



Bois Forte



Fond Du Lac



Grand Portage



Leech Lake



Lower Sioux



Mille Lacs



Prairie Island



Red Lake



Shakopee



Upper Sioux



White Earth



Duluth

American Indian Child Welfare Advisory Council

January 22, 2024

Dear Senator Kunesh and Representative Kozlowski,

The American Indian Child Welfare Advisory Council supports the bill you are sponsoring. The federal Indian Child Welfare Act (ICWA) was enacted in 1978 to protect Indian children, their families and their Tribes by ensuring that minimal federal standards for the removal of Indian children were required across all fifty states. Minnesota strengthened ICWA in 1985 by enacting the Minnesota Indian Family Preservation Act (MIFPA) and further strengthened it in 2015. Last year, under threat of a pending US Supreme Court decision, the Minnesota legislature passed amendments to MIFPA that ensured all of the protections of ICWA would remain in Minnesota. We thank you and the Minnesota legislature for your leadership ensuring those protections. Your responsiveness to the wishes of the Tribes, and the testimony of Tribal leaders and Indian people set an excellent example for the nation.

During the testimony it became clear that while ensuring the current protections was extremely important it was not enough to make the improvements necessary to truly see change and to reduce the causes of out of home placement of Indian children. Many practice improvements are necessary and this work will be ongoing now and into the future.

This year, the bill you authored improves practice in a manner that ensures greater protection for Indian children, their families and Tribes in the following ways. This legislation provides many practice improvements including:

- 1) inserts language into several areas of law where ICWA and MIFPA apply but are often overlooked,
- 2) provides a mechanism for appointment of counsel to parents, Indian custodians, and Indian children in areas of law where counsel is not already provided for them,
- 3) clarifies notice provisions and improves access for Tribes to ensure Tribes are able to provide input to the petitioners and the courts about what is truly in the best input of Indian children,
- 4) expands permanency timelines from 12 to 15 months and allows for extensions of those timelines under limited circumstances to ensure that Indian children are safe when returned to their parents or Indian custodians,
- 5) allows courts to award costs and sanctions where appropriate when the court has invalidated proceedings based on violation of the law.

Pilámaya, Miigwech, Thank you.

Lisa Tittle, Co-Chair
Shakopee Medwakanton Sioux Community

Laurie York, Co-Chair
White Earth Nation