

**HOUSE COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE FOR INDIGENOUS PEOPLES OF THE UNITED STATES**

**WRITTEN TESTIMONY OF THE NATIONAL CONGRESS OF AMERICAN INDIANS  
HEARING ON THE NATIVE AMERICAN CHILD PROTECTION ACT – H.R. 4957**

**NOVEMBER 27, 2019**

On behalf of the National Congress of American Indians (NCAI), the oldest and largest organization made up of American Indian and Alaska Native tribal nations and their citizens, and dedicated to protecting the rights of tribal nations to exercise self-determination and achieve self-sufficiency, thank you for the opportunity to provide written testimony regarding the Native American Child Protection Act, H.R. 4957. In addition to its own testimony, NCAI supports the testimony submitted by the National Indian Child Welfare Association and the Tribal Law and Policy Institute presented to the Subcommittee for Indigenous Peoples of the United States on November 13, 2019.

The Native American Child Protection Act (the Act) would provide updates to key language and reauthorize funding for important prevention programs under the Indian Child Protection and Family Violence Prevention Act (ICP), Pub. L. No. 101-630 (1991). Congress in 1990 enacted the ICP to fill funding gaps in tribal child welfare services – specifically child abuse prevention, child protection, and child abuse treatment – and to ensure better coordination between child welfare and domestic violence programs. The ICP authorized funding for two tribal programs: (1) the Indian Child Protection and Family Violence Prevention Program, which would fund prevention programming, investigations, and emergency shelter services for victims of family violence; and (2) the Indian Child Abuse Treatment Grant program, which would fund treatment programs for victims of child abuse. Additionally, Congress through the ICP authorized funding to create Indian Child Resource and Family Service Centers in each of the twelve Bureau of Indian Affairs regions. These centers –staffed by teams experienced in prevention, identification, investigation, and treatment of child abuse and neglect – would have provided training, technical assistance, and consultation to tribal child protection programs. Despite the great need for, and importance of, child maltreatment prevention and treatment programs, funding has never been appropriated to support these tribal grant programs intended to assist in preventing and helping combat the abuse of American Indian and Alaska Native (AI/AN) children.

There is an incredible need for family violence prevention and treatment resources in Indian Country. AI/AN children experience child abuse and neglect at an elevated rate, with statistics showing they are victims of child maltreatment at a rate of 12.4 per 1,000, compared to the national rate of 9.2 children per 1,000.<sup>1</sup> Also, it is clear that the widespread violence against AI/AN women, which Congress has acknowledged in the Violence Against Women Reauthorization Act of 2013 affects AI/AN women disproportionately, is intricately intertwined with the abuse of AI/AN children. Studies show that in 49–70 percent of cases, men who abuse their partners also abuse their children,<sup>2</sup> while child abuse investigations reveal violence against the mother in 28–59 percent of all cases.<sup>3</sup>

For this reason, child abuse prevention funding is vital to the well-being and financial stability of tribal nations and their citizens. 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 more likely to have lower earning potential than their peers.<sup>4</sup> Not only does child maltreatment impact a child's ability to succeed in life, it has been estimated that each non-fatal incident of child maltreatment costs \$210,012 per victim.<sup>5</sup> Tribal nations, like states, need adequate resources to effectively prevent and respond to child abuse and neglect at the local level.

However, tribal nations do not have meaningful access, commensurate to that of states, to the Department of Health and Human Services (DHHS) Child Abuse Prevention and Treatment Act (CAPTA) grant programs. In 2010 Congress did reauthorize CAPTA, allowing tribal nations for the first time to apply for CAPTA grant funding. However, tribal nations have received little CAPTA funds, making funding to prevent and address child abuse and maltreatment in Indian Country virtually nonexistent. Congress created the grant programs under the ICP to fill this gap in funding but, without appropriations, Congress's intent is unrealized and tribal nations are left with little federal funding to support child protection and child abuse prevention services.

The Act would bridge the gaps in funding by reauthorizing the two prevention grant programs at appropriate levels, while updating key language to include what we have learned about child abuse and treatment since the ICP was initially passed. The Act would also focus the efforts of the Indian Child Resource and Family Services Centers into one National Center to better streamline resources and services to meet the needs of tribal nations and Indian country.

NCAI not only supports the prompt passage of H.R. 4957 but importantly calls on Congress to fully fund the programs under the Act for the first time since their creation in the 1990's. These steps by Congress would greatly help with the efforts to prevent the abuse and neglect of AI/AN children across the U.S. today.

Thank you for the opportunity to provide testimony and for your consideration of the Native American Child Protection Act – H.R. 4957. For more information, please contact Jacob Schellinger at [jschellinger@ncai.org](mailto:jschellinger@ncai.org) and Kelbie Kennedy at [kkennedy@ncai.org](mailto:kkennedy@ncai.org).

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<sup>1</sup> U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2013). *Child maltreatment 2012*. Rockville, MD: Author.

<sup>2</sup> 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]*. West Hollywood, CA: Tribal Law and Policy Institute. (pp. 19–20).

<sup>3</sup> Carter, J. (2012). Domestic Violence, Child Abuse, and Youth Violence: Strategies for Prevention and Early Intervention. *Family Violence Prevention Fund*.

<sup>4</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: .1016/j.chiabu.2011.10.006.

<sup>5</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.