

**STATEMENT
OF
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UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
HOUSE COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE FOR INDIGENOUS PEOPLES OF THE UNITED STATES**

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Good afternoon Chairman Gallego, Ranking Member Cook, and Members of the Subcommittee. My name is Spike Bighorn and I am the Acting Deputy Bureau Director for the Office of Indian Services, Bureau of Indian Affairs (BIA) at the Department of the Interior (Interior).

Thank you for the opportunity to provide testimony regarding H.R. 4957, the Native American Child Protection Act (proposed legislation).

The proposed legislation would amend the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et. seq.) (Act), a statute that, among other provisions, required the Bureau of Indian Affairs (the Bureau) of the Department of the Interior, to establish Indian Child Resource and Family Services Centers within each area office of the Bureau in collaboration with the Department of Health and Human Services and to administer the Indian Child Protection and Family Violence Prevention Program (the Program). Congress has not appropriated funding to the Bureau to carry out the Centers or the Program since the Act's enactment in 1990.

Significance of the Proposed Legislation

Congress has clearly recognized that there is nothing “more vital to the continued existence and integrity of Indian tribes than their children.”¹ The proposed legislation will empower Tribes to provide programs and services necessary to safeguard their children and strengthen their families. The proposed legislation embodies the well-being of American Indian/ Alaska Native (AI/AN) children and families by preserving family relationships and increasing the capacity of tribes to provide for their children and families’ needs.

¹ 25 U.S.C. 1901(3) (2006). Retrieved from: National Congress of American Indians FY 2017 Budget Request. http://www.ncai.org/resources/ncai-publications/09_FY2017_human_services.pdf.

A. Expanding the Definition of “Child Abuse”

The proposed legislation expands the definition of child abuse (section 403, 25 U.S.C. 3202) to include, psychological or verbal abuse that causes serious emotional or mental injury to a child. Indian Affairs is in support of the updated definition.

B. Requires Establishment of a National Indian Child Resource and Family Services Center

The proposed legislation amends section 410 of the Act (25 U.S.C. 3209) and removes all references to the Secretary of Health and Human Services and requires the Secretary of the Interior to establish a National Indian Child Resource and Family Services Center (the Center) within one year of the enactment of the Act. The proposed legislation requires BIA to submit a report to Congress within two years after enactment of the Act. It expands the scope of the Center to develop training and technical assistance on the prevention, identification, investigation, and treatment of family violence, child abuse and child neglect for distribution to Indian tribes, to Tribal organizations and urban Indian organizations.

The proposed legislation also requires the Center to develop model intergovernmental agreements between Tribes and States, and other materials that provide examples of how Federal, State, and Tribal governments can develop effective relationships and provide for maximum cooperation in the furtherance of prevention, investigation, treatment, and prosecution of incidents of family violence and child abuse and child neglect involving Indian children and families.

The proposed legislation includes the establishment of a Center Advisory Board consisting of 12 members appointed by the Secretary of the Interior from Indian tribes, Tribal organizations and urban Indian organizations with expertise in child abuse and child neglect. It would authorize Congress to appropriate \$3.0 million per year for fiscal years 2021 through 2026 to carry out the Center and associated activities.

Interior is in support of the establishment of the National Indian Child Resource and Family Services Center (the Center). The Center will enhance the activities the Bureau is currently implementing through the Center for Excellence. The Center for Excellence is a training platform with a focus on creating and disseminating information, knowledge and best practices among Tribal and Bureau social services staff in the areas of child protection, child welfare and family violence prevention. Through the Center for Excellence, the Bureau is partnering with institutions of higher education including the University of Montana, Center for Children, Families and Workforce Development (CCFWD) and the University of Oklahoma, School of Social Work (OU-Tulsa) to develop culturally-based training and standardized practice and protocols in the areas of Child Welfare and Child Protection.

Indian Affairs is working with the Alyce Spotted Bear and Walter Soboleff Commission on Native Children (the Commission) to develop and establish intergovernmental agreements. The Center for Excellence is partnering in FY2020 with the Capacity Building Center for Tribes (CBCT) to expand the Center for Excellence’s Training Academy to tribal social services programs. In addition, the Bureau developed and deployed the National Training Center for Indian Social Services (NTCISS) website in FY2019. The NTCISS website serves as a training and information hub to provide on-demand access to resources and training. The website provides access to trending policies, practices, guidelines, protocols, legislative changes and deliverables that impact social service and employment practices.

C. Provides Financial Assistance to Tribes

The draft legislation amends section 411 of the Act (25 U.S.C. Section 3210), to provide financial assistance to any Indian tribe, tribal organization, or inter-tribal consortium for the development of an Indian Child Protection and Family Violence Prevention Program (the Program).

The proposed legislation requires the Secretary of the Interior to develop caseload standards and staff requirements in consultation with Indian tribes within one year after the enactment of the Act. The proposed legislation also requires the BIA to submit to Congress a report on the award of funding under this Section, within two years of the enactment. The report would include (1) a description of treatment and services for which Tribes have used funds and (2) any other information that the Secretary of the Interior requires.

D. Expands the Scope of the Act

The draft legislation expands the scope for which funds provided under the Indian Child Protection and Family Violence Prevention Program, section 411 of the Act (25 U.S.C. Section 3210), can be used to include three new provisions: (1) the development of agreements between Tribes, States, or private agencies on the coordination of child abuse and neglect prevention, investigation, and treatment services, (2) child protective services operational costs, transportation, risk and protective factors, assessments, family engagement and kinship navigator services and relative searches, criminal background checks for prospective placements, and home studies, and (3) the development and implementation of a multidisciplinary child abuse and neglect, investigation and prosecution program.

Indian Affairs has an Interagency Agreement with the Department of Justice, Tribal Access Program (TAP) to provide biometric/biographic kiosk workstations at BIA agency and Tribal locations. The TAP kiosk provides Bureau social services and Tribal social services programs access to process fingerprint based background checks in accordance with the Native American Children's Safety Act, Section 2, which amends Section 408 of the Indian Child Protection and Family Violence Prevention Act, and will further align with the proposed scope changes outlined in the proposed legislation under Section 411 (25 U.S.C. 3210) regarding criminal background checks for prospective placements.

Interior recommends expanding the language in Section 411 (25 U.S.C. 3210) to include murdered and missing indigenous women and children and victims of human trafficking as these too are forms of family violence that are impacting Indian Country at high rates.

The draft legislation would authorize Congress to appropriate \$60.0 million per year for fiscal years 2021 through 2026 for Interior to initiate the Indian Child Protection and Family Violence Prevention program through Indian Self-Determination and Education Assistance Act agreements on Indian reservations.

Conclusion

Interior is in support of the proposed changes in the legislation as the changes reflect the nature of Tribal child welfare and family violence prevention programs, which are made up of "discrete yet

interconnected functions.”² These functions include, but are not limited to, child protection, domestic and family violence intervention services, court related activities, tribal child protection and family violence prevention codes and regulations, training, communication education efforts, and culturally relevant services and programs.

Interior looks forward to working with this Subcommittee on the Act and provide technical assistance as requested.

Mr. Chairman, thank you for the opportunity to testify today. I am glad to answer any questions from the Subcommittee.

² National Child Welfare Resource Center for Tribes. (2011). Findings from the national needs assessment of American Indian/Alaska Native child welfare programs (p. 5). Retrieved from nrc4tribes.org/files/NRCT%20Needs%20Assessment%20Findings_APPROVED.pdf.