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Supreme Court Will Hear Case Regarding the Intersection of Adoption and the Indian Child Welfare Act

January 7, 2013 – Alexandria, VA – The United States Supreme Court announced Friday, January 4, 2013 that they will hear Adoptive Couple v. Baby Girl. This important case puts before the court concerns with inconsistent application and outcomes for children who are subject to the Indian Child Welfare Act. The case was last heard by the South Carolina Supreme Court who removed Baby Girl, placed with adoptive parents, Matt and Melanie Capobianco at birth and returned her child to her biological father, Dusten Brown, at 2 years old on December 31, 2011. The South Carolina Court found that the federal Indian Child Welfare Act superceded South Carolina law which would have allowed Baby Girl to remain with her adoptive parents.

“As an amicus petitioner in this case, National Council For Adoption is grateful that the court has recognized the important impact this case has on children and families and hope they will make decisions that prioritize the best possible outcomes for Indian children. Safe, stable caretakers are a key building block to healthy development and forming secure attachment in children. There are many variations on the way this law has been implemented nationwide and the unpredictable and uncertain nature of things is not good for the stability so essential to childhood. The ambiguous application of the Indian Child Welfare Act inadvertently allows this to happen. We will continue to actively watch and advocate for laws and policies that best serve Indian children – as we do for all children. NCFA is hopeful the court’s decision will provide clearer direction to lower courts, adoption attorneys and practitioners, and adoptive families. Children deserve safe, stable futures and the Supreme Court is in a key position to make that more possible for the many children impacted by this law every year,” says Megan Lindsey NCFA’s assistant director of policy and an author of NCFA’s amicus brief.

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