

Testimony HR Bill 2772

Good afternoon. I support House Bill 2772, “Establishing the Kansas Indian child welfare act and providing additional requirements for child custody proceedings involving an Indian child.”

I am an enrolled member of the Kickapoo Tribe in Kansas (KTIK) and the tribe’s Director of Social Services. My name is Patricia Pena, and my Kickapoo name is Mne-Snoh-Quah.

Respectfully, I am asking the committee to consider the important didactic content absent in the Kansas ICWA regarding law enforcement response to an ICWA court order returning a child to their tribe. Providing law enforcement officers with knowledge and general education about ICWA will assist law officers in recognizing a District court order served by a tribe to gain custody of their enrolled tribal member. The in-service training for Kansas law enforcement professionals can be proposed to deliver the information as a best practice in the timely and efficient execution of an ICWA order.

In my recent experience, I was requested to serve a non-relative foster parent a Release of DCF Custody Order based on the tribe’s invocation of ICWA. The Indian Child Welfare Act order transferring jurisdiction, releasing child from DCF custody, and terminating court jurisdiction was signed by Honorable Laura Johnson-McNish District Judge, Division 1 of the Brown County Court. The order placed the child in the custody of the tribe’s Social Services. My colleague and I drove from the Kickapoo reservation to Wichita Kansas to pick up the child released from DCF custody. The care giver questioned the legitimacy of the order, so Wichita Police were summoned. We experienced first-hand how a lack of ICWA knowledge by law enforcement escalated the agitation of the caregiver as well as the participating law officers. Two police officers arrived and informed us they never heard of ICWA. The officers spent five

hours verifying the order as we sat in our vehicle. We showed the officers our court order, tribal enrollment cards, social service badges, valid driver's licenses, and pointed out that we arrived in an official Kickapoo Tribe in Kansas vehicle. The officers asked us if we had email communication they could view. We showed them email communication that transpired between the court and Kickapoo officials and social services. We provided phone numbers to our tribal attorney. Five hours later, we were able to take custody of the child and placed her in a car seat to drive to her family on the reservation.

The education and dissemination of ICWA information delivered through the continuing education requirement for law enforcement personnel, and willingness to participate in best practices in the invocation of ICWA is necessary to ensure law enforcement has the tools to enforce the Kansas ICWA.

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/s/ Patricia A. Pena

Patricia A. Pena, MSW
Director of Social Work
Kickapoo Tribe in Kansas
785.741.3390