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March 6, 2024

The Honorable Melissa H. Wiklund Minnesota Senate Chairperson Health and Human Services Committee 2107 Minnesota Senate Building St. Paul, MN 55155

RE: Minnesota Indian Family Preservation Act Modification (SF 4480)

Chair Sen, Wiklund and Members of the Health and Human Services Committee:

I write separately from the general letter of support offered by the Institute to Transform Child Protection to address one point of concern raised by the Minnesota County Attorneys Association.

This concern was raised:

"The Appointment of parents' attorneys from Office of Appellate Counsel and Training would require that the Office would represent low-income parents of Indian children in child custody proceedings outside of child protection, such as minor guardianship cases. MCAA is concerned that this newly-created office would not have enough attorneys to handle these cases thoroughly and that the Office's attorneys would not have any ICWA or MIFPA training. This proposal would be difficult to implement and could leave Indian Children's Parents without skilled representation."

I worked with Representative Becker-Finn on the legislation that created this new state agency – the Office of Appellate Counsel and Training. The premise of that new office is that it will recruit and hire contract attorneys across the state to provide legal representation on appeals and potentially other types of cases, should other types of cases be added to the scope of the office's representation. It will also be charged with training attorneys across the state who handle parent representation. This training requirement could also be expanded to include other types of cases should there be a need for that. I believe that it is well within the capacity of this new office to recruit and train attorneys to handle the types of cases contemplated in SF 4480. However, there will be an additional cost to do this.

There certainly will be logistical and implementation questions for the Judicial branch and counties and tribes to explore in the appointment process on these cases. But having lawyers on the cases originate in the Office of Appellate Counsel and Training makes a lot of sense. This office is

focused on representation of parents in child welfare cases – and in many instances the same parents may be implicated in third party custody or other types of family law matters contemplated in SF4480. There are attorneys in Minnesota well-suited to handle these cases who have knowledge and expertise (some who already represent parents in ICWA cases and some who are experts in family law). Allowing the Office of Appellate Counsel and Training to contract with those attorneys to provide legal representation to comply with SF4480 is likely the most viable way to provide this legal need in Minnesota at the present time.

Sincerely,

Joanna Woolman

Professor of Law, Executive Director

Institute to Transform Child Protection Mitchell Hamline School of Law Child Protection Clinic