

National Indian Child Welfare Association FY2021 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 been a leader in the development of public policy that supports tribal self-determination in child welfare and social services for over 30 years. This testimony will provide funding recommendations for the following programs administered by the Bureau of Indian Affairs (BIA) in the Department of the Interior: 1) Indian Child Protection and Family Violence Prevention grant programs (\$43 million), 2) Indian Child Welfare Act On or Near Reservation Program grant program (Tribal Priority Allocation—\$25 million), 3) Indian Child Welfare Act Off-Reservation Program grant program (\$5 million), 4) Welfare Assistance (\$80 million), and 5) Social Services (\$60 million).

In order for AI/AN children and families to have the full protections and supports they need, Congress must appropriate adequate funds to the basic child welfare programs and services that tribal communities, like all communities, need. States also rely on tribes to help them provide appropriate child welfare services to AI/AN children and families that fall under their jurisdiction.¹ This includes partnering on investigations of child abuse and neglect reports, building case plans for families, providing culturally based family services, and securing appropriate out-of-home placements. Investments in these programs will reduce preventable trauma to children and families, reduce future expenditures for more expensive and intrusive services, and decrease long-term involvement with the child welfare system. Increasingly, tribes are developing and implementing child welfare systems that outperform states and make significant progress to reducing the need for child welfare services in their communities.

The recommendations below suggest funding increases that will provide tribal communities with sufficient child welfare funding, avoid unnecessary restraint on local tribal decision making, and support established state and tribal partnerships dedicated to the protection of AI/AN children.

Priority Program Recommendation

BIA Indian Child Protection and Family Violence Prevention Act Recommendation:
Appropriate for the first time \$43 million for the three discretionary 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. Despite overwhelming need, the two grant programs have never been appropriated funds since their inception in 1990. Only once were funds appropriated under any of these programs and it was just one year in the mid 1990's (\$3 million) for the Indian Child Resource and Family Service Centers.

The Indian Child Protection and Family Violence Prevention Act (ICPFVPA), Pub. L. No. 101-630 (1990), 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 as well as investigation and emergency shelter services for victims of family violence; 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 in each of the BIA regional areas. These centers would provide training, technical assistance, and consultation to tribal child protection programs.

There is an incredible need for family violence prevention and treatment resources in AI/AN communities. As recently recognized by Congress in the Violence Against Women Reauthorization Act of 2013, AI/AN women are more likely than any other population to experience intimate partner violence. In fact, more than one in three AI/AN women experience intimate partner violence at some point in their lives.ⁱⁱ Further, AI/AN children experience child abuse and neglect at an elevated rate. They are victims of child maltreatment at a rate of 13.8 per 1,000, compared to the national rate of 9.2 children per 1,000.ⁱⁱⁱ These problems are intricately intertwined. Studies show that in 49–70% of cases, men who abuse their partners also abuse their children,^{iv} while child abuse investigations reveal violence against the mother in 28–59% of all cases.^v

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.^{vi} Financially, child maltreatment costs tribal communities and the United States \$210,012 per victim.^{vii} Child abuse prevention funding is an investment tribal communities believe in, but need support to fulfill.

Other Program Recommendations

BIA Indian Child Welfare Act Program: *Increase appropriations to the Indian Child Welfare Act On or Near Reservation Program grant program to \$25 million and the Off Reservation grant program to \$5 million.*

The Indian Child Welfare Act (ICWA) was a response to national findings that public and private child welfare agencies were systematically removing AI/AN children from their homes and communities at horrendous rates, often without due process and under questionable circumstances. To prevent these troubling practices, which unfortunately still occur today, Congress provided protections to AI/AN families in state child welfare systems under ICWA. It also recognizes the 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.

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.^{viii} Current funding levels falls far short of this estimate—especially after adjusting for inflation.

Appropriate \$5 million for the authorized, but unfunded, Off-Reservation ICWA Program to ensure all AI/AN children receive effective services as required by ICWA.

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, for AI/AN children and families living off tribal lands and provide culturally appropriate child welfare services that can reduce disproportionality of

AI/AN children in state foster care systems and other poor outcomes. For this reason, ICWA authorizes child welfare funding for urban Indian programs. From 1979–1996, funding was allocated to urban organizations serving AI/AN 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.

BIA Welfare Assistance Program: *Increase appropriation levels to \$80 million to support tribal services that assist families in crisis, prevent child neglect, sustain kinship placements for children placed outside their homes, support adults in need of care, and provide final expenses.*

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.

AI/AN child welfare programs and social service agencies need to have the resources necessary to support families in times of crisis and uncertainty. AI/AN adults—including parents and kinship caregivers—are unemployed on reservations at a rate more than two times the unemployment rate for the total population.^{ix} Thirty-four percent of AI/AN children live in households with incomes below the poverty line as compared to 20.7% of children nationwide.^x The crippling of Native economies before the self-determination era left tribal communities overwhelmingly impoverished, with few economic opportunities and high unemployment. The barriers to employment vary region to region in Indian Country, but include geographic remoteness, a weak private sector, poor basic infrastructure, and even a lack of basic law enforcement infrastructure. These conditions make the programs funded under welfare assistance an important safety net for AI/AN families, especially when similar state services are not locally available, which is often the case.

The General Assistance Program provides short-term monetary assistance for basic needs like food, clothing, shelter, and utilities to individuals who are actively working towards financial stability and ineligible for all other financial assistance programs. The Emergency Assistance Program provides a one-time emergency payment of less than \$1,000 to individuals experiencing property damage beyond their control. These programs are essential to families experiencing unexpected job loss or financial crisis. They often provide the assistance necessary to help a family make ends meet and keep their children safely in their home.

The Child Assistance Program provides payments for AI/AN children on tribal lands who must be cared for outside their homes in foster care, adoptive, or guardianship placements and who are not eligible for other federal or state child placement funds or services.

The current funding for the Welfare Assistance Program falls short of meeting the needs in tribal communities. This leaves families in poverty and caregivers willing to take children who have been abused or neglected into their homes without sufficient financial support.

BIA Social Services Program: *Provide \$60 million to fortify child protective services and ensure meaningful technical assistance to tribal social service programs across Indian Country.*

The Social Services Program provides a wide array of family support services, filling many funding gaps for tribal programs and ensuring federal staff and support for these programs. Importantly, the Social Services Program provides the only BIA and tribal-specific funding available for ongoing operation of child protective services in Indian Country. It also funds BIA social workers at regional and agency offices, and funds training and technical assistance to

tribal social service programs and workers. Given the ongoing epidemic of opioid abuse in Indian Country, these funds are critical to helping stabilize AI/AN families and children at risk.

The Social Services Program is drastically underfunded and as a result, AI/AN children and families suffer. Recent increases as part of the *Tiwahe* Initiative are to be commended and their momentum must be continued. This recommended increase will ensure that basic child protective services are provided in tribal communities across the country, that tribes have access to meaningful training and technical assistance, and that the BIA has the resources necessary to fill service gaps. The Tribal Interior Budget Council estimated an unmet need of \$32 million based upon FY2015 levels and recent appropriations for FY 2019 are still \$24 million below the estimate of need.

ⁱ U.S. Government Accountability Office. (2005). *Indian Child Welfare Act: Existing information on implementation issues could be used to target guidance and assistance to states*. Retrieved from <http://www.gao.gov/new.items/d05290.pdf>

ⁱⁱ Black, M. C., & Breiding, M. J. (2008). Adverse health conditions and health risk behaviors associated with intimate partner violence—United States, 2005. (Table. 1) *Morbidity and Mortality Weekly Report*, 57(5), 113–117.

ⁱⁱⁱ U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children’s Bureau. (2015). *Child maltreatment 2015*. Rockville, MD: Author.

^{iv} White Eagle, M., Clairmon, B., & Hunter, L. (2011). *Response to the co-occurrence of child maltreatment and domestic violence in Indian Country: Repairing the harm and protecting children and mothers [Draft]* (pp. 19–20). West Hollywood, CA: Tribal Law and Policy Institute.

^v Carter, J. (2012). *Domestic violence, child abuse, and youth violence: Strategies for prevention and early intervention*. San Francisco, CA: Family Violence Prevention Fund.

^{vi} 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

^{vii} 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.

^{viii} S. Rep. No. 95-597 (p. 19) (1977).

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

^x 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.