

My Son Is Home With Me and His Family Because of ICWA and MIFPA

My name is Samantha Gorman. I am an enrolled member of the Leech Lake Band of Ojibwe (LLBO). I am also a mother. I am writing in support of the Minnesota State Legislature strengthening the Minnesota Indian Family Preservation Act (MIFPA) -- (HF 1071 and SF 667).

If not for MIFPA/ICWA, I would have lost my son. My son was diagnosed with intellectual disabilities at a young age and later on, Autism. He went through most of his childhood never receiving the services that he needed. I went to the County for help, but was only offered children's mental health services. When it came to the point of not being able to bring my son home due to his behaviors and the safety of our family, rather than working with us to keep my son in our home, the County opened up a CHIPS (Child In Need of Protective Services) case. The County ignored the fact that I was an enrolled member of the LLBO. The County did not notify the tribe of his removal. The County left my child in the hospital for nearly three weeks before placing him in a behavioral group home that was nearly two hours away from his family.

My first attorney did not understand ICWA and advised me to admit to neglect since I did not have the resources to bring my son home. The County repeatedly failed to provide Active Efforts. We were told repeatedly that there were not any services they could offer so that my son could return home. My attorney removed herself from my case once I contacted Jill Esch, the Ombudsperson for American Indian Families.

I then obtained a new attorney who was ready and willing to learn more about ICWA/MIFPA. Jill provided my attorney and I with information and resources. Shortly afterwards, I was fortunate enough to get an advocate from the Multicultural Autism Action Network. My advocate was extremely helpful because she helped me to have more of a voice in all interactions with the social worker and the guardian ad litem, as well as being heard in the courtroom. Before I was connected with my advocate, I knew what was happening was not right, but I was unable to do anything about it on my own.

After my continued insistence and advocacy that my son be provided with the services that I believed he needed, services that I believed would help him, I was removed from his care team and my voice was no longer heard. This was another Active Efforts violation by the County. I had to push to get an ICWA GAL and when I did get one, my case began moving in the right direction. It was obvious that I had not neglected or abused my son, yet I had supervised visits for nearly two years. My son needed mental health services, yet his care team was against it and wanted to continue outsourcing his care to a behavioral expert. Jill Esch helped locate an elder from LLBO and we were able to have a Talking Circle conducted. The County and attorneys agreed to close my case 10 days after the Talking Circle took place.

This is why it is important for this Legislative Body to codify ICWA into MIFPA — to strengthen MIFPA so that it is its own stand-alone law. We don't know what the US Supreme Court will do with the case before them. We need to act NOW for the future of all our families and children. Please support the legislation to strengthen MIFPA. My son is home with me and his family because of ICWA and MIFPA. Thank you.

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