



NEWS RELEASE: Nebraska Native American group organizes around challenge to federal law

By [Misty Frazier](#) on April 24, 2019

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Nebraska Indigenous child welfare nonprofit mobilizes to protect ICWA

Hosts regional convening to discuss impact of high-profile Native American child adoption case

BLOOMFIED, Nebraska – Looking to provide clarity and mobilize after a challenge to the federal law that protects Native American children's rights, the [Nebraska Indian Child Welfare Coalition \(NICWC\)](#) will host a convening with regional tribes, advocates, and social services and judicial representatives on **April 29**.

The [Indian Child Welfare Act \(ICWA\)](#) was enacted in 1978 after Congress recognized that more than 25% of Native American children were being removed and placed in non-Native homes. The law gives preference to foster and adoptive placements with a child's extended family, then to placements that are able to best foster the child's relationship to their tribe and culture.

ICWA has encountered more than a dozen constitutional challenges, including the most recent case, [Brackeen v. Bernhardt](#), where a non-Native American Texas couple filed a lawsuit to keep a Native child who was placed in their care. Tribes worry if the 5th Circuit sides with a lower court's ruling that ICWA is unconstitutional the case may go to the conservative U.S. Supreme Court.

Nebraska is one of six states that has adopted its own ICWA. However, more remains to be done to uphold the law and ensure Native children thrive, said NICWC Executive Director Misty Frazier. Native American children in Nebraska are 2.5 times more likely to be placed in the foster care system than non-Native American children, according to the Nebraska Foster Care Review Board 2017-2018 Annual Report.

“While we’ve made progress as a state and a nation, Native children are still disproportionately represented in the foster care and juvenile justice systems,” said Frazier, former social service director for the Santee Sioux Nation. “There are still a lot of gaps in service, too many barriers and a lack of cultural understanding among caseworkers and within the local court systems.”

Frazier is among several child welfare representatives from the Omaha, Ponca, Santee Sioux and Winnebago Tribes of Nebraska, the Nebraska Department of Health and Human Services, Nebraska Appleseed, Nebraska Legal Aid, and other concerned practitioners and service providers who created NICWC in 2008 to address gaps in the state’s foster care and juvenile justice systems. NICWC offers training on ICWA, foster care and trauma-informed caregiving, among other culturally-focused consultancy.

NICWC will host a panel with representatives from the National Indian Child Welfare Association, Native American Rights Fund, Procopio Law, and the Winnebago and Ponca Tribal Courts to discuss the *Brackeen* case. NICWC also will have a facilitated discussion in the afternoon to plan action steps on how to protect ICWA and strengthen Native families.

“ICWA is vital in keeping Native children, families, and Tribal Nations connected. As a foster/adoptive parent of Native children, it’s important to me because culture and family matter for children,” said NICWC Board Chairwoman Gwen Vargas-Porter, a foster parent of five and Omaha tribal member.

The **Protecting ICWA: A Convening of Natives & Allies** event will be held on April 29 at the **WinnVegas Casino** owned by the Winnebago *Tribe* of Nebraska in Sloan, Iowa. The discussion starts at **9 a.m.** and is free and open to the public. **Registration is required** at [Protecting ICWA: A Convening of Natives & Allies](#). For more information, go [NICWC.org](#).

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About the Nebraska Indian Child Welfare Coalition

The Nebraska Indian Child Welfare Coalition (NICWC) is a grassroots organization created by the Omaha, Ponca, Santee Sioux and Winnebago Tribes of Nebraska and other legal and social service advocates to uphold the Indian Child Welfare Act (ICWA). NICWC ‘s mission is to educate, advocate and bring people together to protect Native children’s rights and cultural connections. NICWC Board of Directors includes members from the Ponca, Winnebago, Santee Sioux, Omaha, Yankton Sioux, Cherokee, Muscogee (Creek) Nations, and representatives from Nebraska Department of Health and Human Services, Nebraska Appleseed, Sarpy County CASA and the Nebraska Children and Families Foundation. For more information, go to [NICWC.org](#) and [NICWC’s Facebook page](#).

[Native Children: Culturally Connected, Rights Protected](#)