

Tribal adoption weakened by Senate compromise

by David Whitney
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WASHINGTON — A Senate panel approved legislation July 24 intended to ensure the permanency of court-approved adoptions of Native children by non-Natives.

The changes to the 1978 Indian Child Welfare Act, approved by the Senate Indian Affairs Committee rubber-stamped an agreement reached by Indian and Alaska Native leaders resolving a highly emotional dispute putting tribal rights against the best interests of Native children.

The 1978 act was supposed to keep Native tribes intact by giving them authority over adoptions. For decades, tribes had been losing their children to non-Native adoptive parents who believed they were rescuing the youngsters from hardship.

While thousands of post-1978 adoptions by non-Natives proceeded without any problems under tribal authority, in a few cases tribal governments belatedly invoked the act to upset adoptions that ended up in state court either by mistake or because of deception.

In some instances, the Native children have been removed from their adoptive parents and handed over to the custody of

tribes with which they've had little or no contact. In others, the adoptive parents have been forced to pay high legal fees in a virtually nonstop custody fight with a tribe.

The House seized upon these well-publicized incidents in May to narrowly approve changes to the 1978 act that dramatically restricted the power of tribal governments to control adoptions.

The House action quickly stalled in the Senate, where leaders were inclined to listen to Native solutions to the controversy. Native leaders met in June and drafted amendments to the act that quickly gathered widespread support.

Under the deal approved by the Senate panel June 25, tribal governments still would be able to make adoption determinations concerning children of tribal members. But tight schedules would be set for tribes to intervene in state-court adoption cases in which they allege tribal authority because of the child's tribal heritage.

In addition, birth parents would have to be informed about the tribal rights before they consent to an adoption and criminal sanctions would be imposed on anyone who intentionally tries to prevent tribal interference by concealing a birth parent's Native heritage.

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A competitor shows his style in the one-hand reach during the recent World Eskimo-Indian Olympics held in Fairbanks. The games may move pending a decision by the WEIO board of directors. One reason for a possible move is the poor support by the business community. Other options include moving the timing of the events, possibly during the fall which would take WEIO from under the shadow of the 13 day long celebration of Golden Days.

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"This is a carefully crafted compromise," said Sen. John McCain, R-Ariz., chairman of the Indian Affairs Committee. "I am firmly committed to moving this bill without changes through the Senate and the House."

The panel approved the compromise on a 13-0 vote. Alaska Sen. Frank Murkowski abstained from the vote, saying he had lingering questions about how the compromise would affect Alaska adop-

tion cases.

Murkowski said he will consult Gov. Tony Knowles to determine whether the compromise ensures smooth coordination of Native adoptions between state and tribal courts.

John Katz, Knowles' top aide in Washington, said he thinks the compromise will be more workable, providing greater certainty to adoptive parents while reducing conflicts between Native and state courts.