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**Statement of the American Academy of Adoption Attorneys
Regarding *Adoptive Couple v. Baby Girl*
Decision from United States Supreme Court**

Washington, D.C. – June 25, 2013 - The American Academy of Adoption Attorneys appreciates and agrees with the Supreme Court’s decision in [*Adoptive Couple v. Baby Girl*](#). The Court ruled today in favor of the adoptive parents and held that the stricter standards for terminating the parental rights of an unwed father in the planned adoption of an Indian child do not apply where the father never had custody of the child. In reversing the South Carolina Supreme Court’s ruling and remanding the case to the South Carolina court for further custody and adoption proceedings, the Supreme Court clarified conflicting federal and state court decisions regarding which children and families are subject to the provisions of the Indian Child Welfare Act (ICWA).

“One of the most difficult issues before the Court was to determine whether and under what circumstances the rights given to Indian tribes under ICWA may supersede the constitutional rights of non-Indian parents and children,” said Professor Mary Beck, University of Missouri School of Law. “The Court’s decision in this case will end some of the confusion created by inconsistent state court rulings and laws.”

In its [*amicus curiae brief*](#) (“friend of the court brief”) submitted in this case, the American Academy of Adoption Attorneys supported the reversal of the South Carolina ruling and asked that the Court resolve and clarify the conflicting federal and state court decisions regarding the extent to which the Indian Child Welfare Act applies, as well as to whom it applies.

Adoption professionals across the country have wrestled for years over the question of whether ICWA applies to voluntary adoption proceedings where the unwed father is Indian and the mother is not. The Court’s decision today clears up much of that confusion

“From the perspective of practicing adoption attorneys and adoption agencies who have worked with ICWA for many years, clarifying these points will give much needed guidance to help prevent tragic cases like this one from occurring in the future,” said Mark Demaray, Past-President, American Academy of Adoption Attorneys. “The Academy strongly supports clarification of the law to assist those in the adoption field in determining to which families and children ICWA applies.”

The American Academy of Adoption Attorneys (AAAA) is a national non-profit, credentialed organization of more than 350 lawyers, judges and law professors throughout the United States and Canada who focus on adoption. The Academy monitors developments and trends in state, national, and international adoption and assisted reproduction law, and advocates for legislative reform and ethical practices in this area of family formation law, and for protecting the rights of all parties, particularly the children.