

NATIONAL COALITION OPPOSES GOVERNMENT GUIDELINES RESTRICTING NATIVE AMERICAN ADOPTIONS

Washington, D.C. – In response to updated guidelines implemented by the Bureau of Indian Affairs (BIA) that severely restrict the options for orphaned or fostered Native American children, a national adoption coalition - the [American Academy of Adoption Attorneys](#) (AAAA), [National Council for Adoption](#), [Florida Adoption Council](#), [Metropolitan Adoption Council of Greater Kansas City](#), and [American Adoptions](#) - has drafted a number of opposition letters urging the Department of Interior to reconsider.

In a [statement](#), Laurie Goldheim, president of AAAA, said:

Several months ago, the Department of Interior through the Bureau of Indian Affairs advised our Academy and other interested child welfare groups that there would be an opportunity to provide comments and feedback to any proposed revisions to the BIA's federal ICWA guidelines. However, in what appears to be a purposeful effort to bypass input from our Academy, the public, and other child-focused organizations, the BIA recently published amended guidelines and made them effective immediately.... The federal government's unwillingness to hear from those groups who have been in the field for many years working directly with those families and children who will be negatively impacted by these guidelines is alarming.

These guidelines were implemented to supplement the [Indian Child Welfare Act](#) (ICWA); a federal law enacted in 1978 in an effort to keep fostered and orphaned Native American children from being removed from their tribes and to preserve Native American culture and tradition.

The BIA originally drafted the [guidelines](#) when the law was enacted and used them to serve as a guide for child welfare professionals in cases where Native American children were removed from their homes or placed for adoption. In these cases the child welfare professionals were advised to work in the best interest of the child while also preserving the rights of the tribes.

However, in response to the [Baby Veronica Supreme Court case of 2013](#), the BIA has updated these guidelines adding stricter policies that the coalition believes put the rights of the tribes over the rights of Native American children and birth mothers wishing to place their children for adoption.

Among other things, the guidelines would:

- Broaden the cases to which ICWA is applicable
- Negate the rulings of the US Supreme Court in the Baby Veronica case
- Ignore the confidentiality rights of biological parents
- Usurp the authority of Congress to amend ICWA
- Change the definition of Qualified Expert as developed by the courts
- Remove the “best interest of the child” and “attachment issues” from consideration by the courts

The guidelines state that “ordinary bonding or attachment that may have occurred as a result of a placement or the fact that a child has, for an extended amount of time, been in another placement that does not comply with ICWA” is not adequate reason to consider leaving a child in said placement. This is one of the primary concerns for many in the adoption and child welfare fields.

The coalition, and many others in the adoption community, argues that the disruption of an attachment or bond with a foster or adoptive parent can cause great damage to the children.

“Attachment and bonding is developmentally crucial to children,” the National Council for Adoption said in its letter. “Its destruction can result in significant trauma to the child, including physical, emotional, and cognitive delays, which can be permanent and irreparable.”

Adoption professionals also argue that the individual rights of the birth parents should not be ignored. This includes their right to choose an adoptive family for their child as well as their right to maintain their privacy throughout the process, both of which the coalition, and others, believes are being cast aside in favor of the rights of the tribes.

Shawn Kane, executive director of American Adoptions and adoptive father of a Navaho daughter, says that his daughter’s birth mother’s privacy and confidentiality was of the utmost importance to her. Now, three years later, she still talks about the importance of these rights during the adoption process.

“These rights are not just a temporary decision,” Kane said. “These rights protect birth parent’s choice for what they think is the best interest of their children.”

While these guidelines do not, as of yet, have the authority of a federal law or regulation, adoption professionals fear that, if and when they are given weight by courts or child welfare agencies, children will surely be hurt.

“While I understand the need to preserve Native American culture, I do not believe that this preservation should come at the detriment of the children and parent’s innate rights,” Kane says, mirroring AAAA’s sentiments in its press release. “I am

shocked that the BIA would issue guidelines that seem to blatantly sidestep legal protections for birth parents and children, particularly those in foster care.”

If you oppose these strict new guidelines and want your voice to be heard, here are some ways that you can get involved in the cause:

1. Send your comments to the government
 - Go to www.regulations.gov
 - Type “BIA-2015-0001” into the search box
 - Go to the “Comment Now” box
2. [Sign the Coalition letter](#) to show your support
3. Attend one of the BIA’s [public meetings](#) OR Send a letter to [Jay McCarthy](#) expressing your concerns to be submitted during a meeting on your behalf
4. Sign the petition and spread the word on social media with [this link](#)

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About American Adoptions

American Adoptions is a national adoption agency with regional offices in Kansas City, Kan. It specializes in domestic infant adoptions and works with adoptive families and birth parents across the U.S. American Adoptions is committed to providing adoption support and education to thousands of families every year. For more information, please visit AmericanAdoptions.com