



Leech Lake Band of Ojibwe
Tribal Council
Agenda Item Request

PLEASE SUBMIT
AN ORIGINAL PLUS 8 COPIES
OF YOUR ATTACHMENT AND A LEGAL REVIEW FORM

Date Received _____

Due Date: 2-2-2024

Program: Judicial

Division: _____

Who will be presenting this Request? Name: Rebecca McConkey - Greene Phone: 218-606-2226

Division Director Signature: [Signature]

In the event that the Division Director is unable to attend, must send a delegate to the meeting.

Subject: Minnesota Indian Family Preservation Act Changes 2024

Executive Summary:

Requesting resolution supporting amendments to Minnesota Indian Family Preservation Act and other laws ICWA applies to.

Type of Action: ☒ Resolution ☐ New ☐ Renewal
☐ Informal (Briefing) ☐ (TC Meeting)
☐ Approval
☐ No Action Necessary
☐ Other (please explain): _____

Legal Review (if applicable): submitted

Grant Approval – Are RTC Matching Funds required? ☐ Yes ☒ No

Accounting Signature (required on Budget items): _____

Executive Director Signature: _____

Council Action: _____

After Tribal Council Meeting, documents were forward to:

Sent to: _____

Date Sent: _____

Sent to: _____

Date Sent: _____



LEECH LAKE BAND OF OJIBWE Legal Department

Christopher Murray, Legal Director Sarah Stahelin, Tribal Attorney
Gloria Wilson, Legal Secretary Ralph Overholt, Tribal Attorney
Shea Fleming, Paralegal John Herrera, Tribal Attorney
Dee Fairbanks, Paralegal Benjamin Swankier, Tribal Attorney
Cassandra Johnson, Legal Administrator

Document Review Request Form

TO BE COMPLETED BY THE REQUESTING DIVISION

Document Title: Bill to improve ICWA and MIFPA and Resolution in support

Description of Services:

Please review the attached bill and resolution for the RBC meeting on Tuesday, Feb 6th. I have also included a power point.

Requesting Division/Department: Judicial

Contact Information: Rebecca McConkey-Greene Number: (218) 606-2226
(Name and Title) (Preferred contact number)

E-mail Address: rebecca.greene@llojbiwe.net Please Review by: 2/2/24 (Insert Date)

For Resolutions only: I certify that this Resolution complies with the May 15, 2014 Resolution

Formatting Guidelines. Signature: Rebecca J. McConkey-Greene

LEGAL DEPARTMENT USE ONLY

Legal Office Received On: _____ Received By: _____
(mm/dd/yy) (Name of Legal Staff Member)

Document Released by: _____ Date: _____
(Signature of Designated Person releasing signed documents for requesting Division/Department)

LEGAL REVIEW FINDINGS

Reviewed by: _____ APPROVED: _____ (Y/N)
(Signature of Legal Staff and Title)

Additional steps required: _____

Notes: _____



LEECH LAKE RESERVATION BUSINESS COMMITTEE

RESOLUTION NO. 2024 –43

RESOLUTION IN SUPPORT OF PROPOSED 2024 AMENDMENTS TO THE MINNESOTA INDIAN FAMILY PRESERVATION ACT

- WHEREAS,** The Leech Lake Band of Ojibwe ("Band") is a Federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, and operating under the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe; and
- WHEREAS,** Pursuant to its inherent sovereign authority and its By-Laws, the Band's Reservation Business Committee ("RBC"), made up of duly elected representatives, is the governing body of the Band, having all the legislative powers and responsibilities of the tribal government; and
- WHEREAS,** The RBC is charged with the responsibility of protecting and advocating for the health and welfare of Leech Lake Band members within the exterior boundaries of the Leech Lake Indian Reservation; and
- WHEREAS,** The RBC finds that the Band's children are treasured resources and are vital to the ongoing welfare and prosperity of the Leech Lake Band of Ojibwe for future generations, the State of Minnesota has historically failed to safeguard the Band's children in Minnesota courts and historically facilitated the removal and adoption of the Band's children to non-Indian families without maintaining connections to the children's family, nor the Band's, culture and traditions; and,
- WHEREAS,** The RBC previously supported, in 2023, Minnesota legislation amending the Minnesota Indian Family Preservation Act to include all of the federal Indian Child Welfare Act expressly stated in Minnesota law to strengthen protections for Indian children and their families who are subject to Minnesota state court proceedings; and,
- WHEREAS,** Legislative testimony from RBC members, other elected Tribal leaders, and Tribal members with lived experience of losing children through Minnesota State Court proceedings during the 2023 legislative session identified a need for additional amendments necessary to improve practice in Minnesota Courts on Indian child custody issues; and,

RESOLUTION IN SUPPORT OF PROPOSED 2024 AMENDMENTS TO
THE MINNESOTA INDIAN FAMILY PRESERVATION ACT
RESOLUTION NO. 2024 – 43

WHEREAS, Band representatives participated in a 187-member working group comprised of representatives from the Tribes in Minnesota, County Attorneys, County Social Service Directors, County Board members, organizations serving Indian people, Domestic Violence Advocates, and family law and probate attorneys throughout the State of Minnesota who met to draft changes to facilitate compliance in areas of law besides child protection, clarify language, strengthen existing provisions, decrease unnecessary litigation with foster parents, and provide consequences for invalidation of proceedings; and,

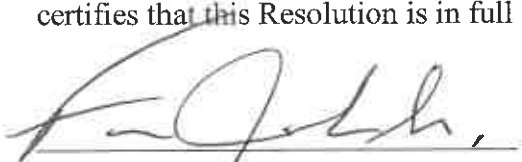
WHEREAS, The purpose of this Resolution is to identify the Band's support for further amendments to Minnesota law to ensure the protection of Indian children and their families from unnecessary interference by the State of Minnesota and agents authorized thereby.


NOW THEREFORE BE IT RESOLVED, That the Leech Lake RBC, at a duly called meeting with a quorum present, does hereby support amendments to Minnesota Statutes 2022 and 2023 Supplement sections 260, 260C, 260D, 260E, 259, and 524, as attached hereto as Exhibit A, and urges the Minnesota Legislature to adopt these proposed amendments.

BE IT FINALLY RESOLVED, That this Resolution is effective immediately.

CERTIFICATION

WE DO HEREBY CERTIFY that the foregoing Resolution was duly presented and acted on by a vote of _____ for, _____ against and _____ silent at a Special Meeting of the Leech Lake Reservation Business Committee, a quorum being present, held on February 8, 2024 at Cass Lake, Minnesota. Accordingly, this Resolution is duly adopted by the Reservation Business Committee for the Leech Lake Band of Ojibwe, and the Reservation Business Committee further certifies that this Resolution is in full force and has not been amended or rescinded in any way.


Faron Jackson Sr., Chairman
Leech Lake Band of Ojibwe


Leonard Fineday, Secretary/Treasurer
Leech Lake Band of Ojibwe



LEECH LAKE BAND OF OJIBWE

Legislative Issues

1. Program Issue

Revisions to Minnesota Indian Family Preservation Act and other areas of law impacted by ICWA

2. Summary of Issue

In 2023 the LLBO RBC supported legislation amending the Minnesota Indian Family Preservation Act to ensure that all of the protections of the Indian Child Welfare Act were expressly stated in Minnesota State Law. At the time there was recognition that additional changes would be necessary to strengthen the law. For the 2024 Minnesota Legislation session, the following changes are proposed:

- 1) ICWA and MIFPA apply to more than child protection proceedings under Minn. Stat. 260C. Language is proposed for Section 257C, 259, 260D, 260e and 524 to reference ICWA and MIFPA and to clarify that provisions of the chapters only apply when not in conflict with ICWA and MIFPA.
- 2) Extended reunification timelines in 260C.
- 3) Address litigation against parents by foster families by prohibiting intervention and limited definitions of who is a relative or extended family member of the Indian child.
- 4) Clarified notice provisions
- 5) Allows courts to award sanctions where appropriate when proceedings are invalidated.
- 6) Ensures appointment of counsel for parents, Indian custodians and children with financial need for non-child protection MIFPA proceedings.

3. Recommendation

Please provide a resolution in support, provide testimony if needed, and assist with lobbying