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(SD)-Appeals Court Upholds Indian Child Welfare Act

By: John Axtell Posted at: 08/10/2019 11:11 PM

NEW ORLEANS, La. (AP) - The 5th U.S. Circuit Court of Appeal in New Orleans has upheld the constitutionality of a 1978 federal law giving preference to Native American families in foster care and adoption proceedings involving American Indian children.

Friday's decision upholds the Indian Child Welfare Act and reverses a ruling by a Texas-based federal district judge that it was an unconstitutional race-based intrusion on states' powers to govern adoptions.

The appeals court panel disagreed on a 2-1 vote, with the majority saying law's definition of an "Indian child" is a political classification.

The ruling came in a case involving non-Indian families in multiple states who adopted or sought to adopt Native American children. The decision was a victory for supporters of the law who say it's needed to protect and preserve Native American culture and families.