

Coalition to Stop Violence Against Native Women

Indigenous Peoples' Rights

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FOR IMMEDIATE RELEASE

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The Indian Family Protection Act Signed into Law

House Bill 135 will limit separation of Native families and keep Native children in their communities

Santa Fe, N.M. With strong support, the New Mexico Legislature passed HB 135: the Indian Family Protection Act and it has been signed into law. New Mexico will now have the strongest protections in the country for Indian children, families, and tribes impacted by the child welfare system.

The Indian Family Protection Act uplifts tribal sovereignty and tribal self-determination, by ensuring tribal communities are first in deciding how to care for their children, while reducing the risk of them being taken away from their community. This victory could not have come soon enough as in October 2022 the US Supreme Court will take up a case that could deeply compromise the federal Indian Child Welfare Act, which was enacted in 1978 to protect Indian communities from forced family separation.

The following is a joint statement from Jaqueline Yalch of the New Mexico Tribal Indian Child Welfare Consortium, Councilman and former Governor of the Pueblo of Namb Phillip A. Perez, Angel Charley, executive director of the Coalition to Stop Violence Against Native Women, and Denicia Cadena, Policy Director of Bold Futures:

This historic piece of legislation prioritizes the well-being of Native children, families, and communities across New Mexico.

Keeping our communities together means keeping our communities strong. The need and development of the Indian Family Protection Act is centered on the lived experiences of Indian children and families previously or currently in the state system. The provisions and protections in IFPA, the Indian Family Protection Act, go beyond the federal Indian Child Welfare for the purpose of holding the state accountable for the safety and well-being of our Indian Children and Families, said Jacqueline Yalch, President of the New Mexico Tribal Indian Child Welfare Consortium.

She continued, The New Mexico Tribal Indian Child Welfare Consortium and advocate partners know the signing of this legislation is only one part of ensuring the well being of Native children. We look forward to working on the implementation of HB135 and furthering local and national work to support the well-being of all Native children and families.

NM TIC, CYFD Office of Tribal Affairs and NM Partners have worked so hard to dismantle unnecessary barriers between state and tribal child welfare workers in efforts to mend relationships and focus on the common goals of safety and the best interest of our children. As field workers and stakeholders, we all have an obligation to do no harm. We bring harm with impatience and resistance to change. This is the time to create change, to be part of a progressing system in true partnership with unified efforts. As with the development of IFPA, we did not do this work alone and we cannot implement IFPA alone. We thank all who have been part of this process and look forward to meaningful partnership and collaboration to bring the true spirit of ICWA to life.

Since 2015, the Pueblo of Namb and many other Pueblos, Tribes, and Nations decided to actively work on solidifying and expanding upon the federal Indian Child Welfare Act (ICWA) into NM state statute. This was done through our regular involvement and participation with the NM Tribal Indian Child Welfare Consortium (NM TIC). It is because of this tribally led process we are where we are today. The premise of the state Indian Family Protection Act is based on the lived experience of our frontline tribal workers, said Phillip A. Perez, Councilman and former Governor of the Pueblo of Namb.

Practices that continue to lead to family separation are far too common within the child welfare system. We are excited to celebrate this incredible victory as it has long been time to destroy the legacy of removal of Native children from their Nations, Tribes, and Pueblos, said Angel Charley of the Coalition to Stop Violence Against Native Women.

The Indian Family Protection Act is the result of deep intentions, strong advocacy, true partnership, and prayers. A collaboration of Native families impacted by separation, Tribal ICWA workers, advocates, and tribal Governors and Presidents who came together to systemically protect Native children. This is a historic day for New Mexico, said Denicia Cadena, Policy Director of Bold Futures.

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New Mexico Tribal Indian Child Welfare Consortium (NM TIC) is a consortium of Tribal ICWA field workers providing advocacy, education and collaboration with state agencies to preserve the culture, traditions and identity of all Indian Children. NM TIC works diligently to build meaningful and ongoing relationships with state partners in efforts to implement best practice within state agencies that will best support the work to protect Native children and keep them connected to their family, culture and tribe. The NM Tribal Indian Child Welfare Consortium has representation from all 19 NM Pueblos, 2 Apache Nations, Ramah Navajo and Ysleta del Sur in El Paso, TX.

Bold Futures works to build communities where all have what we need to make real decisions about our own bodies and lives, and all have room to live with respect and dignity.

CSVANW is an award winning organization at the forefront to a dynamic approach to the tribal domestic and sexual violence fields that is demonstrating the most effective, creative and innovative ways to address and prevent the cycle of violence within tribal communities.

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