

Adoption and Native American Children



"Silence is a major value in Native American culture, for silence is the token of acceptance, the symbol of peace and serenity, and the outward expression of harmony between the human and natural worlds." -- Diane Long Hoeveler.

The word "culture" describes the integrated pattern of human behavior that includes action, assumptions, values, reasoning, and communication of a racial, ethnic, religious, or social group. The word "competence" is the "state of being capable" (Webster's 1977) of functioning in a particular way. Therefore, culturally competent services are systems, agencies, and practitioners that have the capacity, skills, and knowledge to respond to the unique needs of populations whose cultures are different than that which might be called dominant or mainstream American.

As professionals it is imperative that an awareness of and sensitivity about a person's cultural and ethnic heritage be maintained. Nowhere is this more evident than with the Native American populations and their children.

The Indian Child Welfare Act of 1978



<http://www.nicwa.org/policy/law/icwa/index.asp>

The Indian Child Welfare Act (ICWA), which was adopted by Congress in 1978, applies to child custody proceedings in state courts involving "Indian" children--children of Native American ancestry. The provisions of the ICWA represent a dramatic departure from the procedural and substantive laws that most states have enacted to govern child custody proceedings.

Before 1978, as many as 25 to 35 percent of the Indian children in certain states were removed from their homes and placed in non-Indian homes by state courts, welfare agencies, and private adoption agencies. Non-Indian judges and social workers--failing to appreciate traditional Indian child-rearing practices--perceived day-to-day life in the children's Indian homes as contrary to the children's best interests.

It was not only the high number of children being removed from their homes, but also the fact that 85 to 90 percent of them were being placed with non-Indians that caught the attention of Congress. Congress was actively promoting the continued viability of Indian nations as separate sovereigns and cultures at that

time. By enacting the substantive placement preferences in ICWA--which require that Indian children, once removed, be placed in homes that reflect their unique traditional values (25 U.S.C. 1915)--Congress was acknowledging that no nation or culture can flourish if its youngest members are removed. The act was intended by Congress to protect the integrity of Indian tribes and ensure their future.



The ICWA effects: Foster care placements, termination of certain parental rights, pre-adoption placements and adoption placements.

The National Indian Child Welfare (NICW) www.nicw.org

National Indian Child Welfare Association

"The National Indian Child Welfare Association (NICWA) is the most comprehensive source of information on American Indian child welfare and works on behalf of Indian children and families. NICWA provides public policy, research, and advocacy; information and training on Indian child welfare; and

community development services to a broad national audience including tribal governments and programs, state child welfare agencies, and other organizations, agencies, and professionals interested in the field of Indian child welfare.”



CASA- Court Appointed Special Advocates For Children

Tribal Court CASA Project

<http://www.casenet.org/program-services/tribal/>

This web site contains a variety of links and resources directly dealing with the NICW Act and offers guides and manuals as well as training programs and communications.

Keeping Native Children Connected... is an excellent article addressing cultural competency and Native American children



<http://www.casnet.org/library/culture/native-kids.htm>.

Adoption of American Indian Children: Implications for implementing the Indian Child Welfare and Adoption and Safe Families Acts

[*Children and Youth Services Review*](#) Volume: 24, Issue: 3, March, 2002. pp. 139-158.

The article examines the relationship between the applications of the law outlined within the Indian Child Welfare and the Adoption and Safe Families Acts. Under the ICWA, it is more difficult to terminate the parental rights of Native American parents than for a non-Native American under the ASFA. Therefore the author explores the dilemma of whether it is better for the child to be left in long-term foster care by Native American parents, or to be adopted by non-Native foster parents.

Lostbirds: An exploration of the phenomenological experience of transracially adopted Native Americans. Peterson, Jeffrey Joseph

Appears in: *Dissertation Abstracts International: Section B: The Sciences & Engineering*. Vol 63(8-B), Mar 2003, 3897.

“This study examined the phenomenological experience of transracially adopted Native Americans with specific attention to the development and expression of an ethnic identity...”

It would be difficult to examine America’s historical, cultural and ethnic views with regard to the adoption of Native American children without looking to our Canadian neighbors; below are links and resources addressing the adoption of Aboriginal children in Canada.

Adoption Council of Canada

www.adoption.ca

“The Adoption Council of Canada is a federally incorporated charitable body which aims to: inform and educate about all aspects of the adoption of children for Canadians; provide understanding of the benefits and challenges of adoption for children, birth-families and adoptive parents; promote the placement of waiting children in permanent loving families; stress the importance of post-adoption services for families and adoptees; and facilitate communication among all groups and individuals concerned, by providing:

- a library and clearing-house on adoption issues in Canada
- information and referrals in answer to adoption inquiries
- publications of adoption news and resources

- education for families, professionals and the public.”

First Peoples Child & Family Review

A Journal on Innovation and Best Practices in

Aboriginal Child Welfare Administration, Research, Policy and Practice

First Nations Research Site On-line Journal

<http://www.fncfcs.com/pubs/vol1num1/toc.html>

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"The First Peoples Child & Family Review is a new, online journal, published jointly by the First Nations Research Site, Centre of Excellence for Child Welfare, and the First Nations Child and Family Caring Society of Canada. This e-journal focuses primarily on First Nations and Aboriginal child welfare practices, policies, and research. It is a journal that privileges the "voice and perspectives" of First Nations and Aboriginal child welfare scholars, researchers, practitioners, trainers, students, volunteers and community developers. The journal was developed by the First Nations Research Site, Centre of Excellence for Child Welfare and First Nations Child & Family Caring Society of Canada, Inc. and will be published twice a year."

First Nations Child & Family Caring Society of Canada

<http://www.fncfcs.com>

“The purpose of the Caring Society is to promote the well being of all First Nations children, youth, families and communities with a particular focus on the prevention of, and response to, child maltreatment.”

Institute for Child Rights and Development

www.uvic.ca/icrd “ICRD is a Canadian leader in community-based, national, regional and international applications of the United Nations Convention on the Rights of the Child (CRC). These applications are unique in that they provide a "culturally grounded" approach to children's rights that build on children's natural resiliency (strengths) as well as the strengths of families, communities and culture.”

United Native Nations Society

http://www.unns.bc.ca/family_reunification.html

Family Reunification Program

“Family Reunification has been in operation since 1988. At that time United Native Nations Society began receiving calls from Aboriginal people who were separated from their families and ancestral communities by adoption and foster care. It quickly became apparent that many of these people were applying for

Indian status for the sole purpose of narrowing down their search for their birth parents.

After researching the process of applying for Indian status and researching provincial legislation that effected legal adoptions and the foster care system, it became apparent that this particular group required a different approach than the one used by the former Bill C-31 Legal Assistance Project. Family Reunification received funding first from the Law Foundation of B.C. and since 1994 has been receiving funding from the Ministry of Children and Family Development. “

Hi, My name is Karen Smith and I am the creator of this site. I am a graduate student Case Western Reserve University Mandel School of Applied Social Sciences. The site is intended to provide some information for social workers or other interested persons' regarding adoption and Native American children.



This photo was taken in Santa Cruz County, California near the town of Felton (Sept. 2004). I am seated near a fallen redwood Sequoia tree. The botanical name for the California Coastal Redwood is *Sequoia Sempervirens*. The Sequoia trees were named in honor of the great Cherokee Chief Sequoia. He is most remembered for inventing an alphabet for the native Cherokee language and thereby helping to preserve the Cherokee culture.