

February 16, 2024

Re: Letter in Opposition to HB 2772

Dear Legislators,

I oppose HB 2772. First, I am concerned with the effort to push this through so quickly mid-session and without significant input. I appreciate the delay in hearing to Monday so that many in this practice area may be heard. Prior to my five years in private practice handling adoptions, I was a prosecutor in Sedgwick County, Kansas for 15 years. My last 12 years in the DA's office were dedicated to CINC cases. I support the intent of the ICWA, and it already exists at a Federal level. I oppose the State of Kansas imposing its own ICWA. The current bill as proposed would have a direct impact on private adoptions and the right of birth parents to choose who they place their child with for adoption. It also will place additional burdens on foster care cases. There is current case law in Kansas that addresses some ICWA questions, and this bill does not address those concerns and in some cases, contradicts Kansas case law.

In general tribes are supportive of the ICWA, but many tribes do not have the resources to support more enforcement than the Federal regulations. Recently, on a CINC case in Butler County, a tribe withdrew their appearance and provided a letter that they would no longer be an active part of any CINC cases in which the child was a certain age. They stated they do not have the resources. Some tribes are already overwhelmed with the number of ICWA letters provided in CINC cases. I have spoken with some tribes who are months behind in even opening the letters re: notice in a CINC case. Further regulation at the state level may cause further delays and costs.

By enacting a Kansas ICWA, it will delay finalization in private adoptions and increase costs. A Parent should have the right to choose placement for their child in an adoption without interference from their own tribe. This bill takes that right from the birth parent.

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Please oppose this legislation and allow Kansas to continue supporting Indian Rights through the Federal ICWA.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Amanda M. Marino". The signature is written in a cursive, flowing style.

Amanda M. Marino, Partner

MARTIN, PRINGLE, OLIVER,
WALLACE & BAUER, L.L.P.