

## RECOMMENDATIONS ON THE REPORTING

# INDIAN CHILD WELFARE ACT

Media coverage of the Indian Child Welfare Act (ICWA) should be informed by ethical journalism. Some ICWA cases may be newsworthy, however, the way journalists report ICWA stories can encourage anti-Indian sentiments and influence negative behavior toward tribes and tribal citizens. The Native American Journalists Association echoes the Society of Professional Journalists Code of Ethics in that reporters must treat sources, subjects, colleagues, and members of the public as human beings deserving of respect. While NAJA does not advocate a stance on specific issues, we do advocate for the principles of ethical journalism, especially when those ethics are intended to ensure fair coverage of disenfranchised communities. This short guide will provide best practices to media outlets when reporting on ICWA in order to assist journalists that might not usually cover the topic.

**NEVER** quantify how “Indian” a child is, especially referring to blood quantum.

Genetic markers do not go hand-in-hand with culture or tribal citizenship and attempting to link the two is racially offensive. While many tribal governments use blood quantum to determine membership, others use ancestral descent to determine citizenship. ICWA applies to citizens of Indian nations. By writing that a child is one sixty-fourth Choctaw or 25 percent Tulalip, journalists disregard the most relevant facts and, intentionally or not, diminish the political rights of Indigenous people. Instead of writing that a child is two percent Cherokee, convey accurate information: the child is a citizen of the Cherokee Nation. Instead of describing a child as one sixty-fourth Choctaw, report that the child is a Choctaw tribal member. Check with the tribal nation in question for proper terminology to describe enrolled members in your reporting and avoid measuring the blood of a child at all costs.

**AVOID** using sensational language.

A headline like “Little ‘Indian’ Girl Ripped From Family” may grab readers eyes but is neither fair nor accurate. The families and children going through ICWA proceedings may be experiencing traumatic events, and reporters must exercise the principle of doing no further harm. The privacy and well-being of children must be protected, and when stories become highly emotional, it is unethical to violate the safety of children by using inflammatory language. Reporters should weigh the consequences and ethical ramifications of publishing photos, or revealing private information about a minor – even when provided by parties involved in custody battles.

**CONDUCT** thorough research.

Many ICWA cases are thrust into the spotlight by anti-Indian groups hoping to exploit stereotypes and misinformation in order to undermine American Indian and Alaska Native rights. Opponents of ICWA routinely source “experts” and anecdotes that serve their agenda, and due to competitive newsroom pressures or the complexities of Indian law, journalists often fail to balance sources on the issue. When an ICWA story breaks, find a Native American ICWA expert, and avoid taking shortcuts by relying only on media-savvy anti-ICWA activists for information.

**KNOW** the law.

ICWA is not “race-based law” - it applies to children who are tribal members and citizens. That means ICWA cases more closely resemble international adoption cases, and reporters must take the time to understand that the legal status of tribes as self-governing nations is affirmed and upheld by treaties, case law, and the U.S. Constitution. Carefully reporting on ICWA can have dramatic impacts on myths and stereotypes about American Indians, and conducting proper research is crucial before you start working.

**DIG** deeper:

Many ICWA cases are triggered because non-Native foster or adoptive families failed or refused to acknowledge that a child is eligible for protections under ICWA, in violation of federal law. Due to non-compliance with ICWA, it is estimated that 56 percent of adopted American Indian and Alaska Native children are placed outside their families and communities. Failure to comply with the law has led to a number of dramatic adoption cases covered by the media, however, reporters often fail to conduct reasonable due diligence. Without context, readers are left with an inaccurate and potentially dangerous picture of events.



If your media outlet or organization has questions about this guide or would like to host a NAJA representative to facilitate a newsroom discussion on these points, please contact us at [naja.com](http://naja.com)