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GILA RIVER INDIAN COMMUNITY APPLAUDS FEDERAL APPEALS COURT DISMISSAL OF GOLDWATER INSTITUTE LAWSUIT ATTACKING THE INDIAN CHILD WELFARE ACT

(Sacaton, Arizona) In a victory for Arizona's Indian tribes, the federal United States Court of Appeals for the Ninth Circuit ruled today that the Arizona-based Goldwater Institute's challenge to the Indian Child Welfare Act must be dismissed because the lawsuit was determined to be moot.

The lawsuit, filed in Arizona federal court in 2015, challenged the constitutionality of the Indian Child Welfare Act, a federal law which requires state courts to apply certain standards to dependency and adoption cases involving Indian children.

Although children from the Community and Navajo Nation were identified in the lawsuit, the Goldwater Institute attempted to block the participation of both tribes in the case. The tribes were eventually permitted to intervene in the lawsuit and join in arguments seeking dismissal of the case.

The federal court ruled against the Goldwater Institute and the lawsuit was dismissed by the federal court in March of 2017, after which Goldwater appealed to the Ninth Circuit. Today's decision also dismisses the case.

Child welfare experts often refer to ICWA as the "gold standard" of child welfare laws. ICWA was enacted because Native American children were being removed from Indian homes at alarming rates and often without notice to immediate family members, close relatives or tribal authorities. Although ICWA was enacted in 1978, Native American children continue to be removed from their homes by state authorities at much higher rates than non-Native children.

Community Governor Stephen Roe Lewis applauded the Ninth Circuit's decision. "Not only does the Indian Child Welfare Act work to the benefit of Indian children, but in cases where ICWA applies, Indian tribes bring additional resources and a perspective that ultimately benefits the child" he said. "Under ICWA, tribal and state agencies work hand-in-hand in determining what is best for the children involved."



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Governor Lewis continued, “The Ninth Circuit’s decision confirms that the Goldwater Institute manufactured a baseless lawsuit that had nothing to do with the needs of the children they claimed to represent. The Gila River Indian Community will continue with an unshakeable resolve to protect its children and to defend ICWA from ideological attacks that use Indian children as pawns in attempts to sow division.”

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Gila River Indian Community located on 372,000 acres in south-central Arizona and home to the indigenous O’odham (Pima) and Pee Posh (Maricopa) people. The Tribe is comprised of seven districts, the administrative offices and departments are located in Sacaton, and serve the people throughout these seven community districts. 100% of its profits from gaming and 17 other Enterprises are utilized by the community providing services and opportunities to achieve the highest quality of life.

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