



# MILLE LACS BAND OF OJIBWE

*Executive Branch of Tribal Government*

March 18, 2024

The Honorable Mary K. Kunesh  
95 University Ave W.  
3209 Minnesota Senate Building  
St. Paul, MN 55155

The Honorable Jamie Becker-Finn  
559 State Office Building  
St. Paul, MN 55155

RE: Minnesota Indian Family Preservation Act ("MIFPA") SF 4480 and HF 4838

Dear Senator Kunesh and Representative Becker-Finn:

First, thank you for your constant and continued support of legislation that advances the rights, interests and goals of tribal governments in Minnesota. You are both aware that 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, which resulted in Indian children being placed in foster care and adoptive homes at a rate nineteen (19) times higher than non-Indian children. In some states, eighty-five percent (85%) of all Indian children were placed in non-Indian homes.

ICWA applies to all types of proceedings which may result in an Indian child being removed from the child's parent or Indian custodian, except for custody actions between the parents or criminal/delinquency actions that are not status offenses. ICWA has long been recognized as the gold standard for child welfare policy and practice and has helped tens of thousands of Indian children and families find fairness and healing in state child welfare systems by establishing minimum standards for proceedings involving Indian children, including 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.

The Minnesota Legislature strengthened the ICWA protections for Indian families and Tribes by enacting the Minnesota Indian Family Preservation Act ("MIFPA") in 1985 and adding amendments in 2015. 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.

Preservation of ICWA and strengthening of MIFPA is of ongoing and critical importance for the Indian Tribes in Minnesota because out of home placement numbers remain high. 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 since 2015, ICWA and the Department of the Interior rules implementing ICWA have been the subject of constant litigation challenging the constitutionality of ICWA.

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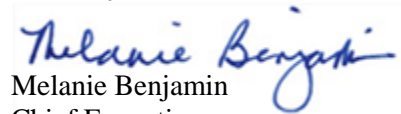
A group of tribal attorneys, tribal staff, and ICWA allies (collectively referred to as the “Tribal MIFPA Workgroup”) drafted amendments to MIFPA which resulted in language that was incorporated into law in 2023; those amendments assure that ICWA protections will remain in the state of Minnesota, regardless of what happens at the federal level.

Unfortunately, a variety of topics were left unaddressed in 2023. You have both been champions for causes involving our children. We respectfully request that you support the additional amendments recommended by the Tribal MIFPA Workgroup in 2024 (SF 4480, HF 4838), including:

- Language clarifying where ICWA and MIFPA apply;
- A mechanism to appoint counsel to parents, Indian custodians, and Indian children where counsel is not currently provided for them;
- Language to clarify notice provisions and improve access for Tribes to ensure that they are able to provide input to petitioners and the courts regarding best interests of Indian children;
- Expansion of permanency timelines from twelve to fifteen months, and further allowing for extensions of those timelines under limited circumstances to ensure that Indian children are safe when returned to their parents or Indian custodians;
- The ability of courts to award costs and sanctions where appropriate when the court has invalidated proceedings based on violation of the law.

On behalf of the Mille Lacs Band of Ojibwe, I respectfully request that you support the respective companion legislation pending in the House and Senate chambers (SF 4480 and HF 4838) during the current legislative session. As always, thank you so much for all that you do for Indian country, and please let me know if you have any concerns or questions about this request.

Sincerely,



Melanie Benjamin  
Chief Executive