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# THE INTERSECTION OF AMERICAN INDIANS/ ALASKAN NATIVES AND THE CHILD WELFARE SYSTEM: A REVIEW OF THE LITERATURE

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## **ABSTRACT**

American Indians/Alaskan Natives (AI/AN) have historically been forcefully integrated into the child welfare system. Their relationship began before a formal child welfare system was established in the United States and continues to the present. It is critical to examine AI/AN history and the child welfare system in the United States to fully understand their difficult and often damaging interactions. This paper will review the literature on this topic in an effort to highlight the intersectionality of AI/AN children and families, and the policies and practices of the American child welfare system.

## **LITERATURE REVIEW**

### **I. Early American Indian/Alaskan Native History**

#### **Colonialism**

Historically, American Indian/Alaskan Native (AI/AN) peoples in the United States have experienced significant trauma, genocide, and various other preventable tragedies. In 1492, there were an estimated 50–100 million Indigenous people living in North, Central, and South Americas (Taylor & Foner, 2001), yet by 1900, there were only 300,000 survivors (United to End Genocide, 2016). Almost 90% of the AI/AN population was wiped out by disease (Olsen, 2010 as cited in 2013, p. 22), and after 1775, a

bounty was created to pay colonists fifty pounds for every male AI/AN scalp handed over to white authorities (Zinn, 2011). In 2016 U.S. dollars, this is estimated to be about \$7,300 per murdered person (Officer & Williamson, 2016).

Ann Laura Stoler (2002) describes how important this genocide was to colonialism. Dividing people into categories such as by sex, class, or race makes it easier to conquer them and acquire their land (Watkins, 2013). The very basic, but effective, rule was that domination over bodies equaled domination over land. Elizabeth Watkins (2013) writes, “Colonialism was not merely an economic venture. It was also a cultural venture” (p. 18).

The rape and sexual assault of women was another way of controlling AI/AN people. In order to justify these acts, the Spaniards asked permission from the Catholic Church to punish the Natives for their “sins.” This domination over women’s bodies was a way of deliberately destroying matrilineal norms. Sexual assault took away the humanity of women and turned them into property for the taking—objects to manipulate at will. Because AI/AN people were viewed as “savage,” “evil,” and “rebellious,” they were considered “deserving” of rape (Watkins, 2013).

### **Land Grabs, Ownership, and Forced Removal**

In 1887 the Dawes Act, or the General Allotment Act, was passed (*Encyclopedia Britannica*, 2013, as cited in Watkins, 2013, p. 18; Lee, 2015; Otis, 2014). The Dawes Act enforced Eurocentric patriarchal ideas by making men the head of the household (Watkins, 2013). The concepts of individual land ownership or private property did not exist in AI/AN communities; under the Dawes Act it is estimated that two-thirds of AI/AN land was lost to White settlers (Aboukhadijeh, 2009). The stolen land was resold to newly established White corporations that later imposed a social class hierarchy on the Natives. The plots became more and more scattered, resulting in a physical lack of unity within AI/AN peoples, groups, and communities. The law of the land was created through the imposition of new social values of the Western White Euro-Americans: individualism, social class divisions, and economic self-interest (Watkins, 2013). These values were in stark

contrast to the collectivist culture of AI/AN peoples.

AI/AN people were considered a problem—a nuisance—to be removed to the farthest and least desirable regions of the country. With the approval of President Andrew Jackson and the Bureau of Indian Affairs (BIA), the Indian Removal Act of 1830 led to thousands of deaths. The Cherokee Trail of Tears caused an estimated four thousand deaths among the 16,000 people subjected to removal (“A Brief History,” 2015). Like the Cherokee, the Choctaw, Chickasaw, Creek, Seminole, and many other tribes were subjected to the loss of their homeland (Constitutional Rights Foundation, 2004). From 1830–1838, nearly 100,000 Indians were marched from their land in the South at the request of white cotton growers or new corporations (United to End Genocide, 2016); the land had been their source of food, families, and faith for generations. Theirs was a symbiotic, spiritual relationship with the land, based on respect and love with all life, including plants and animals.

### **The Boarding School Era**

The boarding school era began in the late nineteenth century. The emergence of the boarding schools historically marked the time when the U.S. began to interfere with the internal welfare of AI/AN communities. After the U.S. and the BIA realized they could not remove AI/ANs from the country, they adopted a new policy of assimilation, modeled on the ideas of General Samuel C. Armstrong, who had well-meaning intentions. General Armstrong founded the Hampton Institute in 1868 in the hope of educating the newly freed slaves. Armstrong’s definition of “civilized” was based on the Christian values and the Protestant work ethic of the Western White American. The first group of AI/AN students was accepted in the Hampton Institute in 1878 (Ahern, 1997). In 1879, Captain Richard Henry Pratt founded his own school, the Carlisle Indian Boarding School (Lee, 2015; Wuollet, 2010), which became a mechanism of oppression.

Pratt believed in changing a society through their most valuable resource: their children and youth. His vision of “kill the Indian, save the man,” began with sending children to non-reservation boarding schools away from everything they knew.

He thought “savage” people must be subjected to “proper” religion and the Puritan/Protestant ethics of the developing Industrial Age, placing a high value on Christianity, individualism, and land ownership. Children were taught how to read and write in English (Wuollet, 2010); anything that was not part of these values was forbidden (Ahern, 1997; Lee 2015). AI/AN children were physically punished for practicing their religion, speaking languages specific to their tribe, using their birth names, and wearing long hair (Lee, 2015). Traditional indigenous clothing was burned and AI/AN children were given European names (Wuollet, 2010). It was only a century later that the American Indian Religious Freedom Act ended the prohibition against AI/AN people practicing their religious traditions.

Many Indian cultures did not employ corporal or physical punishment as a parenting technique. Indirectly and directly, children were taught how to parent through non-physical punishments such as being given tasks to complete (Wuollet, 2010). Ahern (1997) writes that, “By 1900 [boarding school] appropriations had grown from \$20,000 in 1877 to \$2,936,080, the number of schools from 150 to 307, and the number of children in [boarding] schools from 3,598 to 21,568.” This demonstrates the U.S. government’s support for these schools. Children were sent to the schools for many different reasons, and most did not go voluntarily. Some parents were unaware of the conditions of the schools, were not told the truth, and saw education as a way to better survive the threat of American culture. Other parents were coerced into putting their children into the schools by the withholding of annuities and food rations (Archuleta, Child, & Lomawaima, 2000). Often, parents were threatened with imprisonment (Lee, 2015), and family visitation was not allowed (Wuollet, 2010). Some children were sent to these schools due to a documented referral from a social worker, probation officer, agent, or judge (Churchill, 2004). The child welfare system broke families apart, which further perpetuated the ongoing trauma experienced by AI/AN families. The implications of these repeated traumatic experiences continue to the present (Walls & Whitbeck, 2012).

Although many people were speaking out about the mistreatment of AI/AN children, it was not until 1928 that the Meriam Report, which accurately described the treatment of AI/AN children, was released (Lee, 2015). In 1926, the U.S. Secretary of the Interior tasked a non-partisan group of researchers with surveying the economic and social conditions of American Indian life. The group spent seven months visiting 64 of the 78 boarding schools and compiled detailed accounts of abuse and neglect. The resulting Meriam Report described the overcrowding of the dormitories, the low-quality teachers, lack of healthcare and medical attention in the schools, the poor quality of food, and the rigorous labor required of each student (Meriam, 1928). This document resulted in policy changes in education, health care, and land rights for AI/AN people (United to End Genocide, 2016).

The Johnson-O'Malley Act of 1934 was created in response to the poor conditions in boarding schools. The U.S. wanted to integrate, rather than assimilate AI/AN children into White American society, but this time through state schools. The act provided funds for education, medical attention, financial relief, and social welfare for each enrolled child, but it did not address the culturally specific needs of the students (Bureau of Indian Education, 2016). The act also gave AI/AN people the right to choose where their children went to school. There was great emphasis placed on reservation day schools, in more centralized locations for communities (Wuollet, 2010).

### **The Termination Era**

The 1940s to 1960s were considered the "Termination Era" (Indian Country Wisconsin, n.d.). Tribal recognition, or sovereignty, was terminated; the United States government reasoned that tribes no longer needed government protection (American Indian Relief Council, n.d.-b). This, of course, allowed the American government to negate all responsibility for AI/AN living conditions. The United States stripped tribes of financial resources, again relocated them to remote reservations, and then criticized them for being "dependent" on government resources (American Indian Relief Council, n.d.-a.; Allan, 1988). Tribes were

suddenly expected to be self-reliant. During this period, policies diminished government assistance and federal recognition of tribes; “victim blaming” was used as a tactic to further oppress an already marginalized group, and the historical trauma experienced by AI/AN people went unaddressed.

From 1953–1964, 109 tribes were “terminated,” and federal responsibility and jurisdiction for the members’ welfare was turned over to states. This era has contributed to a number of tribes being recognized only by states, rather than at the federal level, today. The loss of federal recognition resulted in the withdrawal of funding, which was devastating to tribal communities; those who are not federally recognized do not receive federal funding for different programs and are not protected under some federal laws (National Conference of State Legislatures, 2016). Lacking federal recognition, AI/AN people had nearly 2.5 million acres of land taken from them, and over 12,000 AI/AN people were removed from official tribal membership (American Indian Relief Council, n.d.-a). The impact of losing tribal membership has been longstanding and continues to impact children entering the child welfare system today.

### **Civil Rights, Self-Determination, and Sovereignty**

When the Bill of Rights was passed in 1791, the legal protections it contains were not extended to AI/AN people. The Indian Civil Rights Act (ICRA) was passed only in 1968. Self-governing tribes are now responsible for upholding the freedom of religion, speech, press, to peacefully assemble, and to petition a redress of grievances. The ICRA gives members of the tribe the right to a jury trial and freedom from prosecution for unreasonable search and seizure (Tribal Court Clearinghouse, n.d.). Unlike the United States government, tribal governments do not have the power to prosecute severe crimes, such as murder, rape, arson, and burglary, due to the outdated Major Crimes Act of 1885 (Federal Bureau of Investigation, 2012; Major Crimes Act-18 U.S.C. § 1153, n.d.). The ICRA sets restrictions on the fine limit and length of imprisonment for those who are found guilty of a crime. Today, these prosecuting restrictions include no more than three years of imprisonment and a fine of \$15,000 (Cornell University Law School, n.d.; Watkins, 2013). The relationship of the United States

and tribal governments is supposed to be that of equals, but it more closely resembles a parent/child relationship. Tribes are responsible for protecting members, but they are not given the power to take legal action against lawbreakers. This leaves a crucial gap in their governmental system in terms of community sovereignty.

Many different laws have been passed in an attempt to restore power to tribal governments. The Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA) gave tribes the power to implement programs created by the federal government, such as Indian Health Services (American Indian Relief Council, n.d.-a). The Indian Self Governance Act of 1994 authorizes tribes to manage trust resources and their own wealth (Cornell University Law School, n.d.). While these acts give tribal government more power than before, they do not represent true sovereignty, for the programs administered by the ISDEAA were created by the federal government, not the native people.

### **AI/AN Culture**

Throughout the United States, many diverse AI/AN cultural values and traditions continue to exist, yet many traditional values have been lost. While Eurocentric culture values the individual, many AI/ANs value the community and family over self (Wuollet, 2010). More emphasis is put on how one's actions will affect generations to come. For some tribes, this mindfulness extends seven generations into the past and the future. Holding previous family and communities in high regard demonstrates the love and admiration for elders. In the same way, looking to future generations exhibits love for the children to come. The National Indian Child Welfare Association (2016) expresses this way of life by stating that, "Preservation of American Indian culture starts with protection of our most precious resources—American Indian children and families. Only when our children and families are healthy and happy can there be harmony in our world."

## **II. AI/AN Child Welfare in the United States**

Historically, the origin of child welfare for all children in the United States can be traced to the early seventeenth century.

Later, formalized efforts to address the welfare of children were initiated. In 1853, the Children's Aid Society of New York was founded to care for poor and delinquent children (Children's Aid to Society, n.d.). Based on this model, aid societies and free foster families became more prominent across the U.S. (McGowan, 2005). Prior to 1974, there were no formal federal or state policies that addressed the abuse or neglect of children. In 1974, the Child Abuse Prevention and Treatment Act (CAPT) was enacted. CAPT was the first major federal statute that addressed child abuse and neglect. This policy required states to create systems for reporting and investigating allegations of neglect in order to receive funding. Reports of abuse and neglect increased, and more children were put under the protection of states.

While the federal government recognized the need to address the abuse and neglect of children across the U.S., CAPT did not specifically address the needs of AI/AN children and families. Given the domination the U.S. imposed on AI/AN families, and their historical trauma, recognition gradually grew that AI/AN families required more culturally sensitive legislation specific to child welfare requirements. In 1978 the Indian Child Welfare Act (ICWA) was passed. Although the Meriam Report had documented challenges faced by AI/AN children in 1928, it was not until 1978 that the federal government addressed their problems. ICWA restored to tribal governments the power to determine the placement of children. Unfortunately, this only included federally-recognized AI/AN tribes, not state recognized groups. Tribes that could not provide the rigorous documentation of their identity were not given federal assistance or recognition of their status as native people. AI/AN people are the only community required to provide documentation of ancestry in order to gain legal recognition of their ethnicity (Indian Child Welfare Act, 1978).

In 1994 the Multiethnic Placement Act (MEPA) was passed to address the disparity of ethnic groups in the child welfare system. While ICWA emphasizes the importance of the tribe and the child, the MEPA focused on the length of time spent in foster care. The push for a more culturally sensitive placement,

and the preservation of the child's culture, was coupled with the equal opposition of empowering every family to provide a loving home, regardless of their ethnicity. While these social reforms shared the goal of creating a healthy and loving environment for the child, each manifested this belief in opposite legal reforms (Administration for Children and Families, n.d.). In 2008, the Fostering Connections to Success and Increasing Adoptions Act was enacted. This act "...enabled federally recognized Indian Tribes to directly operate title IV-E programs for the first time" (Administration for Children and Families, n.d.). Funds were also used to create the National Resource Center for Tribes, and grants were available to develop self-sufficient child welfare agencies. The aim of this act was to improve outcomes for those in foster care and connect children with extended relatives (Indian Child Welfare Act, 1978).

## **Overview of Child Welfare in the United States**

There are many different definitions of child abuse and neglect, but the federal definition, which all states have to follow, is, "Any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm" (Child Welfare Information Gateway, 2014, p. 1). There are several recognized types of abuse: physical, sexual, and emotional. The child welfare system was created in response to abuse and neglect by offering a number of services with the goal of ensuring the safety of children. The Annie E. Casey Foundation (2015) estimates that there are more than 400,000 children in the child welfare system on an average day in the United States. Child welfare programs include Child Protective Services (CPS), family preservation services, and foster care and adoption.

The preservation of the family is the highest priority of all child welfare services. The goal is for all children to remain with their parents or guardians. Family preservation programs may offer family counseling, substance use recovery, mental health services, domestic violence, sexual assault therapy, and food

assistance. These programs include the Supplemental Nutrition Assistance Program (SNAP), food stamps, the Women, Infants and Children (WIC) program, the Temporary Assistance for Needy Families (TANF) program, housing assistance (Section 8 Housing Choice Voucher and Project-Based Rental Assistance), among others (Office of Family Assistance, n.d.). Foster care is recommended when children are temporarily taken away from their legal guardians. Their family may be in unsafe living conditions (physically, mentally, and/or emotionally), and the children need time for the home situation to be improved. American Indian children are three times more likely to be placed in foster care than the general population (Center for the Study of Social Policy, Annie E. Casey Foundation, & Alliance for Racial Equity in Child Welfare, 2011). Adoption services may step in when parental rights are terminated or the parents are deceased and a child needs to be placed up for legal adoption. The first priority for adoption is always with the extended family; if extended family members are not available, a similar ethnic culture is sought.

## **Intersection of Child Welfare and AI/AN Children and Families**

### **Risk Factors that Contribute to Child Welfare Involvement**

Professionals in the child welfare field have identified several risk factors that increase the likelihood of involvement with the child welfare system. These include substance abuse, poverty, unemployment, educational attainment level, domestic violence, and single-parent households (Goldman, Salus, Wolcott, & Kennedy, 2003). AI/AN communities have a 25% poverty rate, the highest in the nation (Wuollet, 2010). AI/AN women have a one-in-three chance of being raped during their lifetime (Rape, Abuse & Incest National Network, 2009); eighty-six percent (86%) of the perpetrators are non-Indian men (Watkins, 2013). Additionally, AI/ANs have a nearly 1.7 times greater chance of committing suicide than the general U.S. population (Olson & Wahab, 2006).

### **Disproportionality and Disparity**

There are several definitions used to describe the representation of children in the welfare system. *Disparities and Disproportionalities in the Child Welfare System*, by the Center for the Study of Social Policy and the Annie E. Casey Foundation, with the help of The Alliance for Racial Equity in Child Welfare, defines “disproportionality” as “the ratio of the percent of persons of a certain race or ethnicity in a target population (e.g., children who are substantiated for maltreatment) to the percentage of persons of the same group in a reference (or base) population.” “Disparity” is defined as, “the comparison of the ratio of one race or ethnic group in an event to the representation of another race or ethnic group who experienced the same event” (Meyers, 2010, as cited in Center for the Study of Social Policy et al., 2011, p. 8).

“Substantiation” is the process of finding (or not finding) the above types of abuse or neglect. “Unsubstantiated” (unfounded) cases usually close because there is an insufficient amount of evidence (Child Welfare Information Gateway, 2014). Substantiated (founded) cases remain open and continue to be investigated. Section 1911 of ICWA explains that if a child is domiciled (residing) on a tribal reservation, then the tribe has exclusive jurisdiction over the court case. If the child does not reside on tribal land but is member of a tribe (or eligible for membership), then all affiliated tribes should be notified by mail with a return receipt, and the tribe has the option to decline the transfer (Indian Child Welfare Act, 1978). If the transfer is accepted and successful (neither parents nor the state prosecutor objects to the transfer) by an affiliated tribal court, the tribe takes over the child’s case. If the case is not successfully transferred, but the child is still a member or is eligible for tribal membership, then ICWA still applies, regardless of what court processes the case. According to an analysis by the Center for the Study of Social Policy et al. (2011), Black and American Indian cases are twice as likely to be investigated and substantiated.

### **Risk Factors in the Child Welfare System**

Children in the welfare system are at high risk for developmental, behavioral, and emotional problems due to being removed from their biological relatives, and from the previous neglect and abuse that led to their separation from their family (Casey Family Programs, 2015). Despite high rates of mental health disorders, three-fourths of the children involved in the child welfare system who displayed obvious signs of clinical impairment did not receive mental health services within twelve months after investigation (Pecora, Jeneson, Romanelli, Jackson, & Ortiz, 2009; Stahmer et al., 2005). Given the historical trauma and traditions of removing children/families from their homes and homeland, one can imagine the negative effects on the AI/AN population. This can manifest itself through anxiety, depression, addiction, rage, and suicide. When parents are not able to parent, the next generation suffers; many AI/AN children were not taught by their parents or caregivers how to cope with the trauma they and their ancestors experienced (Heart, 2007).

## **III. The Indian Child Welfare Act**

### **Factors Leading up to the Passage of ICWA**

Prior to 1978, the high rates of overrepresentation of AI/AN children in the child welfare system, the placement of AI/AN children into non-native households, and the breakup of AI/AN families were alarming (Bureau of Indian Affairs, 2015). Lee (2015) noted that, "...over 25% of all Indian children were living in foster homes, adoptive homes, and/or boarding schools" (p. 1). Hence, the Indian Child Welfare Act was passed (also referred to as P.L. 95-608; Tribal Court Clearinghouse, 2016).

AI/AN children have been taken away from their families for many reasons. Often, neglect claims were based on the basis White, middle class standards. Factors of "poverty, poor housing, lack of modern plumbing, and overcrowding" were considered "neglect" and could have been corrected with proper assistance (Lee, 2015, p. 19). Parents were not given due process and children were taken without notice or a hearing. Women were afraid that if they protested the removals, they would be incarcerated (Lee, 2015). State

social workers would often remove children from families if they were being cared for by grandparents. Finally, there was an economic incentive for adopting AI/AN children: if a child is adopted, the adoptive family received state subsidies. Cases such as Wyoming's "baby farms" used the children for child labor and were paid by the state in addition (Lee, 2015, p. 20–21).

### **The Drafting Process of ICWA**

During the drafting process of ICWA, a federal branch dedicated to the oversight and compliance of the act was proposed. Oversight would entail thorough documentation and reporting both by state and tribal social service agencies to the federal branch to ensure that AI/AN children were not overrepresented in the child welfare system, or that AI/AN children were not disproportionately represented. It is unclear why these recommendations were not adopted (Limb, Chance, & Brown, 2004). Lee (2015) wrote that the "ICWA does not compel the states to act, nor require documentation of effectiveness, nor does it convey authority to level penalties on states for non-compliance" (p. 12).

In 2005, the Government Accountability Office (GAO) was tasked with the investigation of ICWA compliance. After sending an online survey to all fifty states, only five could provide data on children served under the ICWA (GAO, 2005 as cited in Lee, 2015). The GAO provided suggestions to correct the lack of regulation, but the changes were not put into place.

### **State and Tribal Collaboration**

ICWA requires that federal, state, and tribal governments work together to protect AI/AN children. This is one of the only policies of its kind. When an AI/AN child is identified in the state child welfare system, the agency has to communicate with tribal child welfare workers. Identification during the intake process is one of the biggest problems with identifying AI/AN children in need of assistance. The agency must get handwritten documentation that the child is affiliated with tribe(s) through membership, or is eligible for membership. The Bureau of Indian Affairs publishes a list of agents to contact for each tribe's child welfare workers (Indian Child Welfare Act, 1978).

The goal of ICWA is to protect tribal children and their families by establishing basic federal guidelines for the process of AI/AN child removal, foster care placement, adoption, and the termination of parental rights while adhering to tribal-specific traditions and values (Bureau of Indian Affairs, 2015; Indian Child Welfare Act, 1978; Bussey & Lucero, 2013). However, ICWA states that if state or federal law, under a court proceeding, provide higher protection for the AI/AN child or parent than what is outlined, the higher standard should be applied (Public Law 95-608, 1978). This is an attempt to reduce disproportionality of AI/AN children in the child welfare system.

Since child welfare begins with a report and the first responders to these reports are state workers, it is important to grasp how state, federal, and tribal jurisdictions cooperate. ICWA is a federal social policy that guides state human service agencies' response when an AI/AN child has been identified in the child welfare system. In terms of governmental power, the hierarchy is supposed to function as if the United States and tribal government were equals, and the state's power falls under federal/tribal regulations (National Congress of American Indians, 2016; Child Welfare Information Gateway, 2012). As federal policy, ICWA takes precedent over any other state policy, unless the child's well-being is in danger.

### **Guidelines of ICWA**

Guidelines have been established to govern the placement process of AI/AN children in the child welfare system. When a child is identified, any tribes and/or birth parents affiliated with the child are identified, via mail with a return receipt, and provided with notification of the proceedings and their rights to intervene. If the identified tribe confirms the child's Indian ancestry, the custody proceedings will take place under the exclusive jurisdiction of a tribal court (section 1911 and 1912). Specific time frames and required information about the proceedings are also provided (Indian Child Welfare Act, 1978).

Section 1915 outlines the specific order of placement of an Indian child. Priority is always given in the following order: first to a member of a child's immediate family, followed by the extended

family, other members of the child's tribe, and finally, to other Indian families. ICWA prioritizes the best interests of the child and tribe. Section 1921 states that if there is a higher standard of state or federal law that protects the rights of parents or Indian custodians, the higher standard should be applied.

Due to the lack of clarity of terms used in ICWA, new guidelines were published in March 2015. These guidelines include added or revised definitions for the following terms: "active efforts," "child custody proceeding," "custody," "domicile," "imminent physical danger or harm," "parent," "reservation," "tribal court," and "voluntary placement." In addition to definitions, common questions and answers are included. Perhaps the most important question is "Who determines whether a child is a member of a tribe?" The affiliated tribes always determine membership. No other entity is allowed to do this, including members and branches of the federal government (Bureau of Indian Affairs & Bureau of Interior, 2015).

## **CURRENT RESEARCH**

This literature review highlights the intersectionality of AI/AN children and families and the child welfare system. While ICWA was passed in 1978 to address the culturally unique needs of AI/AN children, research systematically evaluating the effectiveness of ICWA at a policy level or within the child welfare system, post-implementation, is scant. Much of the published research focuses on a specific dimension of the policy, prominent case decisions guided by ICWA (Ross-Mulkey, 2015; Zug, 2014), policy analysis of ICWA, or state-level decisions with ICWA (Jervis, 2004; Kendall-Miller, 2011). Terry Cross (2014), a native scholar, highlights the need to engage in and focus on the cultural and policy impact of ICWA: "Today, with the international adoption industry suffering from tighter restrictions imposed by countries such as Russia and China, pressure to keep up with the demand for children has returned stateside. There is evidence of corrupt adoption practices caused by those whose motive is to prey upon the legitimate desire of childless couples to parent, specifically AI/AN children" (p. 23).

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