



Governor signs historic legislation providing protection for Native American children and families

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SANTA FE – Gov. Michelle Lujan Grisham on Thursday signed legislation that will strengthen and expand protections for Native American children and families in the child welfare system. House Bill 135, the Indian Family Protection Act (IFPA) institutionalizes protections for Native American children and families, preventing the arbitrary removal of Indian children from their homes and Tribes.

“Throughout history, the culture of Native children was not respected or preserved in the child welfare system, causing real harm to families, Pueblos and Tribes,” said Gov. Lujan Grisham. “Today, we recognize the critical importance of protecting the connection of children to their cultural identity, and this legislation ensures that New Mexico honors that today and for generations to come.”

The bill affirms and codifies the provisions of the federal Indian Child Welfare Act (ICWA), which is currently being reviewed by the United States Supreme Court after facing challenges from other states. The legislation also adds a section to the New Mexico Children’s Code that includes several key provisions, many relating to Indian child custody proceedings, requiring the state to make the following efforts for Indian children entering the child welfare system:

- Conduct affirmative efforts to determine a child’s Tribal affiliation
- Meaningfully collaborate with Tribal courts to ensure appropriate jurisdiction
- Work with families and Tribes to reunite an Indian child with their Tribe
- Provide active notification to the relevant Tribe for any custody proceedings relating to an Indian child
- Provide Tribal courts the option to assume jurisdiction before taking further action

- Coordinate with the relevant Tribe when conducting an investigation regarding an Indian child
- Follow language access requirements for proceedings, including providing an interpreter if necessary for family members with limited English proficiency
- Give Tribes the right to intervene in proceedings subject to IFPA

As it has been in past years, the legislation was part of Gov. Lujan Grisham’s priority agenda for the 2022 session. IFPA and ICWA address the long history of disproportionate and unwarranted removals of Indian children from their families and tribal communities.

“The historic collaboration between the State and its 23 Tribes, Nations and Pueblos resulted in the enactment of this unprecedented milestone towards preserving the important cultural connection of Indian children in our child welfare system,” said Children, Youth & Families Department **Secretary Barbara J. Vigil**. “Many consider ICWA to be the gold standard of child welfare. New Mexico’s IFPA is the platinum standard.”

“I am grateful to Governor Lujan Grisham, our legislators, Tribal leaders, and advocates who supported this critical legislation,” said Indian Affairs Department **Secretary Lynn Trujillo**. “This bill ensures that we are able to build upon the federal ICWA's requirements and protections and promotes statewide coordinated efforts among Tribal nations and key partners to ensure that every Indigenous child can maintain an ongoing connection to their community.”

“The safety and protection of the 20 Pueblo communities and our Pueblo people is foundational to the All Pueblo Council of Governors. It is the continuance of our people, their health and well-being that ensures our way of life is protected and carried on through each generation and for our unborn,” said All Pueblo Council of Governors **Chairman Mark Mitchell**. “The passage of the Indian Family Protection Act provides a state measure of security that the tribal nations of New Mexico have needed for decades to support and complement the federal law. The efforts of our community advocates and partners educating legislators on the importance of this Act have been rewarded and we are grateful to the sponsors and their hard work. Now that IFPA has passed we can begin the work to ensure that the provisions of the Act are effectively implemented.”

“With the U.S. Supreme Court agreeing to weigh in on the Brackeen v. Haaland case, the protection of the Indian Child Welfare Act is paramount for the First People of this country. We are very grateful to Governor Lujan Grisham and the New Mexico legislators for supporting H.B. 135, which outlines several provisions to protect the safety and welfare of Native American children and our way of life,” said Navajo Nation **President Jonathan Nez**. “The State of New Mexico has set a great example with today’s signing of the Indian Family Protection Act and we pray that other states follow the same path.” “As Governor, I’ve had to deal with issues involving Acoma children who enter the state’s Children, Youth & Family system. They are some of the most difficult cases, the most heart wrenching, often calling for making tough choices,” said Pueblo of Acoma **Governor Randall Vicente**. “Sometimes there are no easy answers. The Indian Family Protection Act provides tools for improving the treatment of Indian children, their families and their tribes in state agency and court actions.”

The bill was sponsored by Rep. Georgene Louis, Sen. Daniel Ivey-Soto and Sen. Micaela Lara Cadena.

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