

# IMPACT

University of Idaho  
Extension

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## Fort Hall Reservation Extension Educates Tribal Members about Estate Planning Issues

### *The Situation*

The American Indian Probate Reform Act of 2004 (AIPRA) creates a uniform probate code for reservations across the United States except for Alaska, the Five Civilized Tribes and the Osage. Most probate sections of AIPRA became effective June 20, 2006. The purpose of AIPRA is to prevent further *fractionation* of trust lands and to encourage consolidation of Indian Land Ownership.

*Fractionation* is defined as the increasing number of owners for a land parcel with each passing generation. In Indian Country, many allotments can have 500 or more co-owners. AIPRA is a complex law that regulates trust land and Individual Indian Money Accounts if a person passes without a will. An Indian who passes away without a will could potentially have their trust property pass in a manner unacceptable to him/her. Families and spouses can potentially lose land interests and in some cases, the tribe with jurisdiction can inherit. Many Indian people may be unaware or misunderstand AIPRA. To assist with this issue, Extension collaborated with local agencies and attorneys to develop and provide AIPRA education to Fort Hall residents. Shoshone-Bannock tribal member, Carol Pabawena, was hired as a teaching assistant. These educational efforts taught tribal members how AIPRA could impact them and provided them with options to pass their trust property in a manner they desired rather than under AIPRA.



2007 AIPRA workshop for Tribal Elders

### *Our Response*

Fort Hall Extension partnered with University of Idaho Extension Family Economics specialist, Marilyn Bischoff, and Montana State University Family and Consumer specialist, Marsha Goetting. The partnership was formed to develop and implement a USDA Risk Management Agency estate planning grant to provide education to tribal members regarding AIPRA. Gus Kerndt, Office of Special Trustees attorney, and Jeanette Wolfley, Fort Hall Tribal Attorney, provided legal advice and teaching assistance. Workshops were offered in various locations on the reservation to meet the needs of individuals unable to travel. Presentations were given at the Northwest Intertribal Agricultural Council Conference in Pocatello, ID and at the Fort Hall Land Symposium in 2007. Tribal members were also invited to contact the Extension office for

additional assistance. One component of the program was to develop a packet of fourteen fact sheets describing important sections of AIPRA for distribution to tribal members. A variety of news related publications were also developed. Fourteen articles will be printed in the Sho-Ban Newspaper, the local paper for the Fort Hall Reservation, and detailed articles are featured in the Fort Hall Agricultural Extension Newsletter. Individuals who participated in these programming efforts were Native Americans mainly from the Fort Hall Reservation and other reservations across the United States. Participation in workshops and presentations ranged from 15-100 participants per event. The program has been recommended by tribal members locally and regionally. One council woman stated, "Danielle Gunn and Carol Pabawena have been giving a PowerPoint presentation on AIPRA that is very good." Another tribal elder stated, "I am so glad you are doing this work, the Indian people need help with this." Other comments gathered from program evaluations stated, "This was excellent." and "Give it more often." Individuals who participated in the program also requested additional packets and information to distribute to family and friends.

## ***Program Outcomes***

Ten workshops were held in various locations on the Fort Hall Reservation, with over 102 tribal members participating. Four formal presentations were given to more than 130 participants. Many tribal members stopped by the office to discuss AIPRA and pick up informational packets. Over 115 packets were requested and mailed and more than 150 packets were distributed at various reservation locations. To date, nine news articles have been printed in the local newspaper. As a result of program efforts, tribal members are becoming more informed about their trust property and estate issues. Many program participants made appointments to write wills after attending a workshop. One tribal elder stated, "I got nervous when I heard about AIPRA and I made a legal will." Many people have written letters to the Extension office thanking us for our efforts and requesting packets so they could learn more about AIPRA. The situation has now changed from tribal members being uninformed and unaware of AIPRA to being well educated and proactive in protecting their individual trust property.

## **The Future**

The Extension office will continue providing AIPRA presentations and informational packets as needed. A brochure has been developed to distribute in key reservation locations to further educate the public about AIPRA.

## **Cooperators and Co-sponsors**

- Montana State University Extension
- USDA Risk Management Agency
- Office of Special Trustees, G. Kerndt
- Fort Hall Tribal Attorney, J. Wolfley
- Fort Hall Landowners Alliance, E. Werelus
- Fort Hall Tribal Business Council
- Bureau of Indian Affairs

## ***For More Information***

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