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May 31, 2023

Senator Anne Carney, Chair
Representative Matt Moonen, Chair
Members, Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333-0100

Senator Carney, Representative Moonen, and Members of the Joint Standing Committee on Judiciary

This letter is to provide information regarding the Office of Child and Family Services' support for LD 1970, *An Act to Enact the Maine Indian Child Welfare Act*. This bill would enact the Maine Indian Child Welfare Act to establish procedures and standards for cases concerning custody proceedings, out of home placements, termination of parental rights, and adoption involving Indian children.

The impetus for this bill was the current uncertainty regarding the future of the Federal Indian Child Welfare Act (ICWA) due to a pending case before the US Supreme Court (*Haaland v Brackeen*). OCFS, our colleagues in the Office of the Attorney General, the Tribes, and other stakeholders have been closely monitoring the progress of that case through the federal courts and we share the concern that the US Supreme Court could find ICWA partially or fully unconstitutional, thereby eliminating important safeguards for custody and child welfare proceedings involving Indian children and families. Enshrining these rights and safeguards into State statute will provide continuity regardless of the US Supreme Court's ruling.

OCFS provided technical support in the development of this bill and is aware that the Child Protective Division at the Office of the Attorney General had a primary role in helping craft this language. We support its passage and implementation to ensure stability of practice and provide appropriate statutory protection for the rights of the Tribes and Indian children and families.

We wanted you to be aware of the above information as you consider this bill going forward. If you have any further questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Todd A. Landry".

Dr. Todd A. Landry
Director
Office of Child and Family Services