

BIA OFFICIAL FINALLY ATTENDS PUBLIC HEARING ON ICWA GUIDELINES

After having been noticeably absent from the public hearings, Kevin Washburn, assistant secretary for the Bureau of Indian Affairs (BIA), finally attended the most recent hearing at Mystic Lake Casino Hotel in Prior Lake, Minn.

Since the BIA released updated guidelines in February to accompany the Indian Child Welfare Act (ICWA), many adoption professionals have expressed their concerns about how they might affect the wellbeing of Native American children. While the BIA sees these guidelines as protective measures to preserve Native American culture and children, many in the adoption community see them as lacking in compassion for the children in question.

In an interview with the Star Tribune Washburn said, "Even well-intentioned people could look at the child in the tar-paper shack on a reservation, and think, 'I can find a better home for that child.' But that's exactly what ICWA was designed to prevent."

Washburn, and the Native community, seem to think that Native children are better off living a life of poverty and neglect within their tribes, than lives filled with hope and adoration with an adoptive or foster family who may or may not live within the tribe. Adoption and child welfare professionals fear that in their attempts to protect Native American tribes, the BIA is neglecting the rights of innocent children.

American Adoptions, in a recent press release, said that "while these guidelines do not, as of yet, have the authority of a federal law or regulation, ...if and when they are given weight by courts or child welfare agencies, children will surely be hurt."

However, it is this federal backing that Washburn and the BIA are so desperately seeking.

"Guidelines are great," Washburn told the group in Prior Lake. "We need things that are legally enforceable."

But does Washburn really believe what he's preaching? Does he even know what the guidelines entail?

In [an interview last year](#) with the Indian Country Today Media Network, Washburn said, "I actually think most of the problems we are dealing with can't be solved in Washington, D.C. They have to be solved at the community level."

In the same interview Washburn talks of a situation involving six newborns who were born exposed to alcohol or drugs.

“So what that means,” Washburn said, “you have to find six different pairs of foster parents to take each one of those kids.”

Why is Washburn so concerned now about removing children from their homes when just one year ago he was willing to remove these six infants without thought? And why bring it to D.C. when he doesn't believe the problem can be solved there? Is Washburn really aware of what's going on?

Washburn himself even admits to being less-than adequately informed about some of the issues facing the Native community.

“Coming from an academic background you're not supposed to be opining about things if you're not an expert in that subject,” Washburn told the Network. “When a reporter is asking questions...my first impression is, ‘I didn't even know about that issue, let's dig into it.’”

Those in the adoption and child welfare professions fear that Washburn's lack of understanding of such an important topic will have detrimental effects on Native American Children.

“The new Guidelines put the rights of a tribe over that of any individual, and most importantly over those of children,” the National Council for Adoption said in its [letter to Washburn](#).

“While we support the intent and purpose of the Indian Child Welfare Act, and recognize that culture should be a consideration when making a determination which could have a major impact on a child's life, ...it should never be the overriding consideration when its application would be to the detriment of a child's needs.”

American Adoptions has been working with the [National Council for Adoption](#), the [American Academy of Adoption Attorneys](#) and other adoption and child welfare professionals, to fight the advancement of these guidelines. The BIA has issued a deadline of May 19 for all comments related to the proposed changes.