



## 23RD NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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### **Council members address the impacts of the Indian Child Welfare Act on the Navajo Nation**

**ALBUQUERQUE, N.M.** – Council members met with the Navajo Nation Division of Social Services and the Casey Family Program in a three-day work session that began on Monday to address concerns regarding the Indian Child Welfare Act.

The 1978 act addressed issues with states removing Indian children from their homes and placing them in foster care with non-Native American families, with several cases of Native children being directly adopted out of their home lands. The adverse affects it had on children included severance of family relationships, the loss of cultural connection to their tribe, and language loss.

Health, Education, and Human Services Committee chair Council Delegate Jonathan Hale (Oak Springs, St. Michaels) provided suggestions to the NNDSS and the Casey Family Program to begin drafting improvements to internal policies that will aid in promoting the ICWA.

“Policies need to be derived internally to reevaluate the system with more accurate data, and this would mean requesting state entities to gather Native American data for the number of children within their systems relating to ICWA,” said Delegate Hale. “It would allow the Nation to effectively coordinate internal and legislative policies regarding the ICWA going forward.”

Delegate Hale added that providing direct services and information to Navajo citizens would bring increasing attention to the substantially high number of Navajo children in foster care, which can aid in encouraging Navajo families to consider being foster parents to children who urgently need temporary placement, or direct adoption.

HEHSC member Council Delegate Amber Kanazbah Crotty (Beclabito, Cove, Gadi’i’áhi/To’Koi, Red Valley, Tooh Haltsooi, Toadlena/Two Grey Hills, Tsé ałnáoz’t’l’i) stressed the importance of information sharing between all entities, such as data, case files, and any other information that is vital for Navajo lawmakers to continue advocating on behalf of the Navajo Nation.

“It is important that we be diligent in maintaining data regarding Navajo children that are placed in foster care because it would aid us in tracking ongoing or final outcomes of cases,” said Delegate Crotty. “As lawmakers, this information will help us advocate for Navajo children at the state and federal level.”

In July 2015, Arizona-based Goldwater Institute filed a class action lawsuit challenging the constitutionality of the ICWA, arguing that it discriminates because it places Native children in foster care based on their racial ethnicity.

Law and Order Committee vice chair Council Delegate Raymond Smith, Jr. (Houck, Klagetoh, Nahat'a Dziil, Tsé Si áni, Wide Ruins) raised concerns regarding the challenge of the act.

"I think it is imperative for LOC members to be aware of this current [ICWA] litigation and the impacts it may create if it is amended against the original intent, which is protecting our Native children and sovereignty," said Delegate Smith. "Therefore LOC needs to ensure our children's rights are protected and not infringed upon, and that our sovereignty is upheld."

Delegate Hale commended all entities that attended the work session, and said it was important to illustrate to Arizona, New Mexico, and Utah that the Navajo Nation is addressing the ICWA issues, and adding that he hopes a law be passed to strengthen the Nation's position on the act.

"I hope we can formulate legislation soon, so it is a written and approved policy that the Nation can function under. It should not be an executive order because it tends to change with administrations, but rather have an actual Navajo law that will ensure that our interests remain consistent and our Navajo children will be protected," said Delegate Hale.

Council members also in attendance at the work session included Council Delegate Kee Allen Begay, Jr., Delegate Norman M. Begay, Delegate Benjamin L. Bennett, Delegate Herman Daniels, Jr., and Delegate Otto Tso, along with President Russell Begaye and Vice President Jonathan Nez, who provided the welcome address at the beginning of the work session.

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