

HENNEPIN COUNTY

ATTORNEY'S OFFICE

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Representative Jamie Becker-Finn
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Representative Dave Pinto
503 State Office Building
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Chair Becker-Finn, Chair Pinto, and Committee Members:

Thank you for allowing me the opportunity to express my support for HF1071/SF667, which would enshrine in Minnesota law a number of safeguards for Native American families in child protection proceedings. Those safeguards, many of which are currently a part of a federal law known as the Indian Child Welfare Act (ICWA), are under threat as the United States Supreme Court considers the *Brackeen v. Haaland* case. I would like to thank Rep. Keeler and Sen. Kunesh for their leadership in championing this legislation, which will center the interests and needs of Native American Tribes even if the Supreme Court strikes ICWA down under the Anti-Commandeering or Commerce Clauses of the United States Constitution.

Congress enacted ICWA in 1978 to preserve Native American families as a means of recognizing Tribal sovereignty. Prior to its enactment, Native American children were being removed from their families by social service agencies at an alarming rate; it is estimated that more than one third of Indian children were removed from their family during this period. It goes without saying that this practice was based in, at best, a lack of cultural understanding of Tribal practices, and at worst, outright racism and white supremacy. The removal of children during this period was only the most recent policy in a long history of policies by the United States government intended to eliminate the existence of indigenous populations.

The protections Native American families have received for nearly 50 years, which are based on principles of Tribal sovereignty rather than race, are once again being threatened as the United States Supreme Court is being asked to overturn ICWA. I want to recognize the outstanding work done by Minnesota's Tribes, who have led this effort to codify protections into Minnesota law from the moment that ICWA came under threat. We should listen to Tribal nations when they are asking for state help in supporting their sovereignty.

It is the goal of the Hennepin County Attorney's Office to respect Tribal decision-making when it comes to their children. It is our job to assist social services agencies in preserving Native American families and prevent the removal of children from their parents' care. Removing Native American children from their families and their cultural connection continues to happen at highly disproportionate rates, causing deep, long-lasting harm. I support this legislation because I support keeping Native American children in their family units, and because I am committed to supporting Tribal sovereignty.

When children are removed from their parents, we must ensure that the families receive active efforts from the agencies to the family. Partnership with Tribes is the cornerstone of our child protection work, and I look forward to working with them to implement the new provisions of MIFPA when it is signed into law.

Thank you again for allowing me to express my support for this important legislation.

Sincerely,

Mary F. Moriarty
Hennepin County Attorney