

**TESTIMONY OF
THE NATIONAL INDIAN CHILD WELFARE ASSOCIATION**

**REGARDING PROPOSED AMENDMENTS TO
THE INDIAN CHILD WELFARE ACT:
S. 569 AND H.R. 1082**

**PRESENTED TO THE SENATE COMMITTEE ON INDIAN AFFAIRS AND
HOUSE RESOURCES COMMITTEE**

JUNE 18, 1997

To the Chairmen and members of both committees, thank you for the opportunity to present this testimony on behalf of the National Indian Child Welfare Association which is based in Portland, Oregon. Our comments will focus on our view that the Indian Child Welfare Act (ICWA) has worked successfully for the vast majority of Indian children, families, and tribes. Where there is a need for improvements, the appropriate solutions should reflect a measured, reasonable approach that considers the original purpose of the ICWA and the needs of Indian children, families, tribes, and prospective adoptive parents. We believe that the amendments contained in S. 569 and H.R. 1082 that were developed by the tribes, the National Indian Child Welfare Association, and the National Congress of American Indians, with input from the American Academy of Adoption Attorneys, represents such an approach. These ICWA amendments are supported by our organization because of their balanced approach to helping protect Indian children and providing increased certainty for those involved in the process of adoption. Our testimony will provide background on the Indian Child Welfare Act and identify the reasons we believe Congress should support S. 569 and H.R. 1082.

National Indian Child Welfare Association (NICWA). The National Indian Child Welfare Association provides a broad range of services to tribes, Indian organizations, states and federal agencies, and private social service agencies throughout the United States. These services are not direct client services such as counseling or case management, but instead help strengthen the programs that directly serve Indian children and families. NICWA services include: 1) professional training for tribal and urban Indian social service professionals; 2) consultation on social service program development; 3) facilitating child abuse prevention efforts in tribal communities; 4) analysis and dissemination of public policy information that impacts Indian children and families; and 5) helping state, federal, and private agencies improve the effectiveness of their services to Indian people. Our organization maintains a strong network in Indian country by working closely with the National Congress of American Indians and tribal governments from across the United States.

INDIAN CHILDREN AND FEDERAL POLICY

In 1819, the United States Government established the Civilization Fund, the first federal policy to directly affect Indian children. It provided grants to private agencies, primarily churches, to establish programs to "civilize the Indian." In a report to Congress in 1867, the commissioner of Indian services declared that the only successful way to deal with the "Indian problem" was to separate the Indian children completely from their tribes. In support of this policy, both the government and private institutions developed large mission boarding schools for Indian children that were characterized by military type discipline. Many of these institutions housed more than a thousand students ranging in age from three to 13. Throughout the remainder of the 19th century, boarding schools became more oppressive. In 1880, for instance, a written policy made it illegal to use any native language in a federal boarding school. In 1910, bonuses were used to encourage boarding school workers to take leaves of absence and secure as many students as possible from surrounding reservations. These "kid snatchers" received no guidelines regarding the means they could use. Congress addressed this issue by declaring: "And it shall be unlawful for any Indian agent or other employee to induce, by withholding rations or by other improper means, the parents or next of kin of any Indian child to consent to the removal of any Indian child beyond the limits of any reservation." In addition to boarding schools, other federal practices encouraged moving Indian children away from their families and communities. In 1884, the "placing out" system placed numerous Indian children on farms in the East and Midwest in order to learn the "values of work and the benefits of civilization."

Federal policy continued throughout the 20th century with assimilation being the key focus in the boarding schools up until the 1950's. The passage of Public Law 280 in 1953 represented the culmination of almost a century-old federal policy of assimilation. Its ultimate goal was to terminate the very existence of all Indian tribes. This ultimate assimilation policy was reflected in the child welfare policies of this period.

Throughout the 1950's and 60's, the adoption of Indian children into non-Indian homes, primarily within the private sector, was widespread. In 1959, the Child Welfare League of America, the standard-setting body for child welfare agencies, in cooperation with the Bureau of Indian Affairs, initiated the Indian Adoption Project. In the first year of this project, 395 Indian children were placed for adoption with non-Indian families in Eastern metropolitan areas.

Little attention was paid, either by the Bureau of Indian Affairs or the states, to providing services on reservations that would strengthen and maintain Indian families. As late as 1972, David Fanshel wrote in *Far From the Reservation* that the practice of removing Indian children from their homes and placing them in non-Indian homes for adoption was a desirable option. Fanshel points out in the same book, however, that the removal of Indian children from their families and communities may well be seen as the "ultimate indignity to endure."

Fanshel's speculation bore out the truth of the matter. A 1976 study by the Association on American Indian Affairs found that 25 to 35 percent of all Indian children were being placed in out-of-home care. Eighty-five percent of those children were being placed in non-Indian homes or institutions. In a response to the overwhelming evidence from Indian communities that the loss of their children meant the destruction of Indian culture, Congress passed the Indian Child Welfare Act of 1978.

THE INDIAN CHILD WELFARE ACT

The unique legal relationship that exists between the United States government and Indian people made it possible for Congress to adopt this national policy. Because of their sovereign nation status, Indian tribes are nations within a nation. The Constitution of the United States provides that "Congress shall have power to regulate commerce with Indian tribes." Through this and other constitutional authority, Congress has plenary power over Indian affairs, including the protection and preservation of tribes and their resources. Finding that "there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children," Congress passed the Indian Child Welfare Act.

The Act, designed to protect Indian families, and thus the integrity of Indian culture, has two primary provisions. First, it sets up requirements and standards for child-placing agencies to follow in the placement of Indian children. It requires, among other things, providing remedial, culturally appropriate services for Indian families before a placement occurs; notifying tribes regarding the placement of Indian children; and when placement must occur, it sets out preferences for the placement of these children. The placement preferences start with members of the child's family, Indian or non-Indian, then other members of the child's tribe and lastly other Indian families. Both tribes and state courts have the ability to place Indian children with non-Indian families and often do when appropriate.

The Act also provides tribes with the ability to intervene in child custody proceedings, which results in greater participation from extended family members in many cases. Additionally, the Act recognized existing Indian tribal authority on the reservation and extended that authority to non-reservation Indian children when state courts transfer jurisdiction to tribal courts. A result of the Act has been the development and implementation of tribal juvenile codes, juvenile courts tribal standards, and child welfare services. Today, almost every Indian tribe provides a range of child welfare services to their member children.

INDIAN FAMILIES ARE THE LIFEBLOOD OF INDIAN COMMUNITIES

The importance of Indian families and their extended family networks in tribal culture has been well documented. especially during hearings for the Indian Child Welfare Act:

[T]he dynamics of Indian extended families are largely misunderstood. An Indian child may have scores of, perhaps more than a hundred, relatives who are counted as close, responsible members of the family...The concept of the extended family maintains its vitality and strength in the Indian community. By custom and tradition, if not necessity, members of the extended family have definite responsibilities and duties in assisting in childrearing.

[House Report 95-1386, 95th Congress, 2nd Session (July 24, 1978) at 10, 20.]

The strength of tribal culture comes from the agreement by members of who they are as a tribe and the value system that supports their tribal culture. This membership views family in a very broad sense, understanding the importance of all members in helping raise children and promote the well-being of the tribe. When an Indian child is born, it is a time of celebration, not just for the immediate family, but the for the extended family and other tribal members as well. Tribal members, whether they live on the reservation or a thousand miles away, are aware of this time for celebration and feel the common connection of this event. Family and culture are synonymous for Indian people, and any changes in tribal membership or family will mean changes in culture and the viability of that culture for all members.

Acknowledging these family and community values leads to an appreciation of what it means to a tribe to lose even one child. Today, with a number of small tribes facing what can only be described

as an precarious future and possibly even extinction, it becomes even more important to nurture the connections between Indian children and their tribal community.

TRIBAL MEMBERSHIP

Formal tribal membership determinations often do not happen prior to or at birth. Most tribes require a variety of information to be collected after the birth of the child before the membership process can even be initiated. The process itself can take anywhere from one month to several months depending on the accuracy of information provided, the number of tribal membership requests needing review, and the timing of the next tribal council or membership committee meeting.

The determination of tribal membership does not happen overnight and for good reasons. With the romanticism of Indian culture that began in the 1960's many non-Indian people have made claims to Indian heritage and the services or benefits that come with membership. By necessity, tribes have had to become careful in screening membership so that limited tribal services, such as health care, are available for those tribal members who qualify for them. This means that membership determinations can take time, and because of limited resources to support this process, many tribes have times when enrollment applications are not accepted. The closing of the enrollment process is not of great concern to many tribes, because membership is still extended to tribal members, even if they have not completed a formal enrollment process. In addition, some tribes view enrollment lists as secondary to determinations of membership based on their intimate knowledge of what families and individuals are members of the tribe.

For those Indian families that are experiencing difficulties in trying to meet their basic needs, formal membership procedures may be a low priority. Because membership is assumed by many tribal members and the tribe under tribal traditions and customs, focusing on formalizing membership status during these stressful times would not seem necessary to many Indian people. Unlike other governments that use paper documents such as birth certificates as the primary means of establishing membership, tribes have long used and will continue to use their customary and traditional practices.

Enrollment does not equal membership in many situations. Many tribes, especially small tribes, do not have updated enrollment lists for a variety of reasons. One reason is the forced dispersion of the Indian population as a result of failed federal policies, such as the Boarding School, Termination and Relocation eras. During these periods Indian communities were broken apart by the forced removal of large numbers of children, while large numbers of adult Indian people were separated from their families involuntarily. The legacies of these policies are still visible in Indian Country today, as adult Indian people live in isolation from their families and communities, many not knowing their families or heritage. Tribes struggle to regain these lost connections, but are many times not successful until years and sometimes decades have passed in these Indian people's lives. Stories abound in Indian Country of adult Indian people finding their families or connections to tribes that they never knew existed and the pain and grieving that they have lived with for many years because of their lost identity. In some cases, these people will never be given the opportunity to regain that sense of heritage and know their family.

ANSWERS TO QUESTIONS REGARDING THE ICWA

1) Was the ICWA intended to provide protections to Indian children and families living off the reservation?

Most definitely. When Congress began hearings on the ICWA prior to 1978, it was found that the children most vulnerable to unnecessary removals and institutionalization were those Indian children that lived off the reservation. At the time of passage of the ICWA, 25 percent - 35 percent of all Indian children were being unnecessarily removed from their homes and isolated from their natural families and communities. Those living off-reservation were particularly vulnerable to unnecessary removal because of their distance from tribal agencies and courts which had critical knowledge and experience to provide in a child custody proceeding. The legislative history of the ICWA and current body of federal case law makes clear that Congress intended to make ICWA protections available to all Indian children who are members of federally-recognized tribes, regardless of their place of residency.

2) Does the ICWA mandate that Indian children only be placed with Indian families?

No. The ICWA only provides preferences in the placement of Indian children with the first preference being family members - Indian or non-Indian. Furthermore, the ICWA provides state courts with the ability to alter the placement preferences upon a finding of good cause and have often done this. Furthermore, a large number of tribal child welfare programs in the United States have placed and will continue to place Indian children with non-Indian foster care or adoptive families when appropriate. It is important to understand that the process used in making placement decisions regarding any child will ultimately determine how well a child's needs are met. If the process is exclusionary and does not include all of the important parties, the placement becomes at risk of being disrupted or harmful to the child. Inclusion of all parties - extended family members, natural parents, tribe, and prospective foster or adoptive parents - is the most successful strategy and should be a part of every placement decision. This is the

standard of practice that the ICWA establishes and when used properly almost never results in a disrupted placement.

3) Why should a tribe be allowed to intervene in a voluntary adoption proceeding between a consenting natural parent and a prospective adoptive couple?

As many states and tribes have found in their child welfare practice, many times natural parent(s) who are thinking about giving their children up for adoption have not clearly thought this decision through and may not be aware of opportunities to place the child with other family members. These parents are often very young and not yet mature in their thinking, but are nonetheless trying to deal with the tremendous stress of an unexpected pregnancy or other crisis in their immediate family. This was the case in a number of adoptions that were identified in the Congressional Record last year where young Indian parents, some who were not even 18 years of age, were being counseled by adoption attorneys to avoid involving their extended families in decisions to adopt out their children. Regrettably, these parents were then faced with a very tough decision, one that has lifelong consequences, with little, if any, balanced information on alternatives to placing the child outside the natural family.

Situations like these, where young Indian parents are only provided one way out of their dilemma, do not meet the best interests of anyone, particularly the child. Allowing tribes to be a part of the adoption process enables extended family members in the community to be notified of a potential adoption of their grandchild, niece, or nephew and be afforded the chance to discuss a possible placement in their family before it is too late.

In addition, tribes can provide assistance in locating appropriate homes for Indian children needing out-of-home placement. Many states and private adoption agencies find themselves with a shortage of qualified Indian adoptive homes and can benefit from the pool of homes that tribes may have available. As an example, in the state of Washington, the Yakama tribe has a pool of Indian foster care and adoptive homes to which they have allowed the state Division of Social and Health Services to have access. This agreement enables the agency facilitating the adoption to find the very best home for that child without unnecessary delays.

4) Is the ICWA a barrier to the timely placement of Indian children in foster care or adoptive homes?

No. In fact, since the passage of the ICWA, hundreds of thousands of Indian children have been successfully placed in both loving foster care and adoptive homes, both Indian and non-Indian. The ICWA has been a bright ray of hope for the vast majority of Indian children by helping them be reunified with their families and finding new homes when there are no natural family placements available. Tribal child welfare programs, which play a pivotal role in this accomplishment, have been increasingly successful in recruiting and maintaining foster care and adoptive homes within and outside of their reservation boundaries, making it possible for tribes to place Indian children even more quickly than states and private agencies in many cases. In many cases, state and private child placing agencies look to tribal child welfare programs to assist them in developing quality foster care and adoptive homes for Indian children.

A 1988 study on the status of the Indian Child Welfare Act revealed that tribal involvement in the placement of Indian children has resulted in 1) Indian children being reunified more often with their natural families than with state or Bureau of Indian Affairs programs and 2) shorter stays for Indian children in substitute care (i.e. foster care) than with state or Bureau of Indian Affairs programs. These successes are not surprising given the continued growth and sophistication of tribal child welfare programs in the United States. Many of these programs are now offering a full range of child welfare services independently or in collaboration with private and state child welfare agencies.

5) Are the protections available to Indian children in the ICWA still necessary today?

Yes. While the ICWA has certainly helped to reduce the chances that Indian children will not be unnecessarily removed from their homes, families, and communities, there are still too many individuals and agencies involved in the unlawful placement of children especially Indian children. It is not an exaggeration to say that every year over a thousand Indian children who are eligible for and need the protections of the ICWA are being denied these fundamental rights to have access to their family and culture. This means that one or more of the following violations of the ICWA is usually occurring:

Tribes and extended family members are not being notified when a member child is being considered for an out of home placement.

Qualified Indian families, often times relatives of the Indian child, are not being given consideration as a placement resource for the child.

Child welfare agencies working with Indian families who are experiencing difficulties are not making active and reasonable efforts to provide rehabilitative services to the family, thereby precluding any chance of the child being able to return home.

State courts, without good cause, are refusing to transfer jurisdiction of child custody proceedings to

tribal courts of which Indian children are members.

Individuals or agencies are choosing to thwart the law by counseling young Indian families not to disclose their native heritage as a way to avoid the application of the ICWA, or simply are refusing to take the necessary steps to confirm or deny whether the ICWA applies in a case.

6) Does the ICWA provide any flexibility for state courts to make individualized decisions in adoption cases?

Yes. A state court has the discretion to place an Indian child outside the placement preferences in the ICWA if it finds good cause to the contrary. While an Indian tribe may seek transfer of jurisdiction to tribal court of an off-reservation case, either birth parent may object to the transfer which has the effect of preventing such a transfer. Moreover, even where a parent does not object, a state court may deny transfer of jurisdiction to a tribal court.

7) Can the ICWA be used to disrupt an adoption proceeding at almost anytime?

No. If the jurisdictional and intervention provisions, and the procedures for consent to adoption in the ICWA are followed, no adoption may be disturbed once it is finalized unless there is fraud or duress in the initial consent. Even when there is fraud or duress, a challenge can be brought only two years after an adoption decree is final. A search of reported court decisions involving Indian adoptions where the ICWA was involved found only 30 cases since 1978 where adoptions were disrupted because of court disputes. Thus, where the ICWA is complied with initially, there is little threat that an adoption will be overturned.

8) Is there any relationship between the application of the ICWA and abortion rates among Indian women?

No. Recently, allegations were made by the National Right to Life Committee based on suggestions by the National Council for Adoption that the application of the ICWA may have the effect of encouraging abortion in Indian women. To date, no credible data has been produced that supports this allegation or shows a relationship between the application of the ICWA and abortions. In fact, not only do most tribes have traditional teachings regarding the special gift of life, but available data shows that Indian women have one of the lowest rates of abortion of any ethnic group. Abortion rates for Indian women have either stayed constant or declined since the inception of the ICWA in areas where data is available. The Alan Guttmacher Institute, which does extensive data collection, research, and public policy analysis in the area of reproductive health, stated the following in a letter to Congressman Don Young dated April 15th.

"We have read the proposed legislation (H.R. 1082) carefully and cannot imagine how the proposed amendments to the Indian Child Welfare Act (ICWA), or the 1978 legislation, could in any way have an impact on the abortion rate of the Indian population."

WHY S.569 AND H.R. 1082 ARE THE RIGHT CHOICE FOR INDIAN CHILDREN

S. 569 and H.R. 1082 will protect the best interests of Indian children and provide certainty for potential adoptive families

The amendments in S. 569 and H.R. 1082 were carefully developed in a year long process by tribal leaders and experts in the field of adoption and foster care of Indian children with input from representatives of the American Academy of Adoption Attorneys. In addition, other prominent organizations involved in adoption and foster care issues affecting children have also come forward to express their support for these bills. These organizations include: Child Welfare League of America, North American Council on Adoptable Children, American Humane Association, Catholic Charities, and the American Psychological Association.

This effort by the tribes signifies their willingness to address the specific concerns of those who feel that ICWA has flaws in some areas. But just as important, the amendments meaningfully address the concerns raised about ICWA in a way that can provide more security for potential adoptive parents and still allow for meaningful participation of extended family members and tribes when appropriate. The following is a description of the key provisions in S. 569 and H.R. 1082.

1. Notice to Indian Tribes of Voluntary Proceedings

Provides for notice to tribes in voluntary adoptions, termination of parental rights, and foster care proceedings. Also clarifies what should be included in notices to tribes of these proceedings. Providing timely and adequate notice to tribes will serve to ensure a more appropriate and permanent placement decision for the Indian child. When tribes and extended family members are allowed to be part of a placement decision, the risk for disruption is significantly decreased. With proper notice, tribes can make informed decisions on whether the child is a member and whether or not they have an interest in participating in the placement decision. Notice also helps to expand the pool of potential adoptive parents, because frequently the tribe knows of extended family members and other quality adoptive homes that are unknown to the individual or agency facilitating the adoption.

2. Timeline for Intervention in Voluntary Cases

Provides for a window of 90 days for tribes to intervene after notice of a voluntary adoptive placement or 30 days after notice of a voluntary adoption proceeding, whichever is later. If a tribe does not intervene within these timelines after proper notice, they can not come back later and intervene.

Timely placements of children, whether they be Indian or non-Indian, are a concern of everyone. It is in no one's interest to let children languish in foster care or institutions when there is an appropriate adoptive placement available. Understanding this, tribes came together to adopt language that will place an appropriate timeline on their ability to intervene in voluntary adoptive proceedings involving their children.

Historically, tribes and extended family members' interests were almost never given any consideration in these sensitive proceedings. They often only found out about adoptions of their children months and sometimes years after deals had been cut. With proper notice, tribes can make informed decisions regarding their interests in a child and help facilitate a timely and successful adoptive placement.

3. Criminal Sanctions to Discourage Fraudulent Practices

Provides criminal sanctions for individuals or agencies that knowingly misrepresent whether a child is Indian to avoid application of the Indian Child Welfare Act. The vast majority of disrupted adoptions involving Indian children happen as a result of unethical and illegal behavior on the part of the individual or agency facilitating the adoption. In the now infamous "Rost" adoption case, the natural father was counseled to avoid disclosing he was Indian in order to avoid application of the ICWA, after which the adoption attorney falsified adoption papers that asked for the natural father's ethnicity. This is just one example among many where a number of innocent people, as well as the adoption itself, were exposed to unnecessary risks for the purposes of making life a little easier for the person facilitating the adoption.

4. Limits for Withdrawal of Consent to Adopt

Limits the length of time within which birth parents can withdraw their consent to adoption to six months after notice to the tribe. Provides more certainty that adoptions involving Indian children will not be disrupted by placing time limits on the natural parents ability to revoke their consent to adopt. Furthermore, it brings federal law pertaining to the adoption of Indian children more in line with applicable state laws by avoiding unlimited timelines on when consent to adoption can be revoked.

5. State Court Option to Allow Open Adoptions

Allows state courts to provide open adoptions of Indian children where state law prohibits them. Some state courts prohibit biological family members from maintaining contact with the child, even when the adoptive parents agree. This provision provides another tool in a state court adoption proceeding to avoid protracted litigation and ensure children with access to their natural family and culture when deemed appropriate. However, state courts will still have full discretion as to whether this option is utilized.

6. Clarifying Ward of Tribal Court

Clarifies tribal court's authority to declare children wards of the tribal court, much like state courts do. Clarifies that once a tribal court takes control of an on-reservation child or a child transferred to them by a state court that the tribal court retains control. Ensures that tribal courts will not unilaterally reach out and take control over a child whose permanent home is off-reservation.

7. Informing Indian Parents of Their Rights Under the ICWA

Provides that attorneys and public and private agencies must inform Indian parents of their rights and their children's rights under the ICWA. This provision will ensure that Indian parents are informed up front and able to make balanced decisions on the adoption or foster care placement of their children. This will help avoid unnecessary litigation due to natural parents making uninformed decisions that they may wish to change later.

8. Tribal Membership Certification

Any motion to intervene in an adoption proceeding by a tribe shall be accompanied by certification of the child's membership or eligibility for membership in a particular tribe. This provision will help ensure that there is no question as to whether a child is Indian under the ICWA and that tribal membership determinations are not arbitrarily made.

THE SUCCESS OF ICWA IN HUMAN TERMS

I want to tell you in human terms what the Indian Child Welfare Act means to Indian families. Recently a 32-year-old Indian mother in Oakland, California, Prisella Packineau, rediscovered her Indian heritage. She was the child of a Navajo mother and a Mandan-Hidatsa father. When Prisella was only eighteen months old, her mother became mentally ill while living in the Phoenix

area. Because her mother was unable to care for her, Prisella was placed with a non-Indian foster family and never returned to her mother or extended family. She never even knew she had an Indian family or relatives. Her non-Indian family forbid her to speak of her Indian heritage and passed it off as something that was not important.

Years later, while battling depression and anxiety about her lost identity, Prisella developed a substance abuse problem, and her own children were placed in substitute care. But this time there was an Indian Child Welfare Act and a social worker who knew how to implement it. Even though Prisella had been enrolled in the Navajo Nation at birth, because of her placement in a non-Indian family at such a young age, no one had bothered to inform or help her enroll her own children. Fortunately, the social worker notified the Navajo tribe, who moved to enroll Prisella's children and help find a placement with her extended family.

Upon visiting the home of one of Prisella's aunts, the social worker found pictures of Prisella at 18 months of age still on the wall. The aunt told of the family's grief and the frustration of not being able to find this child whom they had helped raise as an infant. They told of not being able to find information to know where Prisella might be or if she was even alive. The years of not knowing where their loved one had disappeared to had left a definite mark on this family.

The tribe working with the mother's maternal aunt asked that the children be placed with her while the mother sought treatment for her substance abuse problem. As a result of the Indian Child Welfare Act and the good work of the tribe and Prisella's social worker, the children were placed with Prisella's aunt and are doing beautifully in this home on the Navajo reservation.

Today, Prisella has been reunited with her Navajo family and will very soon be celebrating three years of sobriety. She also knows she has a biological father who is still living, whom she was told by her earlier caseworker had passed away, and hopes someday to meet him as well. She is a much happier, self-confident person today, while her children have found a loving home with their extended family. As Prisella puts it, "I am able to give my children today what I did not get - a strong sense of who they are as Indian people. I am still trying to find what was lost to me long ago, and it is very, very hard. I am trying to fill the hole in my heart."

This story is not an uncommon one in Indian Country. As an organization that works with tribal child welfare programs on a daily basis, we hear many accounts of children and adults who have been lost to their extended families and culture, in most cases because of poorly thought-out federal policies and misguided efforts to "help" Indian children. This illustrates the most important reasons why efforts to change the Indian Child Welfare Act should be carefully developed and why it would be a grave mistake to weaken it in any way.

CONCLUSION

The Indian Child Welfare Act has provided much needed protection and hope to thousands of Indian children since its enactment. What many people do not know is that this law has also given Indian communities hope for a better future. It is not uncommon to find Indian people in communities all across the country that have either found their own identity because of the ICWA or have a family member that was reunited because of the ICWA. These collective experiences, which are shared every day, provide the healing that is needed for Indian communities ravaged by federal policies that were designed to isolate and assimilate Indian people. In many of these cases, the discovery of their lost identity has enabled them to fill an emptiness inside themselves and find support and understanding they never had. This is the ICWA that we know, and when allowed to work properly, it provides security and certainty in Indian children's lives.

We ask you to support passage of S. 569 and H.R. 1082. We believe they will continue the positive contributions to the health and safety of Indian children, while also providing the certainty prospective adoptive parents need. This balanced approach is the kind that makes everyone a winner and achieves what everyone says they want, which is the best interests of the child. Thank you for serious consideration of this testimony and request.