

BRYAN NEWLAND AND DEB HAALAND AT BOARDING GCHOOL GURVIVORG LIGTENING GEGGION PELLGTON, MI, 2022



Signed, Sealed, Delivered, and Filed:

Historic Case Challenging ICWA and Tribal Rights before U.S. Supreme Court

CLE on Nov. I via Zoom







## DEPARTMENT OF THE INTERIOR OFFICE OF INDIAN AFFAIRS

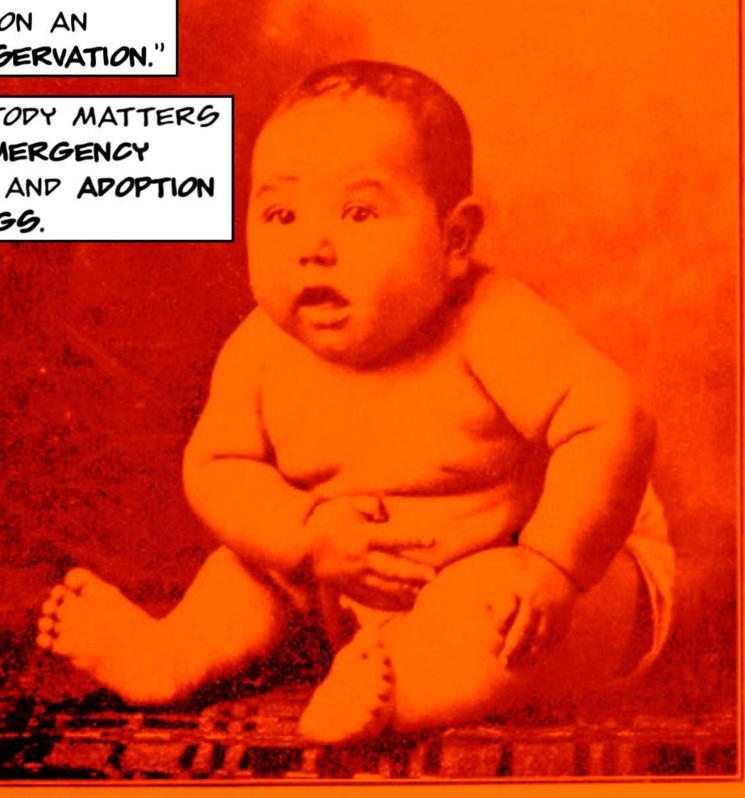
# INDIAN BABIES

## HOW TO KEEP THEM WELL

AN "INDIAN CHILD" IS ONE WHO IS A MEMBER OF A FEDERALLY RECOGNIZED TRIBE, OR ELIGIBLE FOR MEMBERGHIP.

ICWA APPLIES TO "CHILD CUSTODY" MATTERS ON AN "INDIAN REGERVATION."

CHILD CUSTODY MATTERS INCLUDE EMERGENCY REMOVALS AND ADOPTION PROCEEDINGS.



WASHINGTON GOVERNMENT PRINTING OFFICE 1916



INDIAN TRIBES HAVE

EXCLUSIVE JURISPICTION OVER

CHILD CUSTODY MATTERS

INVOLVING INDIAN CHILDREN

DOMICILED ON INDIAN

RESERVATIONS.

INDIAN TRIBES HAVE
PRESUMPTIVE
JURISPICTION OVER
INDIAN CHILD NOT
DOMICILED ON INDIAN
RESERVATIONS.

STATE COURTS SHOULD TRANGER CAGES TO TRIBAL COURT UNLEGG THE INDIAN PARENT OBJECTS OR THERE 16 GOOD CAUGE TO THE CONTRARY.





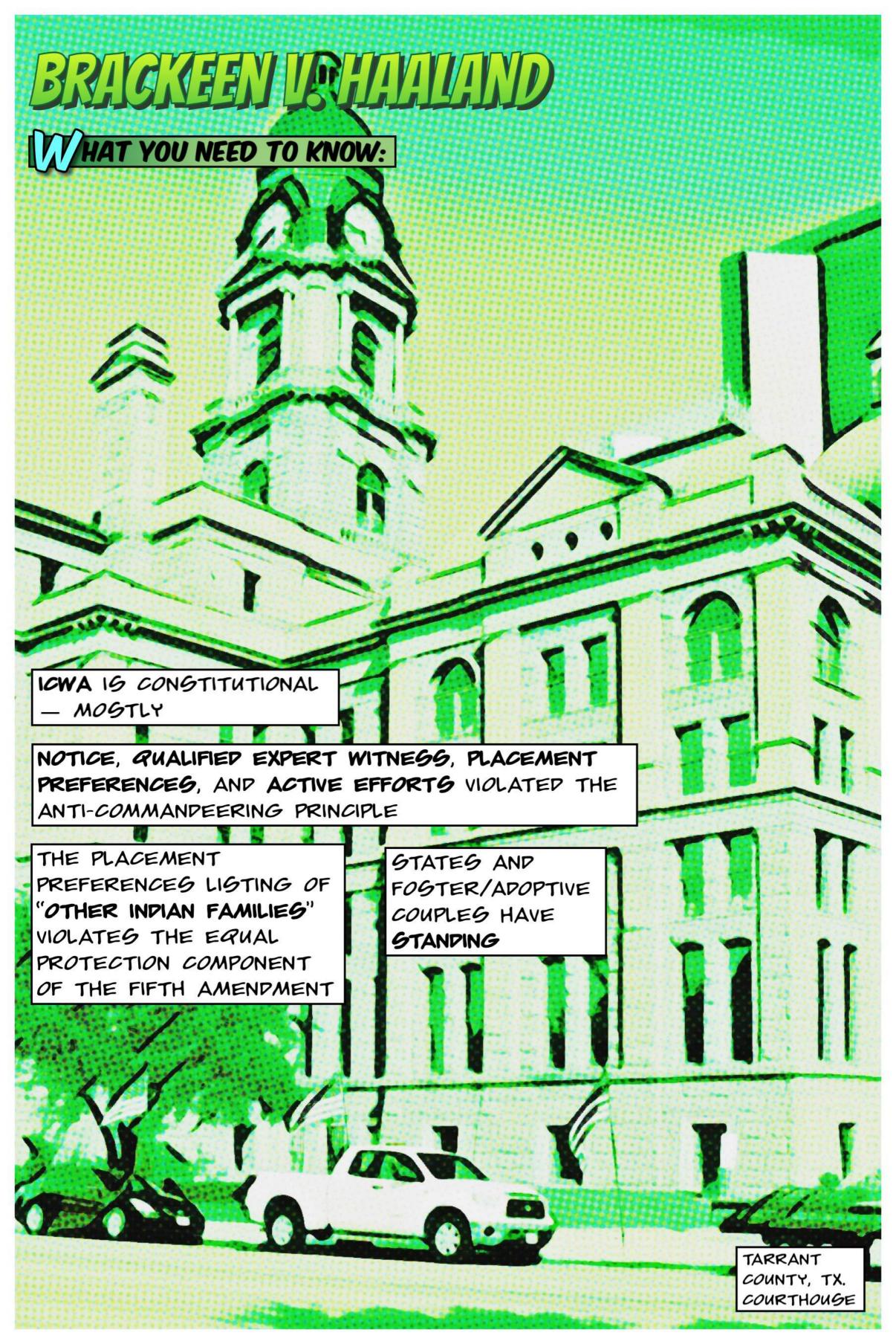
INDIAN PARENTAL RIGHTS MAY
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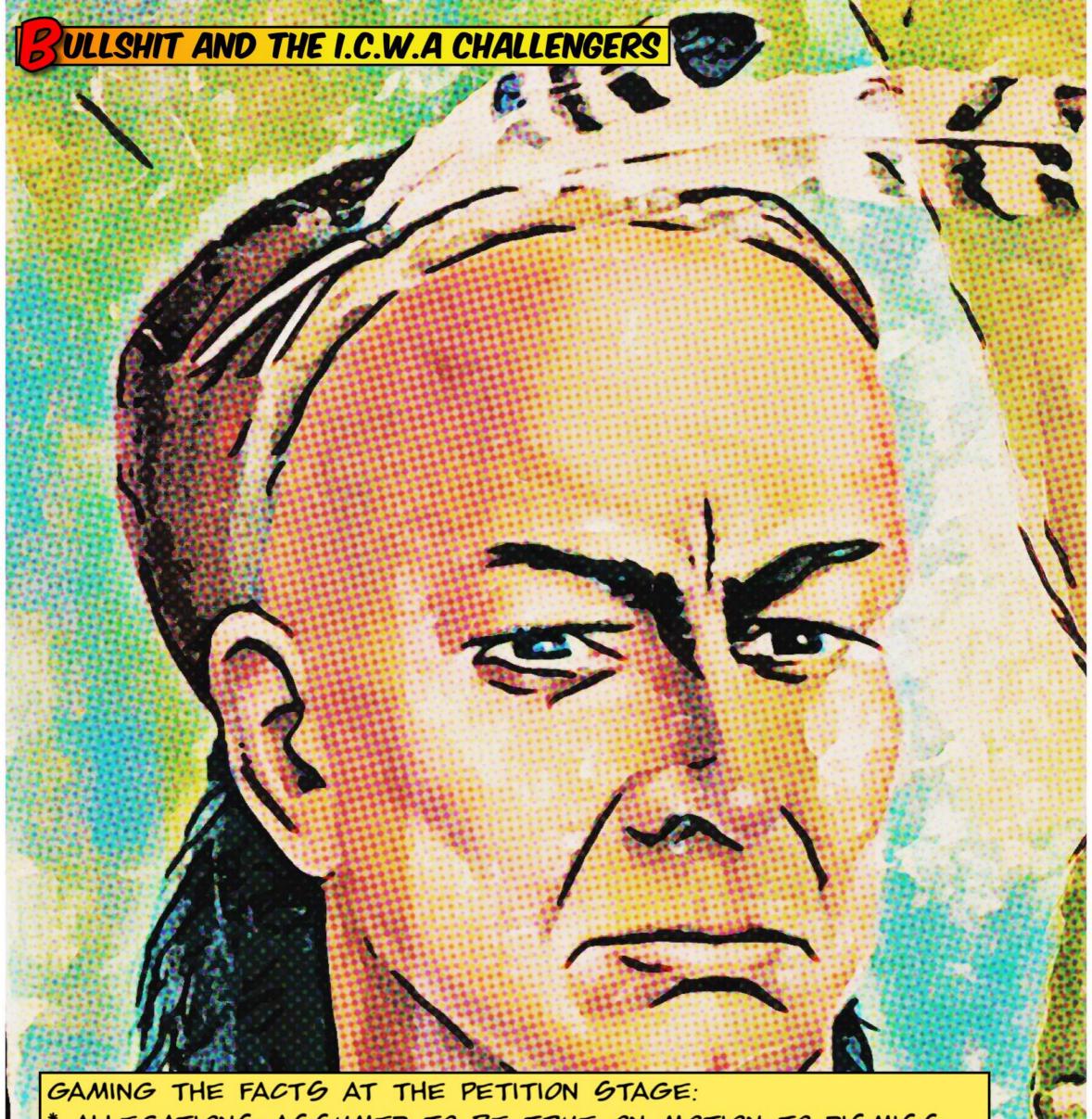
INDIAN PARENTAL RIGHTS
MAY NOT BE TERMINATED
UNLEGS THE STATE PROVES
BEYOND A REASONABLE
POUBT THAT IT IS IN THE
BEST INTERESTS OF THE
INDIAN CHILD.



GIVE HARY PLENTY OF COOL, BOILED WATER,







- \* ALLEGATIONS ASSUMED TO BE TRUE ON MOTION TO DISMISS
- \* B.G. ABOUT THE UNAVAILABILITY ABOUT INDIAN FOGTER FAMILIES
- \* B.G. ABOUT THE BIOLOGICAL FAMILY

# GAMING THE MEDIA:

- \* "THE ONLY FAMILY" ARGUMENT
- \* EXPLOITING THE CHILD'S PRIVACY

### GAMING THE PROCEDURES:

- \* THE ADOPTION ATTORNEY'S CONFLICTS OF INTEREST
- \* THE GUARDIAN AD LITEM
- \* THE SHAPOW POCKET

## GAMING THE JUDICIARY'S INSTITUTIONAL WEAKNESSES:

- \* NO CHILD WELFARE EXPERIENCE. NONE.
- \* HIDDEN POLITICAL COMMITMENTS







# ian adoption 'rip-off' rap

Child Welfare rould end the indian babies tion, a consubcommittee

itatives of the uinault and es Thursday ehalf of a bill take it more state agency dian children ind encourage at of Indian dian homes.

#### resource

that our chilgreatest rethat without e no future," of the Puyalthe House Inand public-mittee. "For ars we were hing our chilken from our nilies."

how that in in the United han a quarter children are n the Indian

state agen-

means.

The Indian Child Welfare Act, which would establish new adoption standards reflecting the values of Indian society, passed the Senate in November and now faces action in the House.

Mrs. LaPointe, dinator of Social Service for Child Welfare for the Puyallup tribe, testified that Indians who were adopted by non-Indians frequently come to the tribe for help in locating "lost" their families.

She cited one case in which an 18-year-old woman appealed to the Puyallup tribe for help and the young

woman was brought to Mrs. LaPointe.

"While visiting (with her) I realized she was my second cousin," Mrs. LaPointe said. "Her mother had died of acute alcoholism years before. I believe she drank herself to death because she could not face the shame her children.'

Except for administration witnesses, most testimony at the hearing supported the Many bill. speakers suggested minor revisions.

Vera Harris, director of the Tsapah Child placement-protection agency of the Tacoma Indian Center, said she believes the bill should be amended to allow adoption of Indian children only by Indians. Too often, she said, non-Indians are the Indian people.

The Carter adm tion opposes the n but endorses its goa ministration tives suggested that programs might be accomplish many bill's objectives.

Rick Lavis, deput tant secretary for In fairs in the Departi Interior, said the ac ration will offer su legislation next mon

"THE EXTRA SERVICE PEOPLE"

## **EVENINGS & SATURDAYS UNTIL 10 P.A** NOEXTRACHAR

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# **Indian Child Welfare Act** will be challenged in court

OKLAHOMA CITY, Okla. (AP) - The constitutionality of the 1978 federal Indian Child Welfare Act will be challenged next month before a three-judge panel in Oklahoma County District Court.

The challenge stems from a child custody case in western Oklahoma involving an Indian child whom state welfare offi cials declared deprived.

The child's parents attempted to use the act's provisions to have the case resolved in tribal court, but the welfare de partment sought the challenge through Oklahoma County Dis trict Attorney Andrew Coats.

Coats is bringing the test case because the welfare depart ment is in his district.

The federal act allows custody cases involving Indian chil dren to be handled in state or tribal courts, depending on the nce of the family and tribe.

t the State of Oklahoma contends "The act provides andard in adjudicating a deprived Indian child n child, a standard which rests solely or

# AND ... FINALLY ... BRACKEEN\*

FOUR PETITIONS — TWO
FROM UNITED STATES AND
FOUR TRIBES — TWO FROM
TEXAS AND FOSTER
PARENTS

FIFTH CIRCUIT (EN BANC, TIED 8-8 ON MOST THINGS):

1) I.C.W.A NOTICE, QUALIFIED EXPERT WITNESS, ACTIVE EFFORTS,

AND REPORTING UNCONSTITUIONAL UNDER TENTH AMENDMENT

ANTI-COMMANDEERING

- 2) "INDIAN FAMILIES" IN PLACEMENT PREFERENCES 16
  UNCONSTITUTIONAL UNDER EQUAL PROTECTION COMPONENT
  OF FIFTH AMENDMENT DUE PROCESS CLAUSE
- 3) ALL PARTIES HAVE **STANDING** EVEN THOUGH ALL **ADOPTIONS ARE COMPLETE**
- 4) OTHER CONSTITUTIONAL CHALLENGES
  ROOTED IN CONGREGGIONAL POWERS AND
  NON-DELEGATION POCTRINE ARE REJECTED
- 5) "GOOD CAUGE" BURDEN OF PROOF IN I.C.W.A. REGG INVALID

GRANTED FEBRUARY 28, A.K.A. DAY OF DOOM

\*MIGHT ALSO HAVE

BEEN CRANTED OR

NOT ON ECROMARY ZZ

FEDERAL/TRIBAL PETITIONS:

GEEKING REVIEW ONLY OF

PORTIONS OF I.C.W.A.

GTRUCK DOWN BY FIFTH

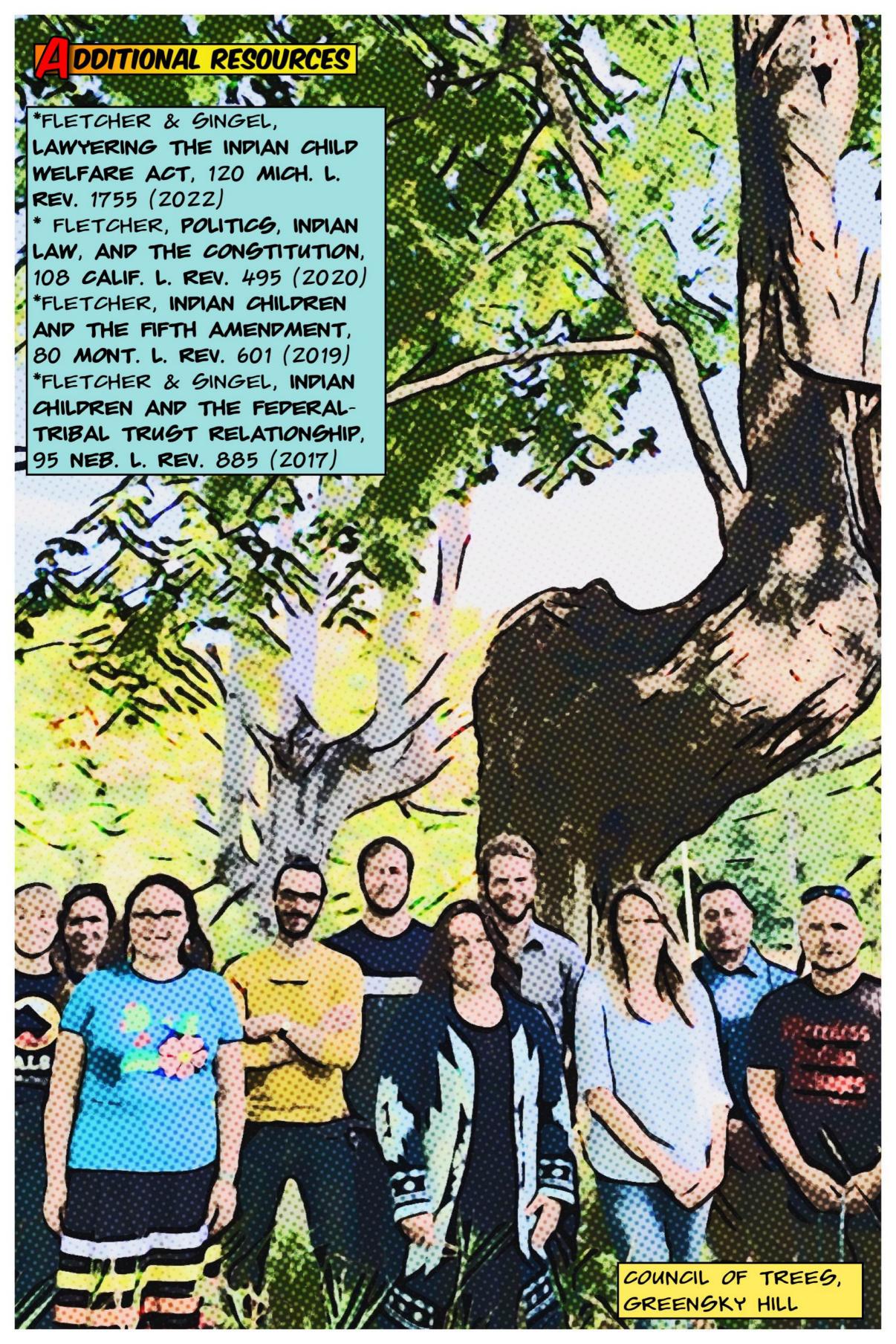
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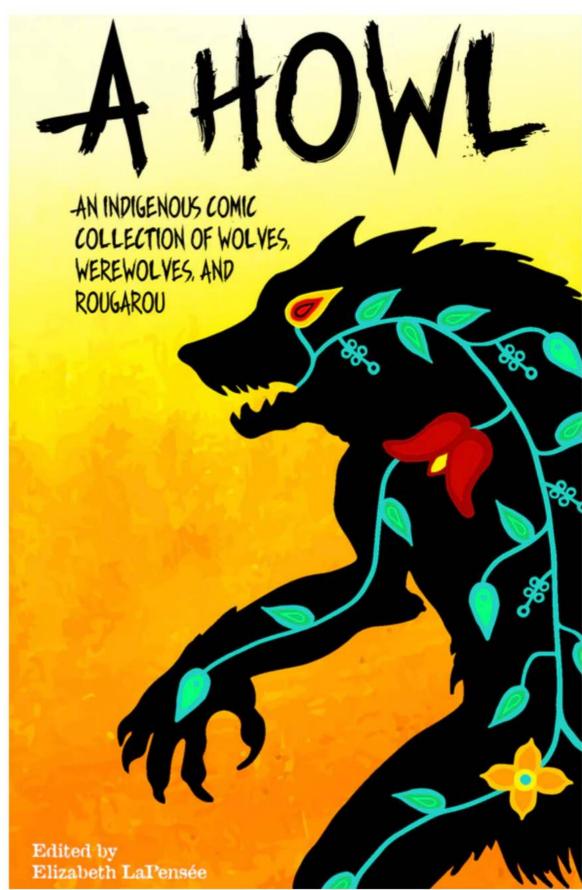
PROCEEDINGS FOR LACK OF

ARTICLE III STANDING

GTATE/FOGTER PARENTS: GEEKING OVERRULING OF ALL OF I.C.W.A.







C O N C I S E
H O R N B O O K S



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