

RECOMMENDATIONS OF REPORTING ON THE

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 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 Native communities. This brief 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 refer to blood quantum.

ICWA applies to citizens of Indian nations and those eligible for citizenship. One of the hallmarks of Tribal sovereignty rests upon the tribes' right to determine their own citizenship. It's not a journalist's duty to determine if a child is Native "enough," but whether or not they are citizens under Tribal law. Reporting phenotypes and blood percentages is culturally offensive, and disregards and diminishes the political rights of Indigenous people. Instead, convey accurate information: The child is a citizen of the Cherokee/Menominee/Yakama Nation. Always check with the Tribal nation in question for proper terminology to describe enrolled members in your reporting and avoid racial profiling of a child at all times.

ALWAYS protect the privacy of a child.

Children in foster care and contested adoption proceedings have already experienced adverse childhood experiences that landed them in state custody or in a contentious court battle. Publishing their name and likeness violates state and federal laws regarding the confidentiality of these proceedings, and exacerbates an already difficult situation that the child will have to deal with as an involuntary public figure for the rest of their lives. Provocative headlines and copy may generate clicks, but revealing identifying information about a child is unethical and violates the safety and well-being of the child. Protect the privacy of children by never disclosing their names and likeness in your reporting.

SEEK a Tribal expert.

Many ICWA cases are thrust into the spotlight by anti-Indian groups hoping to exploit reporters to advance their political agenda. Usually, they peddle talking points and misinformation in order to undermine American Indian and Alaska Native rights. Opponents of ICWA routinely source "experts" and anecdotes that are often inaccurate and/or lack context. 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, talk to the Tribe in question and find a Native American ICWA expert. Avoid any reporting that relies only on single-source 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.

DILIGENCE is crucial:

Many ICWA cases are triggered because state and local authorities 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 90 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, and reporters often fail to conduct reasonable due diligence. Without context, readers are left with an inaccurate and potentially dangerous picture of a complex story.



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