

If Not for ICWA and MIFPA, I Would Have Lost My Grandson

My name is Claudia Herrera.

I am an enrolled member of the Bad River Band of Lake Superior Chippewa.

I am also a grandmother.

I am writing in support of the Minnesota State Legislature strengthening the Minnesota Indian Family Preservation Act.(HF 1071 and SF 667).

While I listened to the earlier presentation of one of the tribal elders, Ms Gertrude Buckanaga, as she spoke of the importance of ICWA and MIFPA to preserving American Indian families, she shared her story of separation from her parents at a very young age. I was reminded of my own father who, as a young boy, back around 1918, along with his siblings were taken from my grandmother and put in boarding school. He never talked about this -- but I saw the pain and destruction this caused in his family. I also believe this greatly contributed to his alcohol abuse. He blamed his mother for leaving him and felt she did not care about him.

When I was a young girl, a woman came to our house wanting to interview my father to tell his story on his experiences at the boarding school. She was writing a book. He was a gentle, polite man but this upset him greatly and he refused to talk to her or acknowledge her and he just walked away. He looked sad and angry. I decided then I was going to work to get back what was taken from him and I was going to learn all I could of the Anishinaabe culture and traditions.

As I got older I learned and honored all the knowledge I could get. I learned a lot through my social work education about ICWA and MIFPA. These things I wish I had known more about while raising my own children as two of my boys were taken from me and placed in foster homes at young ages. The small town we lived in they did not like my husband because he was American Indian. This contributed greatly to my children's struggles.

When my one son grew up and later was losing custody of his own child I wanted my grandson to come and live with me. If a child cannot be with their parents due to drug addiction or various struggles. I believe they belong with their grandparents. But again, I feel the social workers were uninformed and ignorant of the importance of Native children to be with their families.

The social worker and guardian ad litem were determined, for some reason, to place my grandson with a non-relative, non-native family. These county workers did not know me, they judged me, they did not follow active efforts, they ignored them. They never answered my many calls and messages asking to get my grandchild, they never even considered me for placement. This was wrong.

I spent many, many hours over many days looking for answers to get my grandson as we were soon to lose him. After a very long time It was only through the information and resources of the Ombudsperson for American Indian Families that I received help. She contacted the County and let them know that they were not correctly following ICWA and MIFPA. Through this I was able to get custody of my grandchild and he was placed permanently with me.

It would be a terrible loss for future grandparents to not have this ruling to protect the future of their families. Grandparents do not have rights with their grandchildren when the parents lose custody. I don't understand this -- but ICWA and MIFPA see the importance of a grandparent to their families. With so many young people struggling today, this is especially important to preserve the American Indian families and to rebuild and keep the future of our culture and language alive and strong.

Thank you. Please vote to strengthen MIFPA.

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