

IMPACT

University of Idaho
Extension

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Extension educates tribal members about estate planning issues

The Situation

Until recently, estate planning laws in Indian country were as varied as the Indian tribes in the United States. To help correct this situation, the federal American Indian Probate Reform Act (AIPRA) created a uniform probate that became effective June 2006.

Few Indian people were aware of, or understood AIPRA. 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 of a land parcel with each passing generation. In Indian country many land allotments can have 500 or more co-owners.

The AIPRA regulates the disbursement of trust land and Individual Indian Money Accounts. AIPRA provides criteria for Indian people to inherit trust land with and without a will. A spouse and other heirs could potentially lose their land if an Indian dies intestate (without a will). Yet, due to cultural beliefs and tradition, most Indians were unlikely to write wills.

Our Response

University of Idaho Extension collaborated with tribal agencies and attorneys to provide education about AIPRA at Idaho's Fort Hall, Nez Perce, and Coeur d'Alene Reservations.

Marilyn Bischoff, University of Idaho Extension Family Economics specialist, partnered with Montana State University's (MSU) Family and Consumer specialist, Marsha Goetting, to obtain a USDA Risk Management Agency grant that provided Idaho and Montana Extension personnel funding to deliver estate planning education related to AIPRA. University



2007 Extension AIPRA seminar for Ft. Hall Tribal Elders

of Idaho Federally Recognized Tribes Extension Program Educators Danielle Gunn, Fort Hall; Valdasue Steele, Nez Perce; and Laura Laumatia, Coeur d'Alene, cooperated with tribal attorneys and agencies to implement educational programs. They taught about many of the AIPRA provisions and the consequences if an Indian who owns trust property dies with or without a will. Tribal attorneys and legal interns provided legal advice and teaching assistance. Seminars were offered at several locations and in several formats to ensure easy access for tribal members.

Fourteen Extension fact sheets describing important aspects of AIPRA were distributed in the seminars, at the local tribal Extension offices and various reservation locations. Several news-related publications were also developed. Thirteen AIPRA articles were published in the Shoshone-Bannock newspaper and the Fort Hall Agricultural Extension Newsletter.

AIPRA information was also available to participants from a MSU Extension website, <http://www.montana.edu/indianland/factsheets.html>.

Program Outcomes

A total of nineteen seminars were held at the Fort Hall, Nez Perce, and Coeur d'Alene reservations, with nearly 200 tribal members participating. Further, the Fort Hall educator made four formal presentations to more than 130 participants.

Educators received requests for AIPRA informational packets. They distributed 150 packets at tribal offices, businesses and through the mail. Additionally they reached nearly 250 individuals through face-to-face meetings. As a result of program efforts, tribal members on the Fort Hall, Nez Perce, and Coeur d'Alene reservations became more informed about their trust property and estate issues. AIPRA education created an awareness of the importance of writing a will and changed behaviors. After the seminars many program participants made attorney appointments to write wills. A Fort Hall seminar participant stated, "I got nervous when I heard about AIPRA and I made a legal will." After a Nez Perce Reservation presentation, an attendee commented, "Very Informative—learned very much, gave me something more to think about and information to pass on to my children." All of the participants at a Coeur d'Alene Reservation workshop indicated they would recommend it to others.

Through their collaborative programming, Extension educators increased their visibility and strengthened relationships with tribal members, attorneys and agencies. As a result of Extension tribal education about AIPRA, many Idaho Indians have become well-informed and proactive in planning for the passing of reservation lands to future generations.

Cooperators and Co-sponsors

- Montana State University Extension
- Federally Recognized Tribes Extension Program
- USDA Risk Management Agency
- Tribal Attorneys/Interns:
 - J. Wolfley, Fort Hall
 - Siiri Wilson, Nez Perce
 - Joy Brosier, Coeur d'Alene
- Tribal Business Councils
- Bureau of Indian Affairs
- Office of Special Trustee

FOR MORE INFORMATION

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