Indian Affairs - Office of Public Affairs

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For Immediate Release: April 4, 2016
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ST. PAUL, MINN. – In keeping with President Obama's commitment to supporting Indian families and fostering resilient, thriving tribal communities through his all-of-government approach, acting Assistant Secretary – Indian Affairs Lawrence S. Roberts today announced that the Departments of Interior (DOI), Justice (DOJ), and Health and Human Services (HHS) have entered into a collaborative agreement to ensure more robust compliance with and implementation of the Indian Child Welfare Act (ICWA) of 1978 (Public Law 95-608). The agreement, in the form of a Memorandum of Understanding (MOU), brings three federal agencies together in partnership to strengthen federal oversight of the Act. The MOU's effective date is April 1, 2016.

"This MOU marshals the appropriate focus and resources of Interior, Justice and HHS to ensure that Congress's intent in protecting Indian children and families is carried out," said Roberts. "We want to assure Indian families and tribal leaders that the Obama Administration's dedication to ICWA's goals remains an enduring policy for Indian Country. Focused implementation and compliance of ICWA protects Indian children and families, strengthens the social fabric of tribal communities, and ensures that tribes are able to serve their citizens for generations to come."

Roberts made the announcement while speaking at the National Indian Child Welfare Association's 34th Annual Protecting Our Children National American Indian Conference on Child Abuse and Neglect taking place April 3-6 in St. Paul. According to NICWA's website, its annual conference is the largest national gathering dedicated to Native American tribal child welfare advocacy.

Congress enacted ICWA based on hearings which confirmed that an alarmingly high percentage of Indian families had been broken up when public and private agencies subjected Indian children to unwarranted removal, most of who were eventually placed in non-Indian homes. Congress recognized this was a tragedy not only for American Indian and Alaska Native families and their children, but for tribes, as well, because they suffered from losing generations of their future members and leaders.

ICWA set forth a federal framework for maintaining American Indian and Alaska Native children with their families, including extended families, and deferring to tribal courts on matters concerning the custody of tribal children. Through ICWA, Congress also sought to carry out the United States' trust responsibility for protecting Indian children and for the stability and security of American Indian and Alaska Native tribes and families.

To further ICWA's purpose and the Nation-to-Nation relationship between the United States and federally recognized Indian tribes, and to promote improved outcomes for Indian children in foster care and child welfare proceedings, the federal partners will collaborate on matters related to implementing the letter and spirit of ICWA.

The purposes of the MOU are:

- To memorialize the partners' commitment to the continued importance of ICWA and its implementation for the health and well-being of Indian children, families, and communities;

- To formally establish the ICWA Interagency Workgroup to promote the purposes of ICWA and the partners' mutual interests in ensuring ICWA implementation and compliance;
- To promote communication and collaborative efforts on federal activities that support ICWA implementation and compliance; and
- To establish structures and procedures to ensure that the Workgroup operates effectively and efficiently.

The principal co-chairs of the ICWA Interagency Workgroup are the DOI Assistant Secretary – Indian Affairs, the HHS Assistant Secretary for the Administration for Children and Families; and the DOJ Assistant Attorney General for the Environment and Natural Resources Division. Each agency will designate a senior staff member to serve as a staff co-chair of the Workgroup.

The Workgroup will meet monthly at a staff level, with principal-level meetings at least twice a year, and will identify priorities, goals and tasks, as well as establish committees to carry out its work. It also will seek input from and conduct outreach to federally recognized tribes and other stakeholders via existing federal tribal advisory groups, stakeholder groups, tribal consultations, listening sessions, and public meetings.

The acting Assistant Secretary – Indian Affairs oversees the Bureau of Indian Affairs (BIA), which is headed by a director who is responsible for managing day-to-day operations through four offices – Indian Services, Justice Services, Trust Services, and Field Operations. These offices directly administer or fund tribally based infrastructure, economic development, law enforcement and justice, social services (including child welfare), tribal governance, and trust land and natural and energy resources management programs for the nation's federally recognized American Indian and Alaska Native tribes through 12 regional offices and 81 agencies.

The Office of Indian Services Division of Human Services administers the BIA's ICWA regulations at 25 CFR Part 23 and Guidelines for State Courts. For more information, visit http://www.indianaffairs.gov/WhoWeAre/BIA/OIS/HumanServices/IndianChildWelfareAct/index.htm.

For more information about the Department of Justice's Environment and Natural Resources Division, visit https://www.justice.gov/enrd.

For more information about the Department of Health and Human Services' Administration for Children and Families, visit http://www.acf.hhs.gov/.
