



URBAN INDIAN CENTER OF SALT LAKE

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January 16, 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: Letter for Support for Indian Child Welfare Act: H.B. 40 (Rep. Watkins/Hinkins)

Dear Ms. Gruber,

The Urban Indian Center of Salt Lake (UICSL) is Utah's sole Urban Indian Organization (UIO) and provides services to eight (8) tribal nations in our state as well as other eligible American Indian/Alaska Natives (AI/AN) along the Wasatch Front. Consequently, on behalf of our staff, our organizational leadership, and our Board of Directors, I am pleased to provide this formal Letter of Support **endorsing your efforts for the passage of House Bill 40 (Rep. Watkins/Hinkins) in the upcoming 2023 State of Utah Legislative Session.**

As you know, the Indian Child Welfare Act (ICWA) is federal law passed in 1978 in response to compelling evidence that a significant number of AI/AN children were removed from their homes and families by public/private agencies and regularly placed in non-AI/AN families. Under ICWA, and in alignment with statutory doctrines preserving self-governance and sovereignty for tribal nations, when AI/AN children are taken into foster care, their relatives, tribal members, and other AI/AN groups are given preference over non-AI/AN foster homes to keep them close to their relatives, their culture, and their traditions. Unfortunately, legal challenges to ICWA were heard by the US Supreme Court on November 9, 2022, and threaten to modify, weaken, or even overturn the progress and protections provided by ICWA when child welfare entities are unaware, indifferent of or insensitive to cultural differences in AI/AN family structures, child rearing, parenting practices.

Indeed, as federal AI/AN policy trends toward devolution of constitutional protections for tribal nations due to constrained resources and increasing destabilization wrought by political positioning and complex bureaucratic processes, I applaud H.B. 40 (Rep. Watkins/Hinkins) as a timely opportunity for the State of Utah and our eight (8) tribal nations to leverage the authority of local collaboration and assume genuine stewardship for results that:

- 1) Preserve worthwhile precedents under ICWA in State law to safeguard the physical, emotional, and spiritual safety of AI/AN children in Utah for generations to come.**
- 2) Codify and expand on the foundation of State and tribal intergovernmental efforts to more effectively address a range of common interests with appropriate solutions; and**
- 3) Highlight Utah's legislative leadership for implementing policies that serve the sustainable health and welfare of all residents of Utah.**

In closing, UICSL celebrates the direct alignment between H.B. 40 (Rep. Watkins/Hinkins) and our mission "[t]o serve *The People by honoring native cultures, strengthening health and wellness programs and cultivating community.*" Consequently, we stand ready to provide additional information and support as needed, and we look forward to reports on the passage of H.B. 40 (Rep. Watkins/Hinkins) in the very near future.

Respectfully Submitted

Alan Barlow, MS, MSHR,
Executive Director, Urban Indian Center of Salt Lake