



# Shakopee Mdewakanton Sioux Community

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April 12, 2024

Senator Mary Kunesch  
95 University Ave. W  
MN Senate Building, Room 3209  
Saint Paul, MN 55155

Representative Jamie Becker-Finn  
100 Rev. Dr. Martin Luther King, Jr. Blvd.  
559 State Office Building  
Saint Paul, MN 55155

***Re: Minnesota Indian Family Preservation Act***

Senator Kunesch and Representative Becker-Finn:

On behalf of the Shakopee Mdewakanton Sioux Community, we write in support of SF4480/HF4838 (Kunesch/Becker-Finn), modifying the Minnesota Indian Family Preservation Act (MIFPA).

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. ICWA sets federal requirements that apply to state child custody proceedings involving an Indian child who is a member of or eligible for membership in a federally recognized tribe.

The Minnesota Indian Family Preservation Act (MIFPA) was enacted by the Minnesota Legislature in 1985, amended in 2015 and 2023, to strengthen and enhance the protections of ICWA for Indian children and their families in Minnesota state court proceedings. Alongside other Tribal leaders and legislators, the SMSC Business Council supported legislation passed last year that protected MIFPA from potential federal court action and expressly added federal ICWA provisions into Minnesota law.

Unfortunately, our work cannot stop there. Since 2018, a group of tribal attorneys, tribal staff, and ICWA allies (collectively referred to as the "MIFPA Workgroup") have been examining ways to clarify statutes with the goals of ensuring active tribal participation, reorganizing language on active efforts for clarity, aligning permanency timelines for consistency with federal Adoption and Safe Families Act (ASFA), and making changes to increase state agency and court compliance with ICWA and MIFPA. We are grateful that the work of this group has continued beyond the passage of the 2023 legislation, because we know that more work is needed to support our Indian children.

According to the National Indian Child Welfare Association, there is limited research available on ICWA compliance and without federal oversight, state agencies and courts must interpret ICWA provisions and definitions themselves. For that reason, there is a varying degree of compliance

with ICWA by different states. This is why we encourage you and your colleagues to continue examining ICWA policies this session (and in future sessions) as experience and practice evolves.

Thank you for championing this legislation. As it moves through the legislative process, please share this letter of support and encouragement with your colleagues as a demonstration of the Shakopee Mdewakanton Sioux Community leadership's support for SF4480/HF4838, which promotes the health and safety of our Indian children in ways that produce better outcomes for our families and communities.

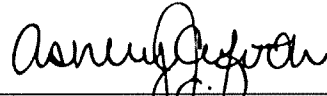
Sincerely,



Cole W. Miller  
Chairman



Natasha K. Hacker  
Vice-Chairwoman



Ashley J. Cornforth  
Secretary/Treasurer