After Adoptive Couple v. Baby Girl	Courtney Hodge	2016	Courtney Hodge, Note, <i>Is the Indian Child Welfare Act Losing Steam?: Narrowing Non-Custodial Parental Rights After Adoptive Couple v. Baby Girl</i> , 7 Colum. J. Race & L 191 (2016)	"[A]dditional action, either by Congress or at the state level, is needed to ensure that future Native parents can use the Indian Child Welfare Act to ensure their child remains connected to his or her heritage."	Note
90	Roadway to Reform: Assessing the 2015 Guidelines and New Federal Rule to the Indian Child Welfare Act's Application to State Courts	Allison E. Davis	2016	Allison E. Davis, Note, <i>Roadway to Reform: Assessing the 2015 Guidelines and New Federal Rule to the Indian Child Welfare Act's Application to State Courts</i> 22 Suffolk J. Trial & App. Advoc. 91 (2016)	"While the new guidelines and rules are created with Native American children and families in mind, the processes within the rules must be followed to achieve tangible benefits and results."	Note
91	Implementing and Defending the Indian Child Welfare Act Through Revised State Requirements	Caroline M. Turner	2016	Caroline M. Turner, Note, <i>Implementing and Defending the Indian Child Welfare Act Through Revised State Requirements</i> , 49 Colum. J.L. & Soc. Probs. 501 (2016)	"[S]tates should proceed to incorporate recently issued federal guidelines and regulations into their enforceable state requirements."	Note
92	Case Comment: Adoptive Couple v. Baby Girl, 133 S. Ct. 2552 (2013)	Anietie Maureen-Ann Akpan	2016	Anietie Maureen-Ann Akpan, <i>Case Comment: Adoptive Couple v. Baby Girl</i> , 133 S. Ct. 2552 (2013), 6 Colum. J. Race & L. 1 (2016)	"Placing so much interpretive weight on [the] . . . phrase [continued custody], coupled with the Court's distorted reading of the term 'parent' within the meaning of the ICWA, is why the Court's opinion [in <i>Adoptive Couple v. Baby Girl</i>] is fundamentally flawed."	Comment
93	Escaping the ICWA Penalty Box: In Defense of Equal Protection for Indian Children	Timothy Sandefur	2017	Timothy Sandefur, <i>Escaping the ICWA Penalty Box: In Defense of Equal Protection for Indian Children</i> , 37 Child. Legal Rts. J. 1 (2017)	"[T]he provisions of ICWA harm Indian children, deprive them of the protection of the 'best interests of the child' standard, move them beyond the reach of state protective services, curtail their rights to due process and equal protection, subordinate their interests to those of tribal governments, and cripple efforts to rescue them from abuse and find them stable homes."	
94	Are You My Father? Adopting a Federal Standard for Acknowledging or Establishing Paternity in State ICWA Proceedings	Kevin Heiner	2017	Kevin Heiner, Note, <i>Are You My Father? Adopting a Federal Standard for Acknowledging or Establishing Paternity in State Court ICWA Proceedings</i> 117 Colum. L. Rev. 2151 (2017)	"Congress, the BIA, or the Supreme Court must introduce a federal definition of 'acknowledged or established' to promote consistent results for nonmarital fathers in ICWA proceedings in state courts across the nation."	Note