

Keep Lexi home: A foster family's wrenching fight for a six-year-old Choctaw girl

By Lindsey Bever

March 24, 2016

Rusty Page was somber and quiet as he held his foster child for perhaps the final time.

Six-year-old Lexi threw one arm around Page and her other arm around a cream-colored, costume-pearls-wearing teddy bear as she was carried to a car for the first stretch in a long journey to her new home.

Other children in their home sobbed and screeched.

"Lexi, I love you!" the small girl's foster mother, Summer Page, called out.



The emotionally wrought moment on Monday afternoon was an end — for now — to a long legal battle between a Southern California foster family, which says it has become a real one to Lexi, and the girl's extended family, which intends to give her a life many miles away.

"How is it that a screaming child, saying, 'I want to stay, I'm scared' — how is it in her best interest to pull her from the girl she was before that doorbell rang?" Rusty Page told radio station KNX, according to the Associated Press.

Lexi was taken from her foster home in Santa Clarita, Calif., where supporters had been camped out — praying, singing hymns and protesting with signs that read "Keep Lexi Home" and "Save Lexi."

Authorities have moved the girl to Utah to live with family members related through her paternal step-grandfather, according to court records.

A central issue stems from Lexi's heritage, which has stirred up questions about which family is best suited to raise her.

The girl is 1/64th Choctaw Native American, meaning her case falls under the Indian Child Welfare Act, a federal law that claims to promote tribal families by keeping Native American children with Native American families.

The law, passed in the 1970s, aims to "protect the best interests of Indian children and to promote the stability and security of Indian tribes and families."

Court documents state that the extended family members in Utah are not Native American. Still, Choctaw Nation officials said in a statement that Lexi is now in "a safe, loving home" with her distant relatives and her biological sisters.

"The Choctaw Nation has advocated for Lexi to live with her family since 2011," the tribe said in a statement. "These relatives have been a part of Lexi's life for almost five years. They are not strangers. They have maintained a relationship with her, visiting her in California, making regular SKYPE calls, and Lexi has also been on extended visits to Utah. The family has been waiting for five years for all of them to be together.

“Foster care is a much-needed temporary service provided for children until the child can be returned to the care of his or her family.”

In the days since Lexi was removed from the Southern California home, her foster parents have continued to fight the decision.

“Our family is so incredibly devastated,” Rusty Page said in a video statement. “But nobody could possibly be more devastated than our 6-year-old daughter, who found herself restrained in a car and driven away to go and live in a foreign place hundreds of miles from her family, friends, teachers, home and life.”

On March 9, Rusty and Summer Page appealed a family court’s decision to send Lexi to live with her Utah relatives, and the court granted a temporary stay, the family’s attorney, Lori Alvino McGill, told The Post.

But the court then declined the request last week pending appeal, McGill said.



Rusty Page is comforted by Graham Kelly after getting the news that social services will come to take Lexi away. (David Crane/Los Angeles Daily News via AP)

Social workers removed Lexi from the home Monday afternoon, before the Pages filed for relief in the California Supreme Court, McGill said.

The petition and request for a stay were filed Tuesday; the Pages have asked that Lexi be returned to California until her case is decided.

McGill said a social worker notified the Pages on Wednesday that Lexi had safely reached her Utah home, though “that’s all they’ve heard.”

When Lexi was 17 months old, authorities took her from her birth mother, who had substance abuse issues, and her biological father, who had an “extensive criminal history,” according to court records.

Her father, who is part Choctaw, belongs to a tribe, so her case fell under the Indian Child Welfare Act. Her father intended to be reunited with her.

“The tribe consented to the girl’s placement with a non-Indian foster family to facilitate efforts to reunify the girl with her father,” according to the court records.

By age 2, Lexi had been placed with the Pages.

Her father’s reunification attempt failed, and her foster family decided to adopt her, arguing that Lexi had lived with them since she was 2 and knows them as her family.

The courts decided that Lexi should go to live with her biological father’s relatives in Utah, Leslie Heimov with the Children’s Law Center of California told the Los Angeles Daily News.

“This has become a legal issue but it’s also a family reunification issue and a sibling issue,” said Heimov, whose center is representing the girl. “The law is very clear that siblings should be kept together whenever they can be and they should be placed together even if they were not initially together.”

Heimov told the Daily News that Lexi has one sister who lives with the relatives in Utah and another sister who will live nearby.

“She has a loving relationship with them,” she said. “They are not strangers in any way, shape or form.”

Even as Lexi continues to bounce back and forth through the legal system, Ralph Richard Banks, a professor at Stanford Law School, said she may be gone for good from California, telling the Associated Press that once a Native American child has been placed with a Native American family, it is unlikely that the child will be returned.

“It would be fairly extraordinary for an appeals court to reverse that,” Banks said.

Still, Lexi’s case has gained global attention.

An online petition intended to put pressure on state authorities has more than 100,000 signatures, and a GoFundMe page has raised nearly \$35,000 for the foster family.

The National Indian Child Welfare Association told the Los Angeles Daily News that it was disturbed by the recent negative media attention surrounding the “attempted reunification of a child with her family in Utah.”

“The foster family was well aware years ago this girl is an Indian child, whose case is subject to the requirements of the Indian Child Welfare Act (ICWA), and who has relatives who were willing to raise her if reunification with her father was unsuccessful,” the organization said in a statement. “In fact, the only surprising turn of events is the lengths the foster family has gone to, under the advice of an attorney with a long history of trying to overturn ICWA, to drag out litigation as long as possible, creating instability for the child in question.”