



**National Indian Child Welfare Association FY 2015 Testimony**  
**United States House of Representatives**  
**Committee on Appropriations, Subcommittee Interior, Environment, & Related Agencies**  
**Department of the Interior; Bureau of Indian Affairs Recommendations**

The National Indian Child Welfare Association (NICWA) is a national American Indian/Alaska Native (AI/AN) nonprofit organization. NICWA has over 30 years of experience providing leadership in the development of public policy that supports tribal self-determination in child welfare and children's mental health systems. We urge Congress, as they make budgetary decisions for FY2015, to not forget the unique interest of AI/AN children and families. This testimony will provide recommendations for the following programs administered by the Bureau of Indian Affairs in the Department of the Interior: Indian Child Protection and Family Violence Prevention (\$43 million), Social Services (\$40.8 million), Welfare Assistance (\$80 million), and Indian Child Welfare Act On-Reservation Program (Tribal Priority Allocation—\$15.6 million; Self-Governance—\$16.5 million).

Tribes have an important relationship with their children and families; they are experts in the needs of AI/AN children, best-suited to effectively serve those needs, and most able to improve these children's child welfare outcomes (NICWA & Pew Charitable Trust, 2007). In addition, statistics show that AI/AN children face elevated rates of child abuse and neglect (Dept. of Health and Human Services, 2012). The key to successful tribal child welfare is a budget that avoids unnecessary restraint on tribal decision-making and accounts for the elevated need in tribal communities.

**Priority Program Recommendation**

**Indian Child Protection and Family Violence Prevention Act recommendation:** *Appropriate \$43 million for the three discretionary grant programs under this law: 1) \$10 million for the Indian Child Abuse Treatment Grant Program; 2) \$30 million for the Indian Child Protection and Family Violence Prevention Grant Program; and 3) \$3 million for the Indian Child Resource and Family Service Centers so that tribes will finally get this vital funding.*

The Indian Child Protection and Family Violence Prevention Act (ICPFVP; P.L. 101-630), was enacted to fill gaps in tribal child welfare services—specifically child protection and child abuse treatment—and to encourage coordination between child abuse and domestic violence programs.

AI/AN women are more likely than any other racial group to experience intimate partner violence (IPV); 39% of AI/AN women report having experienced IPV at some point in their lives (Black and Breiding, 2008). Studies show that in 49%–70% of cases, men who abuse their partners also abuse their children (White Eagle, Clairmont, and Hunter, 2011). The ICPFVP programs are the only funds specifically authorized for tribes to address these issues. The three programs authorized under this line item provide funding for child abuse treatment and prevention; investigation of child abuse reports; family violence treatment services; and the

establishment of BIA Indian child resource and family service centers to assist tribes with the investigation, prevention, and treatment of victims of child abuse and domestic violence. In spite of the great need, and these programs' authorization in 1991, only the BIA Indian child resource and family centers have ever received funding and that was only in one fiscal year.

This year the President introduced an important Indian Country budget initiative: the *Tiwahe* (Family) Initiative. This initiative aims to empower tribal communities in order to strengthen AI/AN families by “directing additional resources to support culturally appropriate social services and a more holistic approach toward family stability” (U.S. DOI Budget Justifications and Performance Information Indian Affairs FY 2015 (“Greenbook”), 2014, p. IA-ES-2). This initiative will provide additional funding to the BIA Social Service Program, the Indian Child Welfare Act (ICWA) program, and to BIA job training and job placement programs. Omitting the funding for ICPFVPA programs leaves a gap in the President’s initiative. For this reason, and as a part of this *Tiwahe* Initiative, the programs under this grant should be fully appropriated.

### **Other Program Recommendations**

**Social Services recommendation:** *Increase funding by \$5 million as recommended by the President’s proposed Tiwahe Initiative for a total appropriation of \$40.8 million so that child protective services can be fortified.*

The BIA Social Services line item funds contracted/compacted tribal social workers who help families get assistance and protect children and elders, BIA social work staff at regional and agency offices, support programs for AI/AN individuals, and training and technical assistance to tribal social service programs.

This line item is, therefore, an essential part of tribal child welfare systems. The Social Service line item helps AI/AN families meet their basic needs which prevents involvement with the child welfare system. It provides the only BIA funding available for child protective services in Indian Country (because the ICPFVPA remains unfunded).

The President has proposed a \$5 million increase in Social Service funding in his FY2015 budget as part of the *Tiwahe* (Family) Initiative. These funds are to be used “to add much needed additional social workers for both tribal and [BIA] operated programs” (Greenbook, 2014, p. IA-HS-2). These social workers are to be dedicated to child protection, and it is the hope of the President that this increase in capacity will allow tribal child welfare systems to “focus on long-term strategies to address the impact of family violence on the break-up of the families” and “to provide more prevention, intervention, and outreach activities” (Greenbook, 2014, p. IA-HS-2). We commend the President for the *Tiwahe* Initiative and this proposed increase in funding for tribal social services and ask that Congress fund Social Services at \$40.8 million as recommended by the President.

**Welfare Assistance recommendation:** *Increase current funding levels to \$80 million to provide a safety net for Native families and assist grandfamilies and other kinship caregivers in tribal communities.*

The Welfare Assistance line item provides five important forms of funding to AI/AN families: General Assistance, Child Assistance, Non-Medical Institutional or Custodial Care of Adults, Burial Assistance, and Emergency Assistance. General Assistance, Emergency Assistance, and Child Assistance are particularly important to tribal child welfare programs.

*General Assistance* provides financial assistance for essential needs such as food, clothing, shelter, and utilities while individuals who are ineligible for all other financial assistance programs work towards independence as outlined in a self-sufficiency plan. AI/AN children are more likely to live in households that are below the poverty line. Thirty-four percent of AI/AN children live in households with incomes below the poverty line as compared to 20.7% of children nationwide (Maternal and Child Health Bureau, 2012). In addition, nearly 19% of the AI/AN labor force is unemployed on reservations (2006–2010 American Community Survey)—twice the rate for the total population. These funds are essential to the basic well-being of the families who receive them and also an important tool for child welfare agencies working to keep families together. These funds, like *Emergency Assistance*, also funded under this line item, often provide the financial assistance necessary to prevent neglect and the removal of a child.

*Child Assistance* provides payments on behalf of children who are placed outside their homes in foster, adoptive, or guardianship care. Because tribal governments have a responsibility to support the placement of AI/AN children that live on tribal lands under their jurisdiction who cannot remain safely at home, these funds are critical. Currently only three tribes have access to Title IV-E, the funding stream states use to support out-of-home placements. Other tribes rely on Child Assistance funds for this purpose. Without these funds, tribes would have to place children in unsubsidized substitute care homes. This would put an undue burden on tribal foster families and make foster care recruitment in AI/AN communities all the more difficult.

The current funding level for these important services just begins to meet the need in tribal communities. For this reason, the funds should be increased by \$5 million. This amount will provide necessary support to AI/AN families at risk of being torn apart, to children in relative placements, and to AI/AN individuals and families who need a hand up.

**ICWA Funding recommendation:** *Increase the ICWA On or Near Reservation Program appropriations by \$5 million and the Self-Governance and Consolidated Tribal Government ICWA On or Near Reservation appropriations by \$5 million, for a total increase of \$10 million to help tribes meet the needs of their communities. Appropriate an additional \$5 million for the authorized, but unfunded, Off-Reservation ICWA Program to ensure ICWA protects all children.*

At the time that ICWA was passed, Congress estimated that between \$26 million and \$62 million was required to fully fund tribal child welfare programs on or near reservations during the first years of the grant program (U.S. Senate Report 95-597). ICWA funding is used for family reunification and rehabilitation, case management, foster care recruitment and retention, and adoption services. As the President has recognized in his *Tiwahe* (Family) Initiative, increased ICWA funding is essential for strong AI/AN families and communities. This funding is designed to “prevent the breakup of Indian families or reunite them if break-up occurs” (Greenbook, 2014 p. IA-HS-3). This funding is also used to “expand the capabilities of tribes to intervene in

involuntary court proceedings and ensure the children are not separated from their cultural base” (Greenbook, IA-HS-3). Despite its importance to so many facets of tribal child welfare, it remains underfunded, even as tribes remain ineligible for other important child welfare funding like CAPTA State Grants, and Title XX Social Service Block Grants to which states have access.

Specifically, as part of the *Tiwahe* Initiative, the President recommends a \$5 million increase to ICWA on-reservation funding to be shared between Tribal Priority Allocation and Self-Governance/638/Consolidated Tribal Government Programs. This would amount to an approximate increase of \$2.5 million to each of these ICWA on-reservation programs. We commend the President for this initiative and for his recognition of the important of ICWA funding to tribal communities and families. Spreading the \$5 million increase between both Tribal Priority Allocation tribes and Self-Governance/638/Consolidated Tribal Government Programs, however, will prevent a significant increase in actual ICWA funding for all tribes. ICWA is such a foundation to the *Tiwahe* Initiative that we recommend a \$5 million increase to each of the ICWA on-reservation funding programs. This would mean a \$5 million increase to the Tribal Priority Allocation as well as a \$5 million increase to Self-Governance/638/Consolidated Tribal Government Programs for ICWA purposes.

The protections of ICWA apply to AI/AN children on-reservation *and* children who live in urban areas. For this reason, ICWA authorizes child welfare funding for urban ICWA programs. From 1979–1996, funding was allocated for ICWA grants to urban organizations serving AI/AN peoples. This off-reservation ICWA program has not since been funded since, despite the fact that, according to the 2010 Census, 67% of AI/AN people lived *off-reservation*. Urban programs provide important ICWA services including recruitment of AI/AN foster homes, case management, identification of at-risk families for services, and in-home services that help children stay in their homes or be reunified with their parents. As a result of the loss of funding, the majority of these programs have disintegrated. It is for this reason that to truly fulfill the *Tiwahe* Initiative, funding for off-reservation ICWA programs must be reinstated and appropriated at \$5 million to ensure that *all* AI/AN children are protected by the ICWA.

<i>Indian Child Welfare Act</i>					
	<i>FY2012 Enacted</i>	<i>FY2013* Enacted</i>	<i>FY2014 Enacted</i>	<i>FY2015 Pres. Budget</i>	<i>FY2015 Recommended</i>
On-Reservation: Tribal Priority Allocation	\$10,850,000	\$10,628,000	\$10,710,000	~\$13,128,000	\$15,628,000
On-Reservation: Self-Gov; 638 Consol. Tribal Gov't Program	\$11,300,000	\$11,480,000	<i>number not available</i>	~\$13,980,000	\$16,480,000
Off-Reservation	\$0	\$0	\$0	\$0	\$5,000,000

\*Reflects sequestration effects.