

CO-CHAIR KAREN RETURNS TO WAR
NORTHERN ARAPAHO BUSINESS COUNCIL

U.S. HOUSE OF REPRESENTATIVES HOUSE COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON INDIAN AND INSULAR AFFAIRS ICWA ROUNDTABLE

May 9, 2023

Good morning Ranking Member Leger Fernandez and Members of the Subcommittee, thank you for taking time to hear from me on the Indian Child Welfare Act and how it impacts the Northern Arapaho Tribe. My Name is Karen Returns To War and I am honored to serve as Co-Chair of the Northern Arapaho Business Council. Prior to my time as Co-Chair of the Northern Arapaho Business Council I served as director of the Northern Arapaho Child Support program, and I am honored to have the opportunity to speak with you today.

As you know, the 1978 Indian Child Welfare Act was passed by Congress to protect American Indian and Alaskan Native children and families. Before the passage of ICWA as many as one-third of all Native children were removed from their homes and put in placements that were outside of their family, community, and Tribe. The separation of Native children from their families and Tribe resulted in devastating losses of language, culture, and identity.

Native children are the future of Tribes and their identity and culture as a Tribal citizen must be protected. Children are tribal communities' most valuable resource since the language, culture and traditions that make these communities unique are passed down from generation to generation. The Northern Arapaho Tribe supports the Indian Child Welfare Act and is a party to the Amicus brief in support of ICWA filed by the Native American Rights Fund in the *Haaland v. Brackeen*. Like many of you we await the pending Supreme Court decision and are cautiously

optimistic that the ruling will not invalidate any parts of ICWA. We understand the urge to wait see what the Court decides, however we appreciate the opportunity to conduct due diligence in the event Congressional action is required to protect our culture.

ICWA is the gold standard for protecting the rights of children in state proceedings. In fact, many states have mirrored the protections of ICWA by proactively passing state ICWA laws while the *Brackeen* case is pending. The Northern Arapaho Tribe supported a Wyoming ICWA law that was signed into law in March. This historic law provides the State of Wyoming a mechanism to help protect native children within the state and will assure that they are put in placements that guarantee the protection of the children's identity and culture as a member of a federally recognized Tribe.

ICWA is a bipartisan law, and if there are any parts struck down by the Supreme Court we urge fast action by Congress to protect the culture and identity of Native American children. In addition to Wyoming, the North Dakota and Montana legislatures have also passed state versions of the Indian Child Welfare Act. All three state legislatures are currently run by Republican supermajorities, and these states acting show the overwhelming support for ICWA. We hope Congress is able to act similarly if needed.

We understand that Congress may look for states to pass their own version of ICWA but this view can be problematic, given the difficulty of each state passing identical laws. Additionally, we have tribal members living in states that are not considering a state ICWA law, and they could lose protection if elements of ICWA are struck down. That shows the need for Congress to take

action and we appreciate your consideration of helping preserve our culture. Thank you again for giving me the opportunity to share the view of the Northern Arapaho Tribe, and I look forward to working with you on this important issue.