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GILA RIVER INDIAN COMMUNITY CELEBRATES THE U.S. SUPREME COURT'S DECISION TO DENY CERTIORARI IN THE CARTER V. SWEENEY INDIAN CHILD WELFARE ACT ATTACK

(Sacaton, Arizona) Today, the U.S. Supreme Court helped protect the Indian Child Welfare Act (“ICWA”) by denying the anti-ICWA Goldwater Institute’s petition for a writ of certiorari in *Carter v. Sweeney*. The Gila River Indian Community celebrates the U.S. Supreme Court’s decision. Governor Stephen Roe Lewis expressed the views of the Community stating, “The Community has worked hard to defend our children, uphold ICWA, and fend off these anti-ICWA groups. The U.S. Supreme Court’s decision to deny certiorari is a win for all of Indian Country.”

This case began in 2015 with a constitutional challenge by plaintiffs represented by the Goldwater Institute in an attempt to strike down ICWA and attack membership laws and child custody policies involving the Community and Navajo Nation’s children. The district court dismissed the case for lack of Article III standing because the plaintiffs failed to allege any facts demonstrating that their injuries were traceable to ICWA or that the ICWA actually applied to the foster/adoptive parents and Indian children serving as plaintiffs.

When Goldwater appealed the decision to the Ninth Circuit, the Community achieved a victory when the Ninth Circuit agreed that Article III prevented adjudication of the merits because the case had since become moot since the adoption proceedings at issue had been finalized. After losing on appeal, plaintiffs then filed a petition for rehearing en banc and requested a stay of the Ninth Circuit’s “mandate” pending the filing of a petition for a writ of certiorari in the U.S. Supreme Court. The Ninth Circuit denied plaintiffs’ requests.

Plaintiffs filed a petition for a writ of certiorari in January 2019 and today the U.S. Supreme Court declined to consider the Ninth Circuit’s decision.

For 40 years, ICWA has successfully protected the best interests of Native American children, and is viewed by national child advocacy organizations as critical for ensuring that children and families receive the services they deserve. ICWA provides important protections for all tribes in child welfare proceedings involving Indian children and continues to be challenged by anti-ICWA interests in state and federal courts across the United States. According to Governor Lewis, “The Community will continue to do what is necessary to protect the Community’s children and support its federal and tribal partners who work tirelessly to uphold defend ICWA.”

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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.