

Board Members

Crysta Parkin, Chair
Angela Lallemond
Emelie Rivera
Timothy Zuel
Ruby Tolbert



Program Administrator

Tami Baker-Olson
25 Rev. Dr. Martin Luther King Jr. Blvd.
Suite G-27
St Paul, MN 55155
651-215-9467 office
Tami.BakerOlson@courts.state.mn.us

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The Honorable Jamie Becker-Finn
Minnesota House of Representatives

The Honorable Dave Pinto
Minnesota House of Representatives

RE: Minnesota Indian Family Preservation Act (HF 1071 / SF 677)

Dear Chairs and Committee Members:

On behalf of the Minnesota State Guardian ad Litem Board, I submit this letter in support HF 1071 and SF 677 amending the Minnesota Indian Family Preservation Act.

Guardians ad Litem are appointed by the court to advocate for the best interests of children involved in juvenile and family court proceedings, primarily those proceedings involving allegations of abuse or neglect. American Indian children have historically experienced, and continue to experience, disproportionate and disparate involvement and outcomes in these proceedings.

In 1978, Congress enacted the Indian Child Welfare Act ("ICWA") to protect the rights of American Indian and Alaska Native children, families and tribes involved in child welfare type proceedings. Prior to the passage of ICWA, 25% to 35% of American Indian children were permanently removed from their homes by state and private agencies and placed outside of their families and communities. These removals and separations were devastating and resulted in significant trauma including loss of family relationships, language, culture and identity for generations of American Indian children.

In 1985, Minnesota enacted the Minnesota Indian Family Preservation Act ("MIFPA") to codify Minnesota specific practices and to strengthen certain requirements and protections of ICWA. Amendments were made in 2015. MIFPA, however, is a supplemental law that refers to and relies upon ICWA. MIFPA is not a stand-alone statute. The amendments proposed by HF 1071 / SF 677 primarily codify existing federal law into state law ensuring that the vital protections of ICWA are available to Indian children within Minnesota.

Preservation of ICWA and strengthening of MIFPA is of critical importance to Indian children, their families and tribes as removals, separations and out-of-home placement numbers remain high. Additionally, the Supreme Court of the United States recently heard oral arguments in the case of *Brackeen v. Haaland* wherein ICWA was challenged on various grounds, including grounds that ICWA impermissibly commandeers states to take certain actions.

The Minnesota Guardian ad Litem Board urges passage of HF 1071 / SF 677. This bill changes little if any current practice in Minnesota, and ensures continued protections for American Indian children while acknowledging and respecting tribal sovereignty and the rights of Indian children to maintain their relationships with their families and tribal nations.

Sincerely,

Crysta Parkin, GALB Chair