

Public Policy Position
Casey Family Program's Amicus Brief in the
Case of *Chad Brackeen et al v. Ryan Zinke et al and Cherokee Nation et al*
(Case No. 18-11479)

The Children's Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 457 members. The Children's Law Section is not the State Bar of Michigan and the position expressed herein is that of the Children's Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Children's Law Section has a public policy decision-making body with 19 members. On January 8, 2019, the Section adopted its position after an electronic discussion and vote. 17 members voted in favor of the Section signing onto the Casey Family Program's amicus brief in the case of *Brackeen v. Zinke*, 0 members voted against this position, 2 members abstained, 0 members did not vote.

Explanation:

The Children's Law Section has voted to sign onto the amicus brief of the Casey Family Programs, in the case of *Brackeen v Zinke*, Fifth Circuit Court of Appeals Case No. 18-11479 (on appeal from the U.S. District Court for the Northern District of Texas, Dist Ct No. 4:17-cv-00868). The brief is attached.

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STATEMENT OF INTEREST

Children's Law Section of the State Bar of Michigan

The Children's Law Section is a recognized section of the State Bar of Michigan. The Section has over 400 members who are attorneys and judges practicing in Michigan's child welfare system. Working together, the Section's members make crucial decisions each day that directly and substantially affect the lives of children and families. The Section provides services to its membership in the form of educational seminars, advocating and commenting on proposed legislation relating to child welfare law topics, and filing *amicus curiae* briefs in selected child welfare law cases filed in Michigan and Federal Courts.

The Section, because of its active and exclusive involvement in the field of child welfare law, and as part of the State Bar of Michigan, has an interest in the development of sound legal principles in all of these legal areas. The instant case is of particular interest to members of the Children's Law Section because it concerns the Indian Child Welfare Act (ICWA), an essential and important federal law which protects Native American children, families, and culture. Michigan's Indian Family Preservation Act (MIFPA), is directly related to the ICWA, and mirrors the important policy goals and efforts the ICWA was intended to address. The Children's Law Section believes strongly that the ICWA helps to preserve and protection Native American children, families, and culture, and does so legally and constitutionally.