



NICWA

National Indian Child Welfare Association
Protecting Our Children • Preserving Our Culture

Board of Directors

Officers

Gil Vigil
Tesuque Pueblo
President

Angela Connor
Choctaw
Vice President

Aurene Martin
Bad River Band of Lake
Superior Chippewa
Treasurer

Alex Wesaw
Pokagon Band of Potawatomi
Secretary

Members

Teressa Baldwin
Inupiaq

Justine Bautista
Northern Cheyenne

Mikah Carlos
Salt River Pima-Maricopa Indian
Community

Patricia Carter-Goodheart
Nez Perce

Rose Domnick
Orutsarmiut Native Council

Brad Earl
Colville descent

Rochelle Ettawageshik
Little Traverse Bay Bands of
Odawa Indians

Debra Foxcroft
Tseshaht

Robbie McGhee
Poarch Band of Creek Indians

Gary Peterson
Skokomish

Robin Sigo
Suquamish Tribe

Mary Tenorio
Santo Domingo Pueblo

Stephanie Weldon
Yurok Tribe

January 13, 2023

Ms. Tracy S. Gruber, Executive Director
Utah Department of Health and Human Services
Multi-Agency State Office Building
195 North 1950 West
Salt Lake City, UT 84116

Re: Utah State Indian Child Welfare Act (ICWA) Legislation

Dear Ms. Gruber,

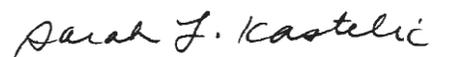
The Indian Child Welfare Act (ICWA) is a 45-year-old federal law widely considered to be the gold standard of child welfare policy and practice. Yet, the State of Texas and a handful of non-Native foster parents have challenged the constitutionality of ICWA before the U.S. Supreme Court in *Haaland v. Brackeen* in an effort to weaken protections for Native children and families and create barriers to tribal-state collaboration.

As we await a Supreme Court ruling, states have an opportunity to take action to support ICWA, strengthen local ICWA implementation, bolster tribal-state relationships, and honor tribal sovereignty by codifying ICWA protections at the state level. As we've recently shared with the National Conference of State Legislatures, by passing comprehensive state ICWA laws, states increase state child welfare agency and state court awareness of the protections of ICWA and have the opportunity to put federal protections in the specific state's child welfare context, adding local detail where appropriate about the division of responsibilities, emphasizing the necessity of state-tribal collaboration, and ultimately ensuring tribal government participation in determining the best interests of American Indian/Alaska Native children.

The National Indian Child Welfare Association's (NICWA) mission is to strengthen the well-being of American Indian and Alaska Native children and families. Our vision is that every Native child must have access to community-based, culturally appropriate services that help them grow up safe, healthy, and spiritually strong—free from abuse, neglect, sexual exploitation, and the damaging effects of substance abuse. NICWA accomplishes this by helping tribes and other service providers implement services that are culturally competent. This includes supporting proper implementation of the Indian Child Welfare Act (ICWA), providing information and support to families, tribes, and states through materials and training, and defending ICWA against efforts to weaken critical protections for Native children and families.

We wholeheartedly support efforts in Utah to enact state ICWA legislation. NICWA is glad to support your efforts and provide technical assistance as requested. We strongly endorse state ICWA laws as a key mechanism to further tribal-state relationships, recognize tribal sovereignty, and support the holistic and long-term well-being of Native children and youth as well as the integrity of Native families.

Sincerely,


Sarah L. Kastelic, PhD, MSW (Alutiiq)
Executive Director