Indian Affairs - Office of Public Affairs

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The Bureau of Indian Affairs has announced that final regulations to implement the provisions of the Indian Child Welfare Act of 1978 (P.L. 95- 608) are being published in the Federal Register.

The Act deals with the proper care of Indian children needing adoptive or foster home care. Its main objective is to restrict .the placement of Indian children by non-Indian social agencies in non-Indian homes and environments.

The Act makes clear that tribal courts have jurisdiction over children who live or whose permanent home is on reservations. For other Indian children it provides for the transfer of jurisdiction from state courts to tribal courts, absent the showing of good cause why a case should not be transferred. The regulations include a separate part on tribal resumption of jurisdiction over child custody proceedings in those instances where states have assumed jurisdiction according to federal law.

The new regulations will become effective 30 days after publication

Numerous comments and suggestions were received by the Bureau after publication this spring of proposed regulations. An explanation of changes made in the regulations because of comments received and recommended changes not adopted is published with the new regulations.

As stated in the regulations, "The policy of the Act and of these regulations is to protect Indian children from arbitrary removal from their families and tribal affiliations by establishing procedures to insure that measures to prevent the breakup of Indian families are followed in child custody proceedings. This will insure protection of the best interests of Indian children and Indian families by providing assistance and funding to Indian Tribes and Indian organizations in the operation of child and family service programs which reflect the unique values of Indian culture and promote, the stability and security of Indian families. In administering the grant authority for Indian Child and Family Programs it shall be Bureau policy to emphasize the design and funding of programs to promote the stability of Indian families.

Further information is available from Raymond V. Butler, Chief of the Division of Social Services, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20240 (703/235-2756).

For additional information about the tribal resumption of jurisdiction contact David Etheridge, Office of the Solicitor, Department of the Interior, 18th and C Streets N.W., Washington, D.C. 20240 (202/343-6967).