



**NOTTAWASEPPI HURON
BAND OF THE POTAWATOMI**

A FEDERALLY RECOGNIZED TRIBAL GOVERNMENT

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Ms. Elizabeth Appel
Office of Regulatory Affairs & Collaborative Action
Indian Affairs, U.S. Department of the Interior
1849 C Street, NW, MS 3642
Washington, DC 20240

RE: Notice of Proposed Rulemaking- Regulations for State Courts in Indian Child Custody Proceedings—RIN 1076-AF25-Federal Register (March 20, 2015)

Dear Ms. Appel,

The Nottawaseppi Huron Band of the Potawatomi has allowed me to provide comments on the Notice of Public Rulemaking (NPRM) regarding Regulations for State Courts and Agencies in Indian Child Custody Proceedings. We join many other Tribal Nations in commending the Department of the Interior (DOI) and the Bureau of Indian Affairs (BIA) for proposing much needed regulations in this area.

While the State of Michigan has enacted the Michigan Indian Family Preservation Act (MIFPA), most states have the Indian Child Welfare Act as their only guide to determining the treatment of Indian Children and their families when faced with issues of child custody and child welfare. Substantive ICWA regulations that provide rules for implementation in state courts and by state and public agencies have never been issued, despite ICWA's enactment over thirty years ago. Without guiding regulations to support it, ICWA has been misunderstood and misapplied for decades. All Tribal communities, Native children and families, and the agencies and courts that implement ICWA need and deserve the clarity the proposed regulations provide.

Provisions in the proposed regulations that that are particularly helpful include: early identification of ICWA-eligible children, recognition of Tribes' exclusive authority to determine membership, clarity with regard to ICWA's application, **definitions and examples of active**

efforts, notice to tribes in voluntary proceedings, and emphasizing the need to follow the placement preferences stated in ICWA.

Many of these proposed regulations reflect the Michigan Model (MIFPA) that was universally endorsed by the Federally Recognized Tribes in Michigan, and was drafted with input that came directly from the Tribes. It is our hope that the federal system can provide the same clarity and guidance to promote the best interest of American Indian children. It is this type of clarity and certainty that will preserve and protect Native American children and families, and will promote permanency for Native children.

Thank you for considering our perspective and comments.

Best regards,



Nancy Bogren,

NHBP Tribal Prosecutor and ICWA Attorney