



UNITED STATES MISSION
TO THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

November 15, 2013

Mr. James Anaya
Special Rapporteur on the Rights of Indigenous Peoples
United Nations Office of the High Commissioner
for Human Rights (UNOHCHR)
Palais Wilson
1211 Geneva

OHCHR REGISTRY

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Recipients ... SPD

Dear Mr. Anaya

The Government of the United States of America received your letter dated September 9, 2013 on the situation of "Veronica," an indigenous child who was the subject of a custody dispute.

The custody dispute case over Veronica came to a close on September 23, 2013, when the Oklahoma Supreme Court lifted its emergency stay, which had kept Veronica in Oklahoma. While the custody of the child was granted to her adoptive parents on July 31, 2013, the order, which was issued on August 30, 2013, prevented her adoptive parents, Matt and Melanie Capobianco, from immediately bringing her back to South Carolina. Her biological father, Dusten Brown, returned the child to her adoptive parents and on October 10, 2013 stated his intention to cease any further legal action in regard to the custody dispute.

The Indian Child Welfare Act was enacted to address "the consequences to Indian children, Indian families, and Indian tribes of abusive child welfare practices that resulted in the separation of large numbers of Indian children from their families and tribes through adoption or foster care placement, usually in non-Indian homes." (Mississippi Band of Choctaw Indians v. Holyfield, 490 U.S. 30, 32 (1989); US Brief at 2). In response to the Act, the Bureau of Indian Affairs issued non-binding guidelines in 1979 addressing state courts' implementation of the Act. Today, the U.S. remains committed to examining ways to promote compliance with the Act.

We appreciate your inquiry into this matter and hope the information provided herein is helpful.

Sincerely,

Peter F. Mulrean
Chargé d'Affaires ai