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Alaska Supreme Court Decision Clears Way for Alaska Native Villages to Make Legal Claims Against Alaska's Foster Care System

Anchorage, Alaska. The Alaska Supreme Court has issued a much-awaited decision in the case of *Native Villages of Curyung, Ekwok, Chevak, and Kwinhagak v. State of Alaska*, confirming the ability of Alaska Native Villages to hold the state accountable under federal Civil Rights laws for alleged failures to implement the Indian Child Welfare Act and other federal laws.

Alaska Legal Services Corporation (ALSC) attorneys and the law firm of Jones Day, on a pro bono basis, filed suit on behalf of four tribes in Western Alaska in 2003 to challenge the State's policies of native foster care recruitment, training and pay, and placement of native children. The tribes argued that the State's misconduct violates, among other things, the Indian Child Welfare Act (ICWA) and the Adoption Assistance Act (AAA) and that these violations are detrimental to Native children and villages.

The State moved to dismiss the case arguing that tribes did not have standing to raise these claims, and that neither ICWA nor the AAA were enforceable under the Civil Rights Acts. The superior court had disagreed, and in this most recent decision the Alaska Supreme Court upheld the superior court.

Early in the case, the law firm of Jones Day generously agreed to assist in representation of the Villages, assigning four of its lawyers to the case. "ALSC and its clients are very grateful for the generosity of Jones Day in assigning attorneys and resources to assist in this case," said Erick Cordero, Director of ALSC's Volunteer Attorney Support pro bono program.

"This is a huge victory for the Alaskan Native population," said Ted Bilich, a partner in the Washington, DC office of Jones Day, who argued the case in the superior court and Supreme Court. "We've alleged that for far too long the Alaska foster care system has failed to meet basic federal standards for the State's native children. This decision clears away the legal hurdles that the State had used to try to block this lawsuit, and will now allow the Native Villages to fight for those federal rights in court."



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Alaska Legal Services Corporation is a charitable organization established in 1966 to provide free civil legal assistance to low-income Alaskans. The Volunteer Attorney Support pro bono program has been recruiting volunteer attorneys to help low-income Alaskans for over two decades through the generosity of private attorneys.

Jones Day is an international law firm with 30 locations in centers of business and finance throughout the world. With more than 2,200 lawyers, including more than 400 in Europe, and 175 in Asia, it ranks among the world's largest law firms.

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