

LAW OFFICES
MICHAEL J. BELFONTE, P.C.
HIDDEN CREEK PROFESSIONAL BUILDING
14801 EAST 42ND STREET SOUTH
INDEPENDENCE, MISSOURI 64055
TELEPHONE NO. 816-842-3580
FACSIMILE NO. 816-842-7875

February 18, 2024

SENT VIA EMAIL: Child.Welfare@house.ks.gov

Ms. Judy Pierson
Committee Assistant
Child and Foster Care Committee

Re: House Bill No. 2772

Dear Ms. Pierson:

Please be advised that on the afternoon of Friday, February 16, 2024, I first became aware of a committee hearing scheduled for tomorrow afternoon regarding House Bill No. 2772 which passage in its present form would establish the Kansas Indian Child Welfare Act. Please be further advised that I am opposed to passage of House Bill No. 2772 in its present form.

I am a licensed attorney in Kansas having been admitted in 1989. I am also a licensed attorney in Missouri having been admitted there in 1988. My practice specializes in adoption cases and assisted reproduction cases, so I have been involved in over one thousand (1,000.00) adoptions over the years, representing adoptive parents and birth parents. I am also a fellow of the Academy of Adoption & Assisted Reproduction Attorneys and have been since 2002. Most recently, I served on the Advisory Law Committee for the Kansas Judicial Council.

I am familiar with the federal Indian Child Welfare Act, 25 U.S.C. §1901, et seq. (ICWA), and understand that the requirements of ICWA must already be satisfied in adoption cases in Kansas where the adoptee fits the definition of an Indian Child pursuant to ICWA. See K.S.A. 59-21(a)(11). Furthermore, ICWA differentiates between voluntary cases and involuntary cases, which House Bill No. 2772 does not in its present form. Also, House Bill No. 2772 is inconsistent with ICWA as it relates to placement preferences, qualified experts and the definition of a parent.

I understand the Uniform Law Commission is working toward a Uniform Indian Child Welfare Act for all fifty (50) states to consider so that there is consistency nationally regarding this important and sensitive issue. I believe it would serve the citizens of Kansas best for the legislature

Letter to Ms. Judy Pierson
February 18, 2024
Page 2

to wait before acting on House Bill No. 2772. However, if the legislature determines to forward with some version of House Bill No. 2772, it should only relate to involuntary cases where the state is involved, which is precisely what the state of Nevada did in passing their version of the Indian Child Welfare Act.

Thank you in advance for allowing me to share my opinions as to the current version of House Bill No. 2772.

Very truly yours,

MICHAEL J. BELFONTE, P.C.



Michael J. Belfonte