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Testimony in Support of L.D. 1970, *An Act to Enact the Maine Indian Child Welfare Act*

Senator Carney, Representative Moonen, and distinguished members of the Joint Standing Committee on Judiciary, my name is Aaron Frey, and I have the privilege of serving as Maine's Attorney General. I am here to testify in support of L.D. 1970, *An Act to Enact the Maine Indian Child Welfare Act*.

L.D. 1970 imports the substantive protections accorded Native American children, parents and tribes from the Federal Indian Child Welfare Act ("ICWA") into Maine law. ICWA ensures that children under the supervision of the child welfare system remain immersed in their tribal communities. ICWA is tailored to the unique status of Native Americans as a separate people with their own political institutions and cultures. It was enacted to confront our country's long, shameful history of unjustly removing Native American children from their parents and placing the children in non-tribal homes. These practices deeply harmed Native families and created an existential crisis for many tribes. In 1978, Congress passed ICWA in order to protect Native American children from being removed from their parents to be adopted by non-native families. Since that time, ICWA has remained a critical framework for facilitating state-tribal relations, protecting the rights of Native Americans, and preventing the unwarranted removal of Native American children from their families and communities.

Unfortunately, a challenge to ICWA is pending in the United States Supreme Court. In the case of *Brackeen v. Haaland*, the Court is being asked to determine whether and to what extent ICWA is constitutional. My office joined a bipartisan coalition of 24 attorneys general in filing an amicus brief in *Brackeen* urging the Court to fully uphold ICWA as constitutional and reject the challenge to longstanding protections guaranteed to Native American children, their families, and tribal communities.

Partnering with tribal child welfare representatives to protect Native American children from abuse and neglect while ensuring they grow up connected to their cultures is an important responsibility that my office's Child Protection Division is diligently engaged in. Passing L.D. 1970 would codify Maine's commitment to this continued collaboration in protecting Native American children and insulates the state from the potential dismantling of ICWA at the federal level. My office worked with the bill's sponsor, tribal partners, and child welfare stakeholders to draft this bill in a way that would ensure that the important work between the state and tribes continues uninterrupted. Many of our partners are here today to share their powerful experiences from before the enactment of ICWA and after.

I urge the committee to vote in favor of this bill.