



Legislative Testimony
765 Asylum Avenue, 2nd Floor
Hartford, CT 06105
860-523-9146
www.acluct.org

**Written Testimony Supporting Senate Bill 1204, An Act Concerning the
Connecticut Indian Child Welfare Act**

Senator Lesser, Representative Gilchrest, Ranking Members Seminara and Case,
and distinguished members of the Human Services Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in support of Senate Bill 1204, An Act Concerning the Connecticut Indian Child Welfare Act.

The ACLU-CT is committed to defending the rights of Native Americans to be free from discrimination and governmental abuse of power. Native Americans have suffered discrimination and injustice at the hands of the government since this country's founding, yet contemporary discussions of civil rights all too often overlook the rights of Native Americans. The federal Indian Child Welfare Act (ICWA) was passed by Congress in 1978 to address the nationwide epidemic of Indigenous children being forcibly removed from their homes and tribes by child welfare agencies.¹ ICWA is designed to protect Indigenous families from the abusive child welfare practices that separated many Indigenous children from their families and tribes through adoption or foster care placement. ICWA instituted federal safeguards against the removal of Indigenous children from their homes to both protect the interests of Indigenous children and give Native American tribes a voice in the process.

¹ See *Indian Child Welfare Act*, ACLU (accessed Mar. 15, 2023), <https://www.aclu.org/issues/racial-justice/american-indian-rights/indian-child-welfare-act>.

Throughout history, federal and state governments have undermined and threatened the existence of tribes by the forced separation and assimilation of Indigenous children. ICWA puts the onus on state courts to make active efforts to keep Indigenous families together. ICWA prioritizes the placement of Indigenous children within their extended families or tribal communities, where their cultural identities will be understood and celebrated.

The need to bring a version of ICWA into Connecticut's statutes has never been more pressing. This spring, the Supreme Court is poised to decide *Haaland v. Brackeen*, a case that could overturn ICWA in its entirety.² If this were to occur, there would be nothing stopping states from indiscriminately removing Indigenous children from their families and culture while simultaneously depriving tribes of future generations—putting the very existence of tribes in jeopardy. Time is of the essence, and this legislature must act now to protect Indigenous children by passing Senate Bill 1204. The ACLU-CT supports this bill, and urges this Committee to do the same.

² See *ACLU Files Amicus Brief Urging Supreme Court to Uphold the Indian Child Welfare Act*, ACLU (Aug. 18, 2022), <https://www.aclu.org/press-releases/aclu-files-amicus-brief-urging-supreme-court-uphold-indian-child-welfare-act>.