



Lower Sioux Indian Community in the State of Minnesota

P.O. Box 308 • 39527 Reservation Highway 1

Morton, MN 56270

Cansayapi Otunwe

LOWER SIOUX INDIAN COMMUNITY RESOLUTION NO. 24-45

SUPPORTING AMENDMENTS TO THE MINNESOTA INDIAN FAMILY PRESERVATION ACT

WHEREAS, the Lower Sioux Indian Community in Minnesota Community Council (“Community Council”) is the governing body of Lower Sioux Indian Community in Minnesota (“Community”), a federally recognized, self-governing Indian tribe; and

WHEREAS, pursuant to Article IV, Section 1 of the Community’s Constitution, the Community Council is the governing body of the Lower Sioux Indian Community; and

WHEREAS, the Community Council has the power and responsibility under the Community’s Constitution, along with the inherent powers of self-government, to manage the affairs of the Community and to promote the self-sufficiency, health and welfare of the Community and its members; 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 (85%) of all Indian children were placed in non-Indian homes; and

WHEREAS, ICWA has been recognized as the gold standard in 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, 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, in response to nearly ten years of litigation and in an effort to further improve on 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, 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; and

WHEREAS, the MIFPA Workgroup engaged with various stakeholders including, but not limited to, the Minnesota Department of Human Services, 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 again amend MIFPA, specifically to further compliance in areas of the law outside of child protection, to clarify and deconflict statutory language, to strengthen existing provision, to clarify the role of foster parents in MIFPA proceedings, and to provide remedies and consequences in cases which invalidation occurs.

NOW THEREFORE BE IT RESOLVED, the Community Council hereby supports amending MIFPA to incorporate language drafted by the MIFPA Workgroup.

BE IT FURTHER RESOLVED, the Community Council strongly urges the Minnesota Legislature to move swiftly on the language created by the MIFPA Workgroup to amend MIFPA to ensure that MIFPA is strengthened and better serves the needs of Indian children and families.

BE IT FINALLY RESOLVED, the Community Council strongly urges Governor Walz to support this critically important effort.

CERTIFICATION

We certify that Resolution No. 24 - 45 was duly adopted by the Community Council of the Lower Sioux Indian Community in the State of Minnesota at a meeting held on the 4 day of March, 2024, a quorum being present by a vote of 2 in favor, 0 opposed, and 0 abstaining.

Robert L. Larsen, President

Robert Prescott

Robert Prescott, Vice President

Kristi Schoen, Treasurer

Joseph O'Brien

Joseph O'Brien, Secretary

Tyler Prescott

Tyler Prescott, Assistant Secretary-Treasurer

