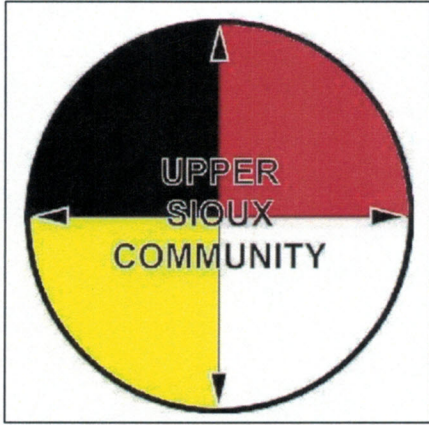


Approved



33

BOARD OF TRUSTEES

TRIBAL CHAIRMAN – KEVIN JENSVOLD
TRIBAL VICE CHAIR – CARALYN TRUTNA
TRIBAL SECRETARY – ADAM SAVARIEGO
TRIBAL TREASURER – CAMILLE TANHOFF
MEMBER AT LARGE – JEREMY HAMILTON
POST OFFICE BOX 147
5722 TRAVERS LANE
GRANITE FALLS, MN 56241
320.564.3853
320.564.4482 - FAX

Board of Trustees Action Form

DATE: 1/25/23 Submitted By: BOT

SUPERVISOR APPROVAL: _____

BOARD CONSENSUS OR APPROVAL FOR:

USC Resolution 008-FY2023 (Supporting Amendments to the Minnesota Indian Family Preservation Act)

Expense Amount:\$ _____ BOT Expense:\$ _____ Department Expense:\$ _____

CONTRACTOR/CONSULTANT: _____

PROGRAM: _____

APPROVED BY: AKI [signature]
(Please note if approval has been given by phone and initial)

DISAPPROVED BY: _____
(Please note if approval has been given by phone and initial)

NOTED IN BOARD OF TRUSTEES MEETING ON: _____
(Original must go to Executive Office Manager)

CC: -Leif



BOARD OF TRUSTEES

TRIBAL CHAIRMAN - KEVIN L. JENSVOLD
TRIBAL VICE CHAIRMAN – CARALYN TRUTNA
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320.564.3853
320.564.4482 – FAX
WWW.UPPERSIOUXCOMMUNITY-NSN.GOV

Upper Sioux Community Resolution No.008FY-2023 (Supporting Amendments to the Minnesota Indian Family Preservation Act)

- WHEREAS,** the Upper Sioux Community – Pezihutazizi Oyate is a federally recognized Indian Nation bordering the counties of Yellow Medicine and Chippewa of the state of Minnesota, possessing the powers of self-government and self-determination and asserting its Sovereignty by the Constitution of the Upper Sioux Community; and
- WHEREAS,** the Upper Sioux Community is governed by the Board of Trustees of the Upper Sioux Community which is empowered by the Tribal Constitution to act on behalf and in the best interests of the members of the Upper Sioux Community; 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 Board of Trustees of the Upper Sioux Community supports amending MIFPA to incorporate the language drafted by the MIFPA Workgroup; and

BE IT FURTHER RESOLVED, that the Upper Sioux Community 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

THEREFORE BE IT RESOLVED, that the Upper Sioux Community Board of Trustees strongly urges Governor Walz to support this critically important effort.

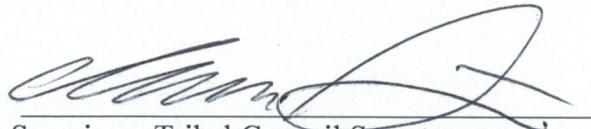
CERTIFICATION

We, the undersigned officers of the tribal council known as the Board of Trustees, do hereby certify that the foregoing Governing Resolution entitled **Upper Sioux Community Resolution No. 008-FY2023** was duly adopted and approved by the Tribal Council on January 25th, 2023 by a vote of 5 For, 0 Against, 1 Abstentions and 1 Absent and Excused.



Kevin Jensvold, Tribal Chairman

Attest:



Adam Savariego, Tribal Council Secretary