

**National Indian Child Welfare Association FY 2017 Testimony**  
**United States House of Representatives**  
**Committee on Appropriations, Subcommittee Interior, Environment, & Related Agencies**  
**Department of the Interior; Bureau of Indian Affairs Recommendations**  
**March 17, 2016**

The National Indian Child Welfare Association (NICWA) is a national American Indian/Alaska Native (AI/AN) nonprofit organization. NICWA has provided leadership in the development of public policy that supports tribal self-determination in child welfare and children's mental health systems for over thirty years. This testimony will provide recommendations for the following programs administered by the Bureau of Indian Affairs (BIA) in the Department of the Interior: Indian Child Protection and Family Violence Prevention (\$43 million), Social Services (\$57.3 million), Welfare Assistance (\$80 million), Indian Child Welfare Act On or Near Reservation Program (Tribal Priority Allocation—\$18.9 million), and Indian Child Welfare Act Off-Reservation Program (\$5 million).

Congress has unequivocally recognized that there is nothing “more vital to the continued existence and integrity of Indian tribes than their children.” (25 U. S. C. § 1901[3] [2006]). Congress must promulgate a budget that empowers tribes to provide the programs and services necessary to safeguard their children and strengthen their families. A recent report from the Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence emphasized this very point:

Congress and the executive branch shall direct sufficient funds to AI/AN tribes to bring funding for tribal criminal and civil justice systems and tribal protection systems into parity with the rest of the United States and shall remove barriers that currently impede the ability of AI/AN nations to effectively address violence in their communities. *The Advisory Committee believes that treaties, existing law, and trust responsibilities are not discretionary and demand this action.*<sup>i</sup>

As this recommendation suggests, Congress must prioritize the safety and well-being of *all* children. According to the advisory committee, “AI/AN children are generally served best when tribes have the opportunity to take ownership of the programs and resources they provide.”<sup>ii</sup> The recommendations below suggest funding increases that will provide tribes with sufficient child welfare funding and avoid unnecessary restraint on tribal decision-making. We urge Congress, as they make budgetary decisions for FY 2017, to not forget AI/AN children and families.

**Priority Program Recommendation**

**Indian Child Protection and Family Violence Prevention Act Recommendation:**

*Appropriate for the first time \$43 million for the three grant programs under this law—\$10 million for the Indian Child Abuse Treatment Grant Program, \$30 million for the Indian Child Protection and Family Violence Prevention Grant Program, and \$3 million for the Indian Child Resource and Family Service Centers Program to protect AI/AN children from child abuse and neglect.*

The Indian Child Protection and Family Violence Prevention Act (ICPFVPA), Pub. L. No. 101-630 (1991), was enacted to fill gaps in tribal child welfare services—specifically child protection and child abuse treatment—and to ensure better coordination between child welfare and

domestic violence programs. The act authorizes funding for two tribal programs: (1) the Indian Child Protection and Family Violence Prevention Program, which funds prevention programming and supports investigations of family violence and emergency shelter services; and (2) the Treatment of Victims of Child Abuse and Neglect program, which funds treatment programs for victims of child abuse. It also authorizes funding to create Indian Child Resource and Family Service Centers at each of the BIA regional offices.

Child abuse prevention funding is vital to the well-being and financial stability of AI/AN communities. Beyond the emotional trauma that maltreatment inflicts, victims of child maltreatment are more likely to require special education services, more likely to be involved in the juvenile and criminal justice systems, more likely to have long-term mental health needs, and have lower earning potential than their peers.<sup>iii</sup> Financially, child maltreatment costs tribal communities and the United States \$210,012 per victim.<sup>iv</sup> Child abuse prevention funding is essential, therefore, to the well-being of families and the social and economic development of tribal communities.

Therefore, tribes, like states, need adequate resources to effectively prevent and respond to family violence in their communities. However, unlike states, tribes do not have access to the key Department of Health and Human Services (DHHS) child protection programs, the Child Abuse Prevention and Treatment Act (CAPTA) Basic Funding Program and the Social Services Block Grant (Title XX). The programs authorized under ICPFVPA were created to fill this gap but, without appropriation, tribes are left without funding for child protection and child abuse prevention services.

### **Other Program Recommendations**

**Social Services Recommendation:** *Increase funding by \$12.1 million as recommended by the President's proposed Tiwahe Initiative for a total appropriation of \$57.3 million so that child and family programs in Indian Country can be strengthened and expanded.*

The Social Services Grant Program provides a wide array of family support services filling many funding gaps for tribal programs, and ensuring federal staff and technical assistance for these programs. These funds are desperately needed. A recent assessment of BIA social services found that, in large part due to inadequate funding:

BIA and tribal social services staff prepare, authorize, and document various social services activities as part of their daily activities. Some tribes reported frequent vacancies and staff turnover in social services programs and mentioned a need for BIA to provide basic guidance and supporting materials to ensure continuity of services throughout tribal communities...

Technical support is one area where roles and responsibilities remain unclear, as demonstrated by BIA's social services contracts with tribes. The contracts, or annual funding agreements, state that BIA will provide technical support with social services issues as needed. Contrary to these agreements, we uncovered reports of insufficient or nonexistent technical support. In some cases, tribes could wait up to three weeks before receiving a response, or they might receive no response at all.<sup>v</sup>

As this assessment describes, the program is drastically underfunded, and tribal programs, families, and children suffer as a result. In FY 2016 this program saw a \$5 million increase. This is to be commended and the momentum must continue. Another \$12.1 million must be appropriated for this program, as suggested in the President’s budget to support the *Tiwahe* (family) Initiative—children and families depend on it.

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

The Welfare Assistance line item provides five important forms of funding to AI/AN families: (1) general assistance, (2) child assistance, (3) non-medical institution or custodial care of adults, (4) burial assistance, and (5) emergency assistance. These programs often provide the assistance necessary to help a family make ends meet, prevent neglect, and keep their children safely in the home. Currently the need far exceeds the funding provided by this program.

AI/AN adults on reservations—including parents and kinship caregivers—are unemployed at a rate more than two times the unemployment rate for the total population.<sup>vi</sup> Thirty-four percent of AI/AN children live in households with incomes below the poverty line as compared to 20.7% of children nationwide.<sup>vii</sup> AI/AN families live much closer to financial crisis than the average American family. AI/AN child welfare programs and social service agencies need to have the resources necessary to support families in times of crisis and uncertainty to promote stability and prevent abuse. In light of these identified needs and current underfunding, funds should be increased by \$5.2 million to provide tribal governments the resources they need to support families and children in crisis.

**ICWA Funding Recommendation:** *Increase the ICWA On or Near Reservation Program (TPA) appropriations by \$3.4 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.*

	FY 2013 Enacted	FY 2014 Enacted	FY 2015 CAA	FY 2016 Enacted	FY 2017 Recommended
On-Reservation ICWA Program	\$10,628,000	\$10,710,000	\$15,433,000	~\$15,641,000	<b>\$18,946,000</b>
Off-Reservation	\$0	\$0	\$0	\$0	<b>\$5,000,000</b>

As the Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence recently stated “If AI/AN children today are to be provided with a reliable safety net, the letter and spirit of [the Indian Child Welfare Act] must be enforced.”<sup>viii</sup> ICWA provides protections to AI/AN families in state child welfare and judicial systems. It also recognizes the sovereign authority of tribal nations to provide child welfare services and adjudicate child welfare matters. To effectuate these provisions, ICWA authorized grant programs to fund child welfare services on or near reservations and for ICWA support in off-reservation, urban Indian programs.

ICWA funding is the foundation of most tribal child welfare programs. Compliance with the letter and spirit of ICWA necessitates adequate funding so that tribal child welfare programs can monitor state court proceedings and provide community-based, culturally appropriate services to children and families. At the time that ICWA was passed in 1978, Congress estimated that between \$26 million–\$62 million would be required to fully fund tribal child welfare programs on or near reservations (S. Rep. No. 95-597, p. 19 (1977)). Even after an important FY 2015 increase, for which we thank Congress, current funding levels fall far short of this estimate—especially after adjusting for inflation. Funding must be increased by an additional \$3.4 million for the On or Near Reservation ICWA Program (TPA).

According to the 2010 Census, 67% of AI/AN people lived off-reservation. These children and families are best served when state child welfare systems are not only working with the child’s tribe, but also with urban Indian child welfare programs. These programs provide assistance to states and the child’s tribe, and provide culturally appropriate child welfare services. For this reason, ICWA authorizes child welfare funding for urban Indian programs. From 1979–1996, funding was allocated to urban organizations serving Native children and families. When funded, off-reservation programs provided important services such as recruitment of Native foster care homes, child abuse prevention efforts, and culturally appropriate case management and wraparound services. When funding stopped, the majority of these programs disintegrated even as the population of AI/AN children off-reservation increased. This funding must be reinstated. We recommend a \$5 million appropriation to support AI/AN children and families living off-reservation.

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<sup>i</sup> U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (2014). *Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence: Ending violence so children can thrive* (p. 51). Retrieved from <http://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2014/11/18/finalaianreport.pdf>

<sup>ii</sup> *Ibid.*

<sup>iii</sup> Fang, X., Brown, D. S., Florence, C. S., & Mercy, J. A. (2012). The economic burden of child maltreatment in the United States and implications for prevention. *Child Abuse & Neglect*, 36, 156–65. doi: 10.1016/j.chiabu.2011.10.006.

<sup>iv</sup> *Ibid.*

<sup>v</sup> Department of the Interior, Office of Inspector General. (2012). *Management of social services in BIA: Opportunity for action* (Report No. WR-EV-BIA-0001-2012). (pp. 5–6) Retrieved from <http://www.doi.gov/oig/reports/upload/WR-EV-BIA-0001-2012Public.pdf>

<sup>vi</sup> Stegman, E. & Ebarb, A. (2010). Sequestering opportunity for American Indians/Alaska Natives. *Center for American Progress*. (Para. 1). Retrieved from <https://www.americanprogress.org/issues/poverty/news/2013/11/26/80056/sequestering-opportunity-for-american-indians-and-alaska-natives/>

<sup>vii</sup> U. S. Department of Health and Human Services, Health Resources and Services Administration, Maternal and Child Health Bureau. (2013). *Child health USA 2012* (p. 9). Rockville, MD: Author.

<sup>viii</sup> U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (2014). *Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence: Ending violence so children can thrive* (p. 75). Retrieved from <http://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2014/11/18/finalaianreport.pdf>