



JUNE 15, 2023

**STATEMENT OF THE NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION  
REGARDING *HAALAND V. BRACKEEN***

The National American Indian Court Judges Association (NAICJA) celebrates and commends the recent decision by the Supreme Court in the case of *Haaland v. Brackeen*. This landmark ruling upholds the Indian Child Welfare Act (ICWA) and unequivocally rejects all challenges raised by the petitioners. We applaud the Supreme Court for affirming long-standing federal Indian law and policy, upholding tribal sovereignty in the realm of child welfare, and recognizing the enduring commitment of the ICWA to rectify past injustices.

The ICWA is a vital piece of legislation that seeks to protect the best interests of Indian children and honors the inherent rights of tribes to determine their own child welfare systems. It was enacted as a response to the historical injustices and grave harm inflicted upon Native American families and communities through the forced removal of tribal children from their homes. The ICWA is the gold standard for children in state court dependency cases. As we have previously stated, the procedures and policies delineated by the ICWA should apply to all children, not just Indian children.

The Supreme Court's decision in *Haaland v. Brackeen* reaffirms Congressional plenary power and constitutional authority to create laws governing Indian child welfare. Moreover, it recognizes that Indian children are some of the most vulnerable due to historic injustices and reaffirms that the ICWA is the appropriate law governing tribal child welfare practices in state courts.

As the opinion states, "...the Federal Government has 'charged itself with moral obligations of the highest responsibility and trust' towards Indian tribes." Tribes remain best suited to handle child welfare matters, and we implore the federal government to fulfill its trust obligation by providing adequate funding and resources for tribal systems to utilize the transfer mechanism in ICWA. NAICJA members exemplify the competence and expertise to make informed decisions that consider the cultural context and specific needs of Indian children. Tribal courts possess an expansive and deep-rooted understanding of their communities, resources available, and law. The involvement of tribal courts in child welfare matters is vital for ensuring the well-being and long-term success of Native American children.

NAICJA remains dedicated to supporting the implementation and enforcement of the ICWA through its training and technical assistance work and is committed to continuing to work in collaboration with tribal, state, and federal partners to foster the best possible outcomes for Native American children and families. We call upon all system stakeholders to honor the holding and spirit of this decision and to continue working towards a future where the rights, well-being, and cultural integrity of Indian children are fully protected.

On behalf of the Board of Directors,

Carrie Garrow  
President, National American Indian Court Judges Association