

## RESOLUTION 54-24

- WHEREAS,** the Minnesota Chippewa Tribal Executive Committee is the duly elected governing body of the Minnesota Chippewa Tribe, comprised of six member reservations (Bois Forte, Fond du Lac, Grand Portage, Leech Lake, Mille Lacs, and White Earth); and
- WHEREAS,** the Tribal Executive Committee is comprised of the Chairpersons and Secretary/Treasurers of the six Bands; 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 2023 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,** 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 times more likely than white children to be placed-out-of-home; 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 2023 legislative session 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's language was incorporated into law during the 2023 Legislative Session but a variety of topics were left unaddressed; and


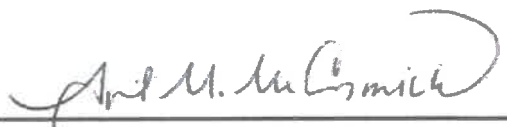
**WHEREAS,** the MIFPA Workgroup recently finalized language additional language that would amend MIFPA to further ensure that MIFPA represents a stand-alone state statute and to ensure that existing protections of ICWA are incorporated in state law and to provide more clarity for everyone working in state proceedings involving Indian children.

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Executive Committee of the Minnesota Chippewa Tribe supports amending MIFPA to incorporate the language drafted by the MIFPA Workgroup during the 2024 Legislative Session; and

**BE IT FURTHER RESOLVED,** that the Minnesota Chippewa Tribe 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

**BE IT FURTHER AND FINALLY RESOLVED,** that the that the Minnesota Chippewa Tribe strongly urges Governor Walz to support this critically important effort.

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 11 For, 0 Against, 0 Silent, at a Regular Meeting of the Minnesota Chippewa Tribal Executive Committee, a quorum present, held on January 11, 2024, at Carlton, Minnesota.

	
<b>Catherine J. Chavers, President</b>	<b>April McCormick, Secretary</b>
<b>THE MINNESOTA CHIPPEWA TRIBE</b>	<b>THE MINNESOTA CHIPPEWA TRIBE</b>