



SUIT UP MAINE

May 31, 2023

Sen. Carney, Rep. Moonen and honorable members of the Judiciary Committee:

My name is Kelli Whitlock Burton and I am a resident of Waldoboro and co-leader of Suit Up Maine, an independent, all-volunteer constituent action group representing more than 5,000 Mainers in all 16 counties. I offer this testimony in support of LD 1970, "An Act to Enact the Maine Indian Child Welfare Act."

The Indian Child Welfare Act (ICWA) was passed in 1978 to address the forced separation of Indigenous children from their families by state and private agencies. In that year, according to the National Indian Child Welfare Association, 25-35% of all Indigenous children nationwide were forcibly 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 extended family members were willing to assume guardianship.

In Maine, the rate of removal for Wabanaki children was the second highest in the nation in 1972, according to a report by the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission that found the rate of removal for Wabanaki children in one county was 62.4 times higher than the statewide rate for non-Native children.

Since its passage in 1978, ICWA has been known as the "gold standard" in child welfare policy and practice by a coalition of 18 national child advocacy organizations. Today, however, that gold standard is in jeopardy. Four cases currently before the US Supreme Court seek to weaken or outright overturn the law that was intended to protect American Indian and Alaska Native children. The cases were heard together in November 2022 and a decision is expected this year.

Twenty-six states—including Maine—filed amicus briefs with the Supreme Court in support of ICWA. Maine Senators Susan Collins and Angus King and Maine Representative Chellie Pingree also signed an amicus brief defending ICWA's constitutionality that was also signed by 84 other members of Congress.

Should ICWA be weakened or fall, Wabanaki children in Maine will be at risk. LD 1970 seeks to codify that federal law into state statute by establishing procedures and standards for cases involving Wabanaki children that concern custody proceedings, foster care placements,

termination of parental rights and adoptions. This legislation would help maintain family ties, reunify families and provide kinship and tribal permanency plans for children who cannot return home. The bill also spells out guidelines to ensure that Wabanaki children in custody are able to access culturally appropriate services that help them grow up safe and healthy. If enacted, Maine will join 12 other states that have codified ICWA protections on the state level.

We urge you to protect Wabanaki children and families and vote Ought to Pass on LD 1970.

Sincerely,

Karin Leuthy
Founder & Co-Leader
Camden, ME

Kelli Whitlock Burton
Co-Leader
Waldoboro, ME