



# CALIFORNIA INDIAN LEGAL SERVICES

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## TRIBAL ALERT

January 14, 2013

On January 4th, the U.S. Supreme Court granted review of the case *Adoptive Couple v. Baby Girl, Birth Father, and Cherokee Nation*.

The South Carolina Supreme Court gave custody of Baby Girl to her non-custodial Indian father after her biological mother consented to adoption by a non-Indian couple without disclosing the child's Cherokee heritage, which would have invoked the Indian Child Welfare Act (ICWA).

At stake in the U.S. Supreme Court's review is: 1) whether a non-custodial Indian parent can invoke the ICWA to block an adoption that was voluntarily and lawfully initiated by a non-Indian parent under state law, and 2) whether the ICWA defines "parent" to include an unwed biological Indian father who has not complied with state law rules to attain legal status as a parent.

The Supreme Court's decision in this case could adversely impact every tribe in the United States on how future decisions are made by state courts regarding placement of Indian children in cases where the ICWA applies (juvenile, dependency, guardianship, adoption, etc.).

### **Conference Call January 15<sup>th</sup>**

California Indian Legal Services is hosting a conference call on Tuesday, January 15<sup>th</sup> at 10 a.m. (Pacific time) to discuss the case. The call-in number and access code to participate are: (712) 432-0600; access code 69255#.

Please contact Delia Parr ([dparr@calindian.org](mailto:dparr@calindian.org) / 707-443-8397), Dorothy Alther ([dalther@calindian.org](mailto:dalther@calindian.org) / 760-746-8941) or your local CILS office.