



Institute to  
**Transform**  
**Child Protection**

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Chair Dave Pinto  
503 State Office Building  
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Chair Jamie Becker-Finn  
559 State Office Building  
Saint Paul, MN 55155

RE: Minnesota Indian Family Preservation Act (H.F.1071/S.F.677)

Chair Pinto and Members of the Children and Families Finance and Policy Committee, and  
Chair Becker-Finn and Members of the Judiciary Finance and Civil Law Committee:

On behalf of the Mitchell Hamline School of Law Institute to Transform Child Protection, we write in support of H.F.1071. The Indian Child Welfare Act (ICWA) is a federal law which was enacted in 1978. ICWA was created in response to the staggering and disproportionate amount of Native American and Alaska Native children who were being removed and separated from their families through the child welfare system. Prior to the enactment of ICWA, studies revealed approximately 25-35% of all Native American children were removed from their homes by social services, and of that group, 85% were placed outside their families and communities, even when fit and willing relatives were available. ICWA was a necessary response to this nationwide crisis to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families.

The Minnesota Indian Family Preservation Act, known as MIFPA, was enacted into Minnesota law in 1985. MIFPA carries out several vital requirements of ICWA within the state of Minnesota. MIFPA strengthens and expands ICWA requirements, emphasizes the state's interest in promoting and preserving the tribal identity of Native American children, and recognizes tribal communities as the appropriate governments that county social service agencies should take direction from regarding the best interest of Native American children.

MIFPA is currently supplemental to the federal requirements set out by ICWA because not all areas of ICWA are mentioned or addressed specifically in MIFPA. The amendments offered by H.F.1071 are vital in strengthening the integrity of MIFPA as these changes ensure that all provisions of ICWA are expressly stated in Minnesota law. Additionally, the Supreme Court of the United States heard the case *Brakeen v. Haaland* in Fall 2022 which challenges the constitutionality of ICWA. It is imperative that in the wake of the unknown future of ICWA,

Minnesota must remain grounded in our support of tribal sovereignty and continued protections for Native children and their families.

We ask that members of the committee vote in favor of H.F.1071.

Sincerely,

Madison Brunk  
Institute to Transform Child Protection  
Mitchell Hamline School of Law Child Protection Clinic