

LD 1970, An Act to Enact the Maine Indian Child Welfare Act

Before the Joint Standing Committee on Judiciary

May 31, 2023

Senator Carney, Representative Moonen and members of the Judiciary Committee, my name is Penthea Burns and I live in Lewiston, Maine.

I submit this testimony to urge you to support LD 1970, “An Act to Enact the Maine Indian Child Welfare Act.”

The Indian Child Welfare Act (ICWA) lays out a much-needed model for how child welfare systems can promote child safety through actively working with parents and extended family and recognizing that children belong in their community.

ICWA honors the sovereign rights of Native families, communities, and governments to be the decision makers about their children and the ones to raise and care for their children. ICWA was established to remedy the disproportionate removal of Native children from their family, culture, and community.

Eight years ago, the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission completed their investigation of the experiences of Wabanaki people in the Maine child welfare system, finding that the taking of Wabanaki children into state child welfare represented an act of cultural genocide that threatens the very existence of the tribes. A former DHHS caseworker who testified to the Commission, stated “... of course, the word ‘genocide’ to me means killing people, but it means more than that: it means killing a culture, and I don’t think I ever thought of any of our practices as killing a culture.”

Nothing can undo the harm that has been done by decades of taking children, which began in the 1800s. We can, however, do something to stop that taking from continuing.

LD 1970, the Maine Indian Child Welfare Act, will codify in Maine law strategies designed so that children can grow up with their family, extended family, community, and culture. These strategies include state child welfare having to make active efforts in working with children and their families that would keep children safe, prevent separation and loss of their family, and reunify children when removal does occur. The Act requires preferences to place children in their culture and their family, providing children with continuity of belonging and support for their identity and development. The Act will bring qualified expert witnesses to inform and guide court decisions.

LD 1970 will make a Maine law that calls for a level of government-to-government cooperation that puts Native children and their families in the center. Children need a sense of belonging, community roots from which they can grow and thrive. A community needs their children for hope, purpose, and continued existence.

I urge you to vote in favor of LD 1970: “An Act to Enact the Maine Indian Child Welfare Act.”

Sincerely, Penthea Burns

Pentheia Burns

Lewiston

LD 1970

Testimony attached.