

June & Roy Smoot
Kennebunk
LD 1970

Senate Chair Anne Carney May 30, 2023
House Chair Matt Moonen
Maine Legislature Judiciary Committee

Re: LD 1970, "An Act to to Enact the Maine Indian Child Welfare Act," sponsored by Rep. Donna Bailey, D-York.

Imagine your children, or a family member's children, being removed from their homes because a government body determined they should be removed and assimilated into an entirely different culture and way of life even though your ways of life are peaceful, loving, genuine and safe; even though they are provided for via your work, your resources and resources provided by your extended family and community. Imagine the emotional trauma on you and your children because a government agency "knows better" than you do how to raise your children.

For well over 100 hundred years, even as late as the 1970's, Indigenous children in America and Maine were forcibly removed from their families and communities to assimilate them into cultures and families vastly different from their own, even when their parents, extended Indigenous families and communities were able and passionately willing to raise them.

In 1978, the U.S. Congress worked closely with American Indian and Alaska Native elected officials, child welfare experts and families whose children had been unnecessarily and forcibly removed from their homes to pass the Indian Child Welfare Act of 1978. ICWA was designed to protect Indian children and families from biased child welfare practices and well-documented disregard for their families and culture.

According to the National Indian Child Welfare Association, nationwide 25% to 35% of all Indigenous children were removed from their homes by state child welfare and private adoption agencies. As many as 85% of those children were placed outside of their families and communities even when fit and willing relatives were available.

In Maine, according to a 2015 report of the Maine Wabanaki-State Child Welfare Truth & Reconciliation Commission, Wabanaki children were placed in foster care in similarly higher rates than non-Native children prior to ICWA's enactment in 1978. For Aroostook County in 1972, the rate of removal for Wabanaki children was 62.4 times higher than the statewide rate for non-Native children. The rates for Maine were the second highest in the nation at that time. (Source: Maine Wabanaki-State Child Welfare Truth & Reconciliation Commission report). Not a category in which compassionate Mainers want to be the second highest in our country.

ICWA, the "Gold Standard" in child welfare policy and practice as noted by 18 national child advocacy organizations, serves the best interests of Wabanaki and other Indigenous children by keeping them connected to their culture, extended family and community, which are proven protective groups, just as your children are best protected by your family, community and culture.

Maine's Sen. Susan Collins, Sen. Angus King and Rep. Chellie Pingree are among 87 congressional members who signed the "friends of the court" legal brief supporting ICWA in the pending U.S. Supreme Court review of ICWA.

By passing LD 1970, Maine would codify ICWA protections of Wabanaki children on the state level in Maine. LD 1970 will protect Wabanaki children and their families from being ripped apart by an agency which supposedly "knows better" how to raise them. It will codify keeping their children in families, culture and communities, just as you would want for your own children.

We implore you to VOTE OUGHT TO PASS and lead your Judiciary Committee to do the same for LD 1970. We implore you to do what is morally right by keeping Wabanaki children and families together by voting for LD 1970.

With Deep Gratitude for Your Support,
June & Roy Smoot, Kennebunk