

# TRIBAL CUSTOMARY ADOPTION

In Indian Country, customary adoption is an alternative to standard adoption practice. Since customary adoption is more closely aligned with tribal customs, it is a more appropriate permanency placement for native children. Customary adoptions allow children to be adopted without requiring termination of parental rights, an exercise in tribal sovereignty that retains some parental responsibilities and maintains family connections.

## Customary Adoption at White Earth Nation

This article by Anita Fineday (see pages 28-29) touches upon her experience as Chief Judge at the White Earth Tribal Court. She shares her knowledge of writing child welfare codes that encompassed messages from their tribal elders, and their experience creating something called a "suspension of parental rights" within customary adoption guidelines and contracts.

Additional resources:

- [White Earth Band of Ojibwe Customary Adoption Code](#)
- [White Earth Tribal Adoption Program Presentation](#)

## CUSTOMARY ADOPTION RESOURCES

[Tribal STAR](#), a training and technical assistance program at the Academy for Professional Excellence, focuses on building collaborations that improve outcomes for American Indian/Alaska Native children in child welfare. They offer a [Tribal Customary Adoption Curriculum](#) for child welfare workers that includes a brief overview of ICWA, an introduction to Tribal Customary Adoption law, an examination of long-term impacts, and a review of the roles and responsibilities of child welfare workers.

They also share specific resources from the Soboba Band of Luiseño Indians:

- [Customary Adoption Fact Sheet for Tribal Social Workers](#)
- [Customary Adoption Fact Sheet for County Social Workers](#)
- [Customary Adoption Talking Points & FAQs](#)
- [Sample Customary Adoption Order \(ver. 1\)](#)
- [Sample Customary Adoption Order \(ver. 2\)](#)

## CUSTOMARY ADOPTION IN CALIFORNIA

In 2010 California established customary adoption as a new permanency option for native children who are dependents of CA Courts. The enacting law requires county child welfare workers to consult with the child's tribe about the possibility of customary adoption as a permanency option in every case involving a native child.

The Soboba Band of Luiseño Indians sponsors a [California Tribal Customary Adoption Website](#) that provides general information and technical support on Tribal Customary Adoption to tribal leaders, tribal and state court judges, tribal and state court attorneys, and tribal and state child welfare workers.

Visit the [Judicial Branch of California Courts website on Tribal Customary Adoption](#) for the full legislation text, a Judicial branch report to the legislature concerning tribal customary adoption, court rules and forms, a brief document responding to frequently asked questions, and links to additional resources.

Additional resources:

- [S.T.E.P.S. to Justice – Tribal Customary Adoption in California](#) (brochure)
- [California Indian Legal Services: ICWA Webinar: Tribal Customary Adoption](#) (webinar recording)
- [Tribal Customary Adoption: A Permanency Plan Option](#) (presentation)

## NATIONAL INDIAN CHILD WELFARE ASSOCIATION (NICWA)

NICWA is a national organization dedicated to the well-being of American Indian and Alaska Native children and families.

NICWA resources:

- [Protecting Our Children Through Tribal Law: A Review of 100+ Tribal Child Welfare Codes](#)  
NICWA, in conjunction with the Native Nations Institute, analyzed how tribes are asserting their sovereign authority over child welfare to best protect their children. This poster highlights key findings from four topics explored, including culture, removal, termination of parental rights, and adoptions.
- [Making Relatives, Supporting Families: A Tribal Customary Adoption Curriculum](#)  
NICWA offers a training curriculum and model code that discuss tribal customary adoption processes and how to create a culturally based adoption framework.
- [Contemporary Attachment and Bonding Research: Implications for American Indian/Alaska Native Children and their Service Providers](#)  
NICWA research staff reviewed studies published in peer-reviewed journals regarding cultural identity, mental health, and well-being benefits, as well as attachment and bonding literature to identify how current research in these fields is relevant to issues raised in child welfare decision making. This brief presents a summary of that literature.
- [Foster Care and Adoption](#)  
This webpage highlights relevant foster care, adoption, and policy work done by NICWA to address the continued disproportionate representation of American Indian/Alaska Native children in foster care systems.

## LEARN MORE

- [Families for Native American Children: Considerations When Fostering or Adopting](#) (AdoptUSKids)
- [Working with American Indian Children and Families in Adoption](#) (Child Welfare Information Gateway)



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