

Child Welfare, Juvenile Justice, and Violence

Testimony of Hon. Anne K. McKeig

June 24, 2022



Hon. Anne K. McKeig

The Honorable Anne K. McKeig joined the Minnesota Supreme Court in September 2016, making her the first female Native American to sit on any state supreme court in the United States.

A descendant of the White Earth Nation, Justice McKeig is a native of Federal Dam, Minnesota, where she grew up on the Leech Lake Reservation. She attended St. Catherine University for her undergraduate degree, and received her law degree from Hamline University. She served as an assistant Hennepin County Attorney for 16 years, handling child protection cases and adoption matters with a specialty in cases that fall under the provisions of the Indian Child Welfare Act. She then served as a district court judge in Hennepin County for almost 9 years before her nomination to the Minnesota Supreme Court.

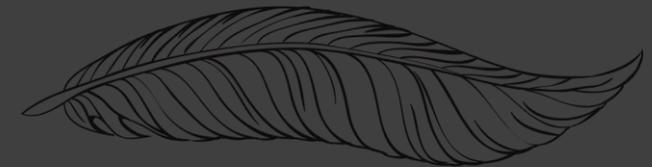
Positive Outcomes of ICWA From a Tribal Perspective

- Sacredness of tribal youth is maintained
- Youth are contributing members of the community (Tribal and non-Tribal)
- Youth have a sense of belonging to the community (Tribal and non-Tribal) and are connected to their culture
- Youth are actively connected to Tribal and non-Tribal resources to achieve interdependency
- Youth recognize the importance of community involvement (Tribal and non-Tribal) and are involved in the process of creating positive change, utilizing mentoring programs, also serving as mentors
- Youth are continuously exposed to culture, customs, and traditions
- Achieve cultural permanency through creativity and continued partnership and collaboration with the tribe
- Non-Tribal custodians of Tribal youth have access to Tribal cultural and community resources and allow youth to meaningfully experience and explore their Tribal identity
- Tribes are preserved for 7 generations to come



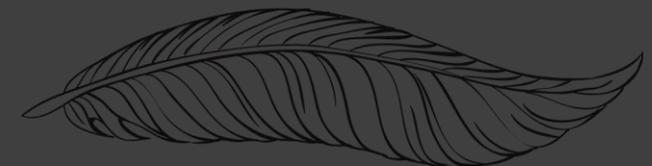
Challenges in Practice

- **Historical Trauma** – The collective emotional and psychological injury both over the life span and across generations, resulting from a cataclysmic history of genocide
- **Healthy parenting was impacted** – Generations learned to parent from boarding school staff who were abusive; use of corporal punishment
- **Poverty** – American Indians and Alaska Natives live in poverty at higher rates than all other races (*U.S. Census Bureau*)
- **Other disparities** – They experience a variety of disparities from health (*Urban Indian Health Institute, 2010*) to education (*National Center for Education Statistic, 2008*)
 - One of the most alarming is their overrepresentation in out of home placements, including child protection, children's mental health, developmental disability, and some delinquency foster care placements



Disproportionality Persists

- Indian children are more likely to be confirmed as victims of neglect, but less likely to be confirmed as victims of abuse when compared to all other children (*Pew Charitable Trusts and National Indian Child Welfare Association*)
- American Indian children experience child abuse and neglect at a rate of 15.5 per 1000 children (*U.S. Health and Human Services, 2020*)
- Native American disproportionality rate has increased in the last 10 years from 2.01 to 2.66 (*NICWA, 2019*)
- In Minnesota, 1.7% of children are Native, but 27.2% in foster care are (*NICWA, 2019*)



Child Protection to Prison Pipeline

- Unsuccessful child protection interventions are a pipeline to the adult criminal justice system
- Case example:
 - Child removed from home due to chemical dependency and abuse
 - Entered juvenile delinquency system, then adult criminal justice system
 - Released from prison at age 34
 - Upon release, committed sexual assault of a child
- Stories like these highlight need for systemic change



Moving Forward

- Improve Collaboration with Tribes
 - Travelling to tribes
 - Working to address funding issues
 - Changing courtroom procedures (smudging, flags)
 - Partnerships (making services accessible to Native parents and youth)
- Focus on finding Native professionals
 - Guardians ad litem and attorneys
- Collecting and sharing data



Four Step Action Plan for Improving Outcomes for Indian Children

MEANINGFUL & ONGOING COLLABORATION

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<p><u>Strategies</u> <i>What are the identified steps to improve current capacity or court performance related to this goal?</i></p>	<p><u>Responsibility</u> <i>Who will lead this activity and who else will need to be involved?</i></p>	<p><u>Outputs</u> <i>What will be the result of this activity?</i></p>	<p><u>Data</u> <i>Are data currently available, if not, what is the plan to collect and analyze data?</i></p>	<p><u>Due Date</u></p>

Miigwech! Questions?

