

Testimony of Melissa Hackett  
In support of LD 1970, An Act to Enact the Maine Indian Child Welfare Act  
May 31<sup>st</sup>, 2023

Senator Carney, Representative Moonen, and esteemed members of the Judiciary Committee  
My name is Melissa Hackett. I am a policy associate with the Maine Children's Alliance, a nonprofit, statewide public policy organization. I also serve as the coordinator for the Maine Child Welfare Action Network, a group of organizations and individuals in Maine working together to align, strengthen, and sustain efforts to ensure the safety and well-being of all Maine families. I am here today to testify in strong support of LD 1970.

As background, the Indian Child Welfare Act (ICWA) is a federal law passed in 1978 that governs the removal and placement of Native children. The law was enacted after the federal government 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 tribes.

This law is 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. In essence, the law protects the best interests of Native children, and it aligns with child welfare best practice.

ICWA reflects best practice in child welfare, as it seeks to reduce children's trauma of being removed from parents by promoting placement with family and within their community. Research shows keeping children connected to family, culture, and community are important protective factors that promote child well-being by acting as a buffer to adverse experiences.

Yet we are at a moment in time when ICWA is under threat. The case of *Brackeen v. Haaland* sits before the Supreme Court, arguing 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 their communities.

Given the federal threat to ICWA protections, Maine has an important opportunity right now to put what is already best practice child welfare in the 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. These protections are essential to ensure Native children have the opportunity to grow up connected to family, their communities, and their cultural heritage. Thank you.