

131 ST Maine Legislature  
2023 Session  
Committee on Judiciary  
Public Hearing on LD1970, SP0804: An Act to Enact the Maine Indian Child Welfare Act. May 31, 2023  
Testimony of Norma Saulis, ICWA Director for the Mi'kmaq Nation.

Wolispasaway from the People of the Mi'kmaq Nation! I am Norma Saulis, ICWA Director for the Mi'kmaq Nation and I am honored to present testimony today in support of LD1970, SP0804 An Act to Enact the Maine Indian Child Welfare Act

I wish to thank the Chair, the Sponsor Donna Bailey of York, as well all the members on the Committee on Judiciary for this opportunity to present testimony in support of this Bill.

It is important to me that I share with this committee how our ICWA Department functions on a regular basis. A brief overview would be that we focus primarily on placement preference of our Mi'kmaq children and ensure that "active efforts" are being done through DHHS OCFS (Department of Health & Human Services Office of Children Services) to reunify children with their parents. We co-case manage with caseworkers & supervisors from the OCFS in reports/investigations, ongoing permanency cases, child protection hearings, home studies, home visits, Family Team Meetings, and case reviews in family court. Tribal ICWA staff collaborate with OCFS caseworkers for plans of care that focus on; ensuring children's safety, minimizing disruption, promoting "active efforts" for services to the parent/s toward reunification, identifying permanent placement options, continuing to provide contact with extended family and tribal members of the children, advocating for cultural connections and resources.

As you know, ICWA is a federal law passed in 1978 that governs the removal and placement of Native children. The law was enacted by the federal government because it was recognized that Native children were being removed from their families and communities at a much higher rate than non-Native children. ICWA protects the best interests of Native children, by keeping them connected to their families and having access to their culture.

ICWA laws are important because it has safeguards that recognize a parent's constitutional right to care for their child and the child's right to family integrity. Provisions emphasize with the courts that placing Native children with Native family members and maintaining cultural connection is in the child's best interest. The language recognizes that children are "vital to the continued existence and integrity of Indian tribes... and that the United States has a direct interest... in protecting Indian children." The ICWA laws have become the "gold standard" in child welfare. In reducing children's trauma of being removed from parents by promoting placement with family and within their community and maintaining a cultural connection.

The Federal ICWA laws have been under attack in the case of Brackeen v. Haaland that sits before the Supreme Court now. It presents the argument that ICWA is unconstitutional because it racially discriminates against white adoptive families. The outcome of the case could have far-reaching implications for the welfare of Native children, their families, and for tribal sovereignty. Given this federal threat to ICWA protections, Maine has an important opportunity right now to put what is already best practice child welfare in this state into Statute. This will ensure ICWA protections are in place for Native children living in Maine, no matter the outcome of the Brackeen case.

Respectfully submitted by: Norma Jean Polchies Saulis