

State of New Mexico
CHILDREN, YOUTH and FAMILIES DEPARTMENT

MICHELLE LUJAN GRISHAM
GOVERNOR

HOWIE MORALES
LIEUTENANT GOVERNOR



TERESA G. CASADOS
ACTING CABINET SECRETARY

Indian Child Welfare Act is Upheld by the U.S. Supreme Court
CYFD Celebrates with Native Americans Across the Country

June 15, 2023 -- The Indian Child Welfare Act of 1978 is landmark legislation which protects American Indian and Alaska Native children in State child welfare systems. Prior to the passage of ICWA, AI/AN children were being removed at alarming rates and placed with non-relatives, far removed from their tribal communities.

Today, on a 7-2 vote, the U.S. Supreme Court upheld the Indian Child Welfare Act ICWA of 1978. In concurring opinion Justice Gorsuch wrote: "Our Constitution reserves for the Tribes a place – an enduring place – in structure of American life. It promises them sovereignty for as long as they wish to keep it...In adopting the Indian Child Welfare Act, Congress exercised that lawful authority to secure the right of Indian parents to raise their families as they please; the right of Indian children to grow in their culture; and the right of Indian communities to resist fading into the twilight of history."

"The Supreme Court has chosen on the right side of history today. This is right for Native children, families and an important acknowledgement of the sovereignty of these Nations," said CYFD Acting Secretary, Teresa Casados. "This ruling supports the forward-looking partnership we have with our Office of Tribal Affairs. We are pleased with this decision," Secretary Casados said.

NM CYFD joins in the celebration with the Nations/Pueblos/Tribes (N/P/Ts) and our Indigenous children, youth and families across the nation on this monumental victory. In light of today's decision, CYFD renews its commitment to continue to support the Nations/Pueblos/Tribes and recognizes the vital importance of protecting Indigenous children, promoting well-being, and ensuring cultural connectedness.

"This is a tremendous win for our children's future and for the future of those yet to be born," said Donalyn Sarracino, the director of the CYFD Office of Tribal Affairs. "We are thankful to the leaders of the Nations/Pueblos/Tribes, community advocates, lived experts, and our numerous partners who have been working for generations to make today a reality."

Previous to the Courts decision, New Mexico leaders and advocates took proactive steps to protect Indigenous children and tribal sovereignty. New Mexico's 23 Nations/Pueblos/Tribes, tribal ICWA/Social Workers, lived experts, and community partners created and passed hallmark legislation—the New Mexico Indian Family Protection Act.

"We celebrate today's decision and recognize we can and must go even further to embrace the true spirit of the law. Through our partnerships, CYFD's commitment remains strong to implement the Indian Family Protection Act as the 'platinum standard' of Indian child welfare," said Sarracino.