

Testimony of the Wabanaki Alliance in support of  
LD 1970 An Act to Enact the Maine Indian Child Welfare Act

Monday, June 5, 2023

Chairwoman Carney, Chairman Moonen, and distinguished members of the Judiciary Committee, my name is Sage Phillips, and I am a citizen of the Penobscot Nation with the Wabanaki Alliance. I am testifying in support of LD 1970 An Act to Enact the Maine Indian Child Welfare Act.

In 1978, the Indian Child Welfare Act (ICWA) was enacted to protect Native children from child welfare practices that were detrimental to protecting our youth and our families. The Indian Child Welfare Act serves as the “gold standard” in child welfare practices as labeled by 18 national child advocacy organizations.<sup>1</sup> Five hundred tribes across the nation and 87 Members of Congress identify the ICWA as the quality standard in child welfare for Native peoples.<sup>2</sup>

As Wabanaki, we are no strangers to the historic mistreatment of Native children through child welfare policies prior to the ICWA. In Maine, Wabanaki children were taken from their homes and placed outside of their tribal communities and families at some of the highest rates in the country. The Maine Wabanaki-State Child Welfare Truth & Reconciliation Commission found that prior to the enactment of the ICWA, Wabanaki children were removed from their families and communities and into foster care at a rate 62.4 times higher than non-Native children statewide.<sup>3</sup> The ICWA is the baseline protection for our children as well as children across Indian Country.

Currently, we await the pending review of the ICWA’s constitutionality in the *Brackeen vs. Haaland* case by the U.S. Supreme Court. Should it be overturned, our children will need support and protections in place that allow our people to continue to heal from intergenerational traumas. Enacting LD 1970 would place the State of Maine alongside 12 other states that have codified protections surrounding the ICWA on the state level and continue to protect our Wabanaki sovereignty, culture, and people.

As Wabanaki, we acknowledge that our children as our next generation are our future. Thank you for your consideration as the Wabanaki Alliance urges you to support LD 1970 and join us in keeping our children safe for many generations to come.

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<sup>1</sup> [“Setting the Record Straight: The Indian Child Welfare Act Fact Sheet.”](#) National Indian Child Welfare Association, page 1.

<sup>2</sup> Arce, Joshua. [“The Supreme Court Must Protect ICWA to Avoid Added Risk for Native Children.”](#) Native American / American Indian Blog by Partnership with Native Americans: Charity, Social Justice, Indian Reservations, PWNA Programs.”

<sup>3</sup> [Beyond the Mandate: Continuing the Conversation Report of the Maine Wabanaki-State Child Welfare Truth & Reconciliation Commission](#), 14 June 2015, page 21.