
INTRODUCTION

From the embryonic days of our Nation, Indian tribes have long struggled against the assimilationist policies instituted by the United States which sought to destroy tribal cultures by removing Native American children from their tribes and families. In a stark example of such policies, the purpose articulated in the charter of the first boarding school in the 1890s on the Navajo reservation was “to remove the Navajo child from the influence of his savage parents.” The federal government continued its boarding school policy for over one hundred years. Countless lives give testimony to the harsh effects of that policy.

Later on, the federal government failed to protect Indian children from misguided and insensitive child welfare practices by state human service agencies, which resulted in the unwarranted removal of Indian children from their families and tribes. In fact, in the 1950s and 1960s, the federal government worked with non-Indian organizations, such as the Child Welfare League of America, to outright remove Indian children from their homes and place those children in non-Indian homes.

Statistical and anecdotal information show that Indian children who grow up in non-Indian settings become spiritual and cultural orphans. They do not entirely fit into the culture in which they are raised and yearn throughout their life for the family and tribal culture denied them as children. Many native children raised in non-Native homes experience identity problems, drug addiction, alcoholism, incarceration and, most disturbing, suicide.

In the 1960s, the federal government embarked on a new federal Indian policy of tribal self-determination. This new policy fosters tribal existence and self governance by allowing tribes to operate programs once operated solely by the federal government. It also increased federal services and benefits available to tribes to enhance their capabilities. Thus, tribes are now working to fully regain control of their destiny and that of their children.

In view of this new policy and the problems facing tribes as a result of the loss of their children, the Indian Child Welfare Act (ICWA) was enacted in 1978. It established minimum federal jurisdictional, procedural and substantive standards aimed to achieve the dual purposes of protecting the right of an Indian child to live with an Indian family and to stabilize and foster continued tribal existence.

A Practical Guide to the Indian Child Welfare Act is intended to foster compliance with the letter and spirit of the ICWA.