

TESTIMONY OF  
JOSEPH RUPNICK, CHAIRMAN  
PRAIRIE BAND POTAWATOMI NATION

BEFORE  
KANSAS HOUSE COMMITTEE ON CHILD WELFARE AND FOSTER CARE.  
ON "KANSAS INDIAN CHILD WELFARE ACT."  
2024 HB 2772  
FEBRUARY 19, 2023

Good morning, Madam Chair Concannon, Vice Chair Johnson, Ranking Member Ousley, and distinguished members of the committee. My name is Joseph Rupnick and I serve as the Chairman of the Prairie Band Potawatomi Nation. I am a veteran of the United States Calvary and I represent approximately 4,500 Potawatomi people living mostly on our reservation in Kansas defined by our 1846 Treaty with the United States government.

I am honored to submit to you today my testimony in support of the Kansas Indian Child Welfare Act and I offer this written submission of my testimony in support of the Act.

As many of you know, Tribes have a unique place in the framework of American society. When the Federal Government entered into negotiations with Tribes and then signed Treaties, the United States recognized Tribes as sovereign Nations. Article VI of the U.S. Constitution further enshrines this status in the second paragraph stating "and all Treaties made, or which shall be made, under the authority if the United States, shall be the supreme Law of the Land". These Treaties created a complex relationship between Tribal Governments, the Federal Government and States. Historically, states

did not hold authority over Tribal Nations and over time, this has changed in certain areas. Today, the Federal Government has maintained a guardian-ward relationship with Native American Tribes. Despite all these Federal protections, the removal of Indian children from their homes through various failed policies over the many decades prompted the 1978 enactment of the Indian Child Welfare Act (ICWA).

Before the passage of the ICWA, Native children were removed and placed into foster homes of non-natives more than any other group in the United States. The government estimated that between 75-80% of Indian families living on the reservation had at least 1 child in the foster care system. The effort back then was to assimilate children into mainstream society destroying Tribal culture and families resulting in lost identities of Indian children. The measures this bill takes will further enhance ICWA and will help keep Native children in a relative's care whenever safe and possible. We believe that is the best practice. We urge you to codify into state law the federal ICWA for the protection of Indian children.

Although progress has been made as a result of ICWA, out-of-home placement still occurs in the State of Kansas more frequently for Native children than it does for the general population. In fact, Native families are four times more likely to have their children removed and placed in foster care than their White counterparts. So, despite the advances achieved since 1978, ICWA's protections are still needed, and the passage of the Kansas Indian Child Welfare Act will help ensure our children will maintain their Tribal identities and will hopefully over time, fulfill their roll in our society.

As I stated earlier, the Prairie Band of Potawatomi Nation supports the passage of HB 2772, the Kansas Indian Child Welfare Act and hopes that Tribes are consulted and considered when addressing Indian children.

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In conclusion, I want to thank you again Ms. Chair and committee members for the opportunity to submit my testimony today. For 50 years, the official policy of the U.S. Congress has been to support tribal sovereignty and self-determination. More must be done to make this a reality and this bill is one small step in the right direction to correct an historical wrong.