



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C. 20245

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BUREAU OF INDIAN AFFAIRS  
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## INDIAN OFFICIAL SAYS CHILD WELFARE ACT RESPONDS TO DEEPLY FELT NEED

Interior Assistant Secretary Forrest J. Gerard today said that the recently enacted Indian Child Welfare Act "is responsive to one of the most deeply felt concerns of the Indian community -- the proper care of Indian children needing adoptive or foster home care."

The main objective of the act, signed into law on November 8, is to restrict the placement of Indian children by non-Indian social agencies in non-Indian homes and environments.

The legislation declares that it is the policy of the United States to promote the stability and security of Indian tribes and families by establishing minimum Federal standards for any removal of children from the family and for placement, when needed, in homes which will reflect the unique values of Indian culture.

The Act makes clear that tribal courts have jurisdiction for children living on reservations. For those not living on reservations, it provides for the transfer of jurisdiction from state courts to tribal courts, under certain conditions and upon request of the child's parent, custodian or tribe.

When a parent or Indian custodian voluntarily consents to a foster care placement or to termination of parental rights, the Act requires that consent be written and recorded before a judge of a court of competent jurisdiction, who must certify that the terms and consequences of the consent were fully explained and understood by the parent or custodian.

Any state court entering a final decree of adoption of an Indian child, after the date of this Act, must provide the Secretary of the Interior with a copy of the decree or order together with information which may be useful in establishing the eligibility of the child for tribal enrollment. This information would not be subject to Freedom of Information Act requests.

Because the Act allows only a short time for the development of implementing regulations, the public is invited to submit comments on the legislation prior to the issuance of proposed regulations. They should be sent to the Bureau of Indian Affairs, Director of Social Services, 1951 Constitution Ave., N.W., Washington, D.C. 20245. Copies of the Act are available upon request.

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