

National Child Traumatic Stress Network Position Statement Without Children, A Native Nation Has No Future

The U.S. Congress launched the National Child Traumatic Stress Network (NCTSN) in response to the increasing recognition of the widespread and long-term impact of exposure to violence and traumatic events in childhood.

The NCTSN acknowledges that the experiences of Indigenous children have resulted in profound loss and complex trauma. There is no greater loss than the loss of our Native Nations' children. Without children, a Native Nation has no future.

Throughout history, systematic policies were created to colonize Indigenous communities, focusing on their most valuable and vulnerable members, their children. This approach resulted in political, economic, and social inequities that intentionally weakened the power of family and cultural connection and, in some cases, sovereignty.

Acknowledged by the Supreme Court, sovereign Nations have a unique political relationship. Sovereign Nations entered into treaties with the United States Federal Government meant to protect lands and the self-governance of their Peoples. Tribal leadership and the role of guiding their communities predate the U.S. Government. Unfortunately, throughout the history of the United States, there have been continuous efforts to undermine Indigenous sovereignty.

Federal Indian Law is not race-based. It is about citizenry, a political affiliation. It is about my ability to be a citizen of a sovereign and all the rights and protections awarded to me as a citizen of that Nation. I can choose to be a citizen of the Muscogee Nation or the Cherokee Nation or I can choose not to be a citizen of either. My Nation is Muscogee and as a Muscogee woman, I value the importance of that connection and have a good understanding of our unique Nation to Nation relationship with the United States.

*- Kimee Wind-Hummingbird, Muscogee
(walked alongside Tribal Communities for 22 years in Tribal Child Welfare Programs)*

Prior to the passage of the Indian Child Welfare Act (ICWA) of 1978, Indigenous children were systematically removed from the care and custody of their parents, their families, and their communities and placed in boarding schools through contracts with U.S. government-supported agencies. These removals destroyed cultural connections and resulted in a catastrophic number of children's lives being lost. In our work in the NCTSN, we have learned that connecting children to their culture is a protective factor. A child's connection to their culture boosts self-confidence and self-worth, offers a sense of identity and belonging, and connects them with their community, all of which lay the foundation for short- and long-term health and wellbeing. This connection to culture creates a permanency of belonging that not only establishes health and wellbeing – it is imperative for healing and recovering from trauma.

In our cultural teachings, we know that the decisions made by our ancestors affect us today and the decisions we make now affect the futures of our unborn relatives. Protecting ICWA is sending our love, protection, and prayers to our future generations and great grandchildren. We cannot surrender their identity or their protections in the present. We MUST protect their future.

- Lisa Stark, Bad River Ojibwe (Former ICWA Representative)

Pre-ICWA, approximately 75-80% of American Indian families living on reservations lost at least one child to the foster care system. Of those, 85% were placed outside their families and communities even when relatives were ready, willing, and able to care for the child. The Child Welfare League of America (CWLA)¹ contracted with the Bureau of Indian Affairs through the Indian Adoption Project for the purpose of placing Native American children with White families. This was in furtherance of the efforts of boarding schools to destroy Native Nations by forcibly removing children and eliminating all connection to family, country (Nation), language, and culture. The generational legacy of trauma, violence, and separation can be measured in health conditions that are poorer in Tribal communities than any other population within the U.S. In every health domain, this legacy of trauma is represented and persists. ICWA was created to address the horrific experiences of Native children, their families, and communities. Its aim is to keep Native children connected to family, community, and culture and prevent further transmission of trauma.

At present, ICWA is recognized by experts as the gold standard in child welfare practice. It protects the best interests of Native children by keeping them connected to their cultures, extended families, and Tribes. It does this in a number of ways, that include providing efforts to prevent the breakup of a Native family; ensuring that children are placed with family or community members if imminent danger exists, and foster care is needed – which best supports the child’s growth and wellbeing; and collaborating with families to support active efforts toward reunification.

A challenge to the legal protections under ICWA is under review by the U.S. Supreme Court. This challenge to the sovereignty of Tribal Nations could potentially abolish gains made for Native children since the enactment of ICWA in 1978. The *Haaland v. Brackeen* case alleges that ICWA is unconstitutional. The case has worked its way through the lower courts and was heard by the U.S. Supreme Court on November 9, 2022. It seeks to eliminate the protections afforded under ICWA that protect children from being separated from their families and culture. Upholding ICWA ensures that Native children remain connected to family, community, and culture, and what we know about childhood trauma is that connection to family, community, and culture is vital to a child’s ability to recover, heal, and eventually thrive.

As a tribal member, a Native living on a Tribal Reservation, and a grandmother caring for my Native grandchild, I stand with ICWA and all of its protections afforded to our Native children, and their future.

- Teresa Brewington, Coharie Enrolled, Lumbee Descent

The NCTSN uplifts the voice of every Native Nation. Every Native Nation, the National Indian Child Welfare Association, the National Congress of American Indians, the Native American Rights Fund, the American Association of Pediatrics, the American Medical Association, 24 states, Washington DC, and many others support the retention of ICWA.

Being trauma-informed includes knowing and understanding the short- and long-term health and wellbeing consequences of policies that impact and harm Native children. Without ICWA, Native children could be removed from their homes and lose access to their languages, traditions, and their way of being. For Native children to live a good healthy life and thrive, they need to remain connected to their communities and culture.

We understand intrinsically that children are the secured foundation to the future. If not for ICWA, three of my grandchildren would have been separated from each other, sent out of our community, thus creating trauma that would include lost language and culture. We would have never had the opportunity to see them grow and thrive. Instead, we were able to provide kinship care, trauma-informed care and provide a permanency of belonging. You cannot have trauma-informed care of our children without the protections of ICWA in place.

- Shannon CrossBear, Lake Superior Ojibwe, Fort William First Nation

The National Child Traumatic Stress Network believes the protections of the Indian Child Welfare Act are essential to prevent child trauma and traumatic separation. As a Network whose mission is to enable children and families to recover from trauma and to build safe and meaningful lives and communities, the NCTSN is dedicated to doing all that we can to support Indigenous Sovereign Nations in the protection of their children and families.

¹ In 2001, CWLA issued a public apology for their role in removal and adoption of Native children.