



Pride of the Ojibwe

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November 4, 2025

Representative Patrick Snyder, Chair
Committee on Children and Families
Room, 307 North State Capitol
Madison, WI 53708

Re: Comments in Opposition to AB 328 & in Support of AB 390

Dear Chair Snyder:

We thank you and the Assembly's Committee on Children and Families for allowing the Lac Courte Oreilles Band of Lake Superior Chippewa Indians ("LCO") the opportunity to submit written comments on AB 328 and AB 390.

AB 328- providing permanency plan and comments to out-of-home care providers in advance of a permanency plan review or hearing

- Oppose Bill

Appropriate Information is Already Provided

This bill is unnecessary. If the concern is ensuring that the foster parents have information to assist them in caring for children, they already receive this type of information through information sharing that is addressed through DCF Rules (DCF 37), specifically in the DCF Forms, Information for Out-of-Home Care Providers, Part A and Part B.

Information in Permanency Plans is Too Sensitive & Confidential

LCO is opposed to the sharing of the Permanency Plan with out-of-home care providers. Permanency Plans share highly confidential information (including HIPAA and 42 CFR Part 2 confidential medical/alcohol & drug information). Foster parents are not parties to the matter, and as such should never have access to these sensitive reports.

Permanency Plans Can Weaponize Foster Parents

Our Tribal attorneys have a unique perspective when it comes to child welfare, in that many of our attorneys have experience handling child welfare matters in a vast number of states due to representing us in Indian Child Welfare Act (ICWA) cases across the country. Some of these states have child welfare systems where foster parents have party status. In an ICWA case, this has resulted in extremely contentious battles when the foster parents are non-Indian and LCO is advocating for a native placement.

The ICWA is an entirely unique child welfare law in that it protects the best interests of both Indian children and Tribes – and these are interwoven interests. "Culturally, the chances of Indian survival are significantly reduced if our children, the only real means for the transmission of the tribal

heritage, are to be raised in non-Indian homes and denied exposure to the ways of their People.” With that congressional testimony from Mississippi Band of Choctaw Indians’ Tribal Chief, Calvin Isaac, Congress found that “there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children.” Likewise, it is the policy of Wisconsin to “[p]rotect the best interests of Indian children and promote the stability and security of Indian tribes and families by...placing an Indian child in a placement that reflects the unique values of the Indian child’s tribal culture and that is best able to assist the Indian child in establishing, developing, and maintaining a political, cultural, and social relationship with the Indian child’s tribe and tribal community.”

More often than not in ICWA cases, the most intense fight, that is never in the best interest of children or Tribes, is with foster parents. Foster families are meant to be a blip in time. They are meant to step in to provide children safety in the short-term, while reunification services are provided to their parents or Indian Custodians. Foster families are not meant to be long-term options or parties to a case. Their role is specific and limited. Because our private adoption system is broken and so expensive, people are moving into the foster system to use it to adopt, which is not the intent of fostering. We need to get fostering back on track to its true intent. While this bill does not intend to move foster parents to party status, it does give them tools and sensitive information to use against the parties in the case during their opportunity to comment during a permanency review hearing. It puts Tribal parents and Tribes in precarious situations of losing their children to richer families who lawyer up. Or, even not so rich families, who catch the eye of politically driven firms who offer their services like in the *Brackeen* case, for reasons that have nothing to do with child welfare.

Redaction is Not Foolproof

The redaction that is being requested will create an unnecessary burden on an already overly extended social services system. Social Workers need to be focused on case management and the provision of reasonable, and in the case of Indian Child Welfare Act matters- active efforts, so that families have the best chance at reunification. There is no ability to easily redact this information in the state’s centralized database system that generates these reports. This was addressed by DCF during the various legislative terms this topic has been addressed.

This bill will require individual redaction- that in addition to being time-consuming (time that could be better spent on managing their overburdened caseloads) can and will lead to user error, as we are only human. There is too great a chance of missing information that requires redaction. The chance for user error and the extra work on an overly taxed child welfare system outweighs the need to share these reports- particularly when the information that foster parents need to do their jobs well is already provided.

There are ample mechanisms in place to achieve what the bill sponsors seek to accomplish. The potential harm of this bill outweighs any good. As such, we call upon legislative decision-makers to vote no on AB 328.

AB 390- Access to Adoptee’s Bio Parent’s Original Birth Certificate

• Support Bill

Already heavily hit by the removals during the boarding school era¹ (roughly 1869-1960s), many Tribal families were subjected to the U.S. Bureau of Indian Affairs’ Indian Adoption Program in the 1950s and 1960s. This Program actively recruited non-Native adoptive families from the east to adopt Native children by disparaging Native families and Tribal culture with sensationalized statements like “unwed Indian mothers, deviant extended families, and hopelessly impoverished and

¹ DAVID W. ADAMS, EDUCATION FOR EXTINCTION 27 (1995) (finding that by 1926 nearly 83% of Indian school-age children were attending boarding schools).

alcoholic parents.”² Tribal families, at alarming rates, had to likewise endure state social workers inserting themselves into Tribal families’ lives and analyzing them through a white middle-class lens during this period leading up to the late 1970s. Instead of finding actual abuse, social workers would instead say they found instances of *social deprivation* for behaviors or living standards that were completely normal and appropriate within the constructs of Tribal traditional values and customs. Despite no factual safety risk being found, Native children were whisked away from their families and Tribal communities forever.

Across the country, 25%-35% of Native children were being removed from their families. A staggering 85% of these removals resulted in Native children being placed outside their families despite relatives or tribal members being ready and able to care for them. Here in Wisconsin, you were 1,600% more likely to be removed if you were a Native child versus a non-Native child pre-enactment of the ICWA.

Ultimately, Congress enacted the ICWA in 1978 to address this grossly disproportionate removal of Native children from not just their families, but importantly their Tribal communities. While there are tools built into the federal and state Indian Child Welfare Acts to assist in gaining basic information regarding tribal affiliation in ICWA cases, the LCO will always provide support for further legislation that will make it easier to bring our relatives back home to us. This bill is focused on a timeframe of mostly pre-ICWA, where protections were not in place for our Tribal families. Thus, we offer our support of AB 390.

Gii-miinigoowizi Anishinaabe akeyaa ge-izizhi-bimaadizid da-gikenindizod gaye da-inawenged.

(The right Anishinaabe have to live life through self-identify and a relational existence.)

There is nothing more important to a Tribe than its children. They are our future, and they will ultimately be the links to our past. It is likewise in their best interests to have the opportunity to learn about their Indian heritage and be connected with their Tribal communities. We- Wisconsin and Tribes- must work together to find a fix before we lose any more of our Tribal children and before our Tribal children lose us. Great things happen when we work together- just look at WICWA.

We thank you for the opportunity to provide written comments on these bills. Should further discussion be sought we would welcome a seat at the table for that purpose.

Respectfully Submitted,

Lac Courte Oreilles Band of Lake
Superior Chippewa Indians
Tribal Governing Board

Drafted by & Contact for Questions:

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² Margaret D. Jacobs, “Remembering the ‘Forgotten Child’: The American Indian Child Welfare Crisis of the 1960s and 1970s,” 37 Am. Indian Q. 136, 144 (2013).