



# Fond du Lac Band of Lake Superior Chippewa Reservation Business Committee

Chairman Kevin R. Dupuis, Sr. Secretary/Treasurer Robert Abramowski  
District I Wally J. Dupuis District II Brad Blackletter District III Roger M. Smith, Sr.

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## RESOLUTION # 1020/23

### SUPPORTING AMENDMENTS TO THE MINNESOTA INDIAN FAMILY PRESERVATION ACT

- WHEREAS, the Fond du Lac Band of Lake Superior Chippewa are a sovereign people, who occupy the Fond du Lac Reservation and retain their aboriginal rights of self-government and self-determination pursuant to the Treaty of LaPointe of September 30, 1854, 10 Stat. 1109; the Indian Reorganization Act of 1934, 25 U.S.C. § 461 et seq.; the common law of the United States; and as recognized by the United Nations Declaration on the Rights of Indigenous Peoples of September 13, 2007; and
- WHEREAS, Congress enacted the Indian Child Welfare Act (“ICWA”) in 1978 to protect Indian culture and tribal integrity from the systematic removal of Indian children by public and private agencies; and
- WHEREAS, prior to the passage of ICWA, Indian children were placed in foster care and adoptive homes at a rate nineteen (19) times higher than non-Indian children, and in some states, eighty-five percent (85%) of all Indian children were placed in non-Indian homes; and
- WHEREAS, ICWA has been recognized as the gold standard for child welfare policy and practice and ICWA has helped tens of thousands of Indian children and families find fairness and healing in state child welfare systems; and
- WHEREAS, ICWA has protected Indian children by establishing minimum standards for child welfare proceedings involving Indian children, ensuring stability and security within Indian families, guaranteeing that tribal governments have a role in keeping Indian families together, and helping Indian children retain their cultural identity and heritage; and
- WHEREAS, the Minnesota Indian Family Preservation Act (“MIFPA”) was enacted by the Minnesota Legislature in 1985 and amended in 2015 and the purpose of MIFPA is to protect the long-term interests of Indian children, their families, and Indian tribes and to preserve Indian families and tribal identity; and
- WHEREAS, Minnesota is one of five states that has an Indian family preservation act in place and other states look to MIFPA as a model for the codification of ICWA into state statute; and

WHEREAS, preservation of ICWA and strengthening of MIFPA is of ongoing and critical importance for the Indian Tribes in Minnesota because in 2020, Indian children in our state were 16.4 percent (16.4%) more likely than white children to be placed-out-of-home; and

WHEREAS, since 2015, ICWA and the Department of the Interior rules implementing ICWA have been the subject of constant litigation challenging the constitutionality of ICWA; and

WHEREAS, on November 9, 2022, the Supreme Court of the United States heard oral arguments in *Brackeen v. Haaland* which involves constitutional challenges to ICWA on equal protection, anti-commandeering, and commerce clause grounds; and

WHEREAS, in response to nearly ten years of litigation and in an effort to further improve on the MIFPA, Tribal leaders in Minnesota tasked their attorneys with reviewing MIFPA and creating amendments that would codify ICWA and improve on its minimum requirements; and

WHEREAS, since 2018, a group of tribal attorneys, tribal staff, and ICWA allies (collectively referred to as the “MIFPA Workgroup”) have been drafting amendments to MIFPA; and

WHEREAS, the MIFPA Workgroup engaged with various stakeholders during the drafting process including but not limited to the Minnesota Department of Human Services, the Minnesota Association of County Social Service Administrators, the Minnesota County Attorneys Association, the Association of County Attorneys, and the Association of Minnesota Counties; and

WHEREAS, the MIFPA Workgroup recently finalized language that would amend MIFPA to ensure that MIFPA represents a stand-alone state statute and to ensure that existing protections of ICWA are incorporated in state law and to provide more clarity for everyone working in state proceedings involving Indian children.

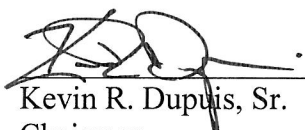
NOW THEREFORE BE IT RESOLVED, that the Reservation Business Committee of the Fond du Lac Band of Lake Superior Chippewa supports amending MIFPA to incorporate the language drafted by the MIFPA Workgroup; and

BE IT FURTHER RESOLVED, that the Fond du Lac Band of Lake Superior Chippewa strongly urges the Minnesota Legislature to move swiftly on the language created by the MIFPA Workgroup to amend MIFPA to ensure that MIFPA is recognized as a stand-alone state statute, to further codify ICWA’s protections into state law, and to provide more clarity to everyone working in state court proceedings that involve Indian; and

BE IT FURTHER AND FINALLY RESOLVED, that the Fond du Lac Band of Lake Superior Chippewa strongly urges Governor Walz to support this critically important effort.

**CERTIFICATION**

We do hereby certify that the foregoing Resolution was duly presented and acted upon by vote of 4 for, 0 against, 0 silent, with a quorum of 5 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on January 25<sup>th</sup>, 2023 on the Fond du Lac Reservation.



Kevin R. Dupuis, Sr.  
Chairman



Robert Abramowski  
Secretary-Treasurer