

**STATEMENT OF MIKAH CARLOS
TRIBAL COUNCILMEMBER
SALT RIVER PIMA MARICOPA INDIAN COMMUNITY
TO THE U.S. HOUSE WAYS AND MEANS COMMITTEE
REGARDING TRIBAL CHILD WELFARE SERVICES AND THE TITLE IV-B PROGRAM**

Skeg tas, ani ap cegig Mikah Carlos. Ciod onk Akimel amjed. Hello my name is Mikah Carlos and I am from the Salt River Pima Maricopa Indian Community (SRPMIC). I currently serve my community as a member of the tribal council, and I am honored to serve not only my community, but all of Indian Country as a Board Member of the National Indian Child Welfare Association. Chairman Smith, Ranking Member Neal, Congressman Schweikert, and members of the Committee thank you for the opportunity to provide testimony on tribal child welfare services, the federal adoption tax credit, and the Title IV-B Child Welfare Services and Promoting Safe and Stable Families programs. On behalf of our Community I want to thank you for holding this important hearing here on our land, in the first ever Ways & Means Committee field hearing on tribal land.

My family has had a long history of interactions with the child welfare system, from kinship and foster care placements in our home to the adoption of my sister. But there are some moments that stand out as pivotal in regards to the work I do with child welfare and culturally specific programming for youth.

As a child, when my parents divorced, my non-native mother was given primary custody of my siblings and I. She did not allow us to practice our culture because she felt like it went against her religious beliefs. While I was connected to my community through my grandparents and father, that connection slowly diminished over time as the relationship between my mother and father eroded.

As an adult who has and continues to make the effort to connect and embrace my culture, I can reflect back and now identify that, even though I wasn't cognizant of being disconnected, I was dealing with the direct impact of loss of culture and language on my well-being. There was always a sense of something missing and there was a void in my life that I tried to fill, with what I will admit, were some bad choices that thankfully did not have lifelong consequences.

Fortunately, I had friends who were engaged with the Community through the Tribe's youth council and it was there that I was able to start learning more about our himdag, which roughly translates to "way of life" in O'odham. This is a main component of our culture and it encompasses an array of things that are hard to translate into English. When you learn about the himdag and culture, you learn your connection to the community and our extended families. I began to understand the role and purpose I had in the community and finally that piece that felt like I was missing, started to fall in to place.

It was those experiences and my work in child welfare that drove me in my professional and personal life to make culture a focal point of the work I do. We know that culture is prevention and when it is incorporated holistically into services and programming for youth, we see a reduction in risky behaviors because of the protective factors that are incorporated into our cultural practices.

At the same time that I was on my journey to learn more about my culture and gaining an understanding of how impactful it is to be connected to your community, I began working for a foster care agency that contracted with my community and another tribe. Working with the Indian children who had been placed outside of their communities was again another reminder of how important it is for youth to be connected to their culture and communities. The children often expressed interest in wanting to know more about “being Indian” and sometimes they would even feel ashamed they didn’t know about their culture. As much as SRPMIC makes efforts to connect youth placed outside of the community to our culture, there is nothing that can substitute for the lessons of himdag that you learn from being in community and with your community members.

Later, when I started working directly for my community, I managed programs that were tasked with reducing youth substance use rates. I learned more about the factors that contribute to substance using behavior, but more importantly, I began learning about how to prevent those behaviors before they start. I learned about protective factors and how when youth are connected to their culture and community, we saw lower rates of substance using behaviors and increased resiliency to adversity. Taking what I learned, I helped develop a program that focuses on teaching youth about our himdag that also serves a dual purpose of increasing the protective factors that will increase their overall lifetime health outcomes.

As a tribal leader, this work is even more important because we are tasked with the overall wellbeing of our community and part of that is making sure that services are provided in a culturally significant and meaningful way. When we intervene with youth and develop protective factors that will reduce certain behaviors and improve lifelong health and achievement outcomes. This is why it is so important that we keep our future, our children, connected to culture and our community because it means a healthy future of our people.

Salt River Pima Maricopa Indian Community and our Child Welfare Services

Established by Executive Order in 1879, our Community is home to the An Auk Akimel O’odham (Pima) and Xalychidom Piipaash (Maricopa) tribes. Located in the Phoenix metropolitan area, the Community spans 52,600 acres and has approximately 11,000 enrolled members that require significant government services to meet community needs.

SRPMIC operates a comprehensive array of child welfare services and adjudicates tribal juvenile matters involving our tribal member families within our tribal court. Our child welfare department has more than 40 full time employees including 28 caseworkers, 2 program administrators, 8 managers and 6 support staff. We are also fortunate to have a dedicated ICWA Court in Maricopa County with 1 dedicated ICWA judge who takes all ICWA or likely ICWA eligible cases. The ICWA Judge has a judicial assistant and courtroom assistant who help with data entry and tracking of ICWA cases. We also have 1 ICWA Court Coordinator.

We provide support and services to tribal nation children and families that live on and off our tribal lands and are involved in state child welfare systems. Our workforce has the added requirement and responsibility of working with our citizens in child welfare systems both in Arizona and many states beyond. This gives us a unique perspective on how other state child welfare systems operate, and the challenge of helping our children and families get the support and services they need in different jurisdictions.

We take great pride in how we have successfully designed and operate our child welfare program so that it can provide the support our children and families need in a timely and appropriate manner and avoid, whenever possible, the traumatic and costly removal of children from their homes and placement into foster care.

A hallmark of our child welfare services is the principle of intervening early before crisis overwhelms our families and we have little recourse to keep children safe other than removing them from their home. We work hard to create a positive relationship between our child welfare program and the community so that families will want to come see us to get support or services. We want our community to see the tribal child welfare program as a valuable partner in keeping children safe, not just a policing agent that monitors families or only helps after the crisis occurs. This means our program needs to look like our community so our families see themselves in our staff and how we work and know the program is serious about strengthening their capacity to help them keep their children safe.

Our programs are culturally based and always seek to strengthen our children and families connection to their tribal values, beliefs, and traditions. These tribal connections become protective factors that increase family and youth resilience and help them avoid risk taking behavior that can land them in child welfare, juvenile justice, or other systems. As an example of how our program has been successful, the tribe has lowered the foster care rates from 450 children in out of home care to 99 children in out of home care. The tribe is offering preventative services to address parenting, substance abuse, and mental health so children can safely remain in their homes or with family reducing the reentry of families into the child welfare system. Families are taking an active role in decision making and seeking supportive services from the Community.

Our child welfare services are funded by a blend of federal, state, and tribal government funding. One consistent challenge we face is finding federal funding that allows us to support services that align with tribal approaches. For example, we have an approved Title IV-E Foster Care, Relative Guardianship, and Adoption Assistance program and an approved Title IV-E Prevention Services program. While these HHS resources are very helpful, they are often more challenging to administer and have more narrow eligibility for what types of services, how long services can be provided, and who can receive the services than do Title IV-B funded services.

Conversely, our Title IV-B funds are the most flexible and best aligned to our community needs prevention funding we receive from HHS, but unfortunately, our Title IV-B funding allocation is also relatively small compared to other funding we receive. Between both Title IV-B programs we receive less than what it costs to fund two professional social workers who can provide the prevention services needed by our families (\$130,000). Furthermore, despite this relatively small allocation, we are subject to administrative requirements that are similar to what a state has to conduct.

Our tribal court system is also a valuable partner in our efforts to keep our foster care rates low and strengthen our families, but there is a long line of tribes that are trying to access the funding under the Tribal Court Improvement Program that is currently funded at \$1 million each year, so it could take years before we are able to receive a grant under this program, which makes integrating reform efforts with our tribal child welfare program much more challenging.

H.R. 2762, the Tribal Family Fairness Act

We think there are some common sense solutions to some these challenges in the Tribal Family Fairness Act (H.R. 2762), a bipartisan bill that would increase the tribal set-aside in Title IV-B, Subpart 2, so that more tribes would be eligible for the funding and existing tribal grantees would receive reasonable increases to their allocations, and streamline administrative burdens for tribes that receive smaller grants under the Title IV-B programs to be more realistic in proportion to the size of grant they receive. Currently, there are tribes that would like to receive Title IV-B funding, but are either ineligible because of the statutory funding formula, or the amount of funding they would receive under Title IV-B, Subpart 1 is so small that it doesn't even pay for the administrative costs to operate the program.

The bill would also increase the funding for the Tribal Court Improvement Program from \$1 million to \$5 million per year to expand the number of tribal courts that could access these funds. There are other provisions in the legislation that we also like that make it clear that tribal customary adoptions should be eligible for support under Title IV-B funds as they are with Title IV-E funds and clarify that tribes may use their federally-negotiated indirect rates in the administration of Title IV-B programs. The Salt River Pima Maricopa Indian Community supports this legislation.

The Indian Child Welfare Act & H.R. 3461, the Strengthening Tribal Families Act

SRPMIC children and families that are in the care of the State come under the requirements of the Indian Child Welfare Act (25 USC 1901 et seq.). The Indian Child Welfare Act (ICWA), which was recently upheld by the United States Supreme Court in a 7-2 decision in *Haaland v. Brackeen*, was enacted in 1978 to reduce the alarming number of Indian children being funneled into state foster care systems. Since then, it has been heralded by child welfare advocacy groups across the country as the "gold standard" in child welfare laws.

Over the years we have seen increasing collaboration between tribes and states in efforts to improve implementation of the law, such as we see here in Maricopa County, which has its own dedicated ICWA court, but there are still inconsistencies in how the law is implemented in different jurisdictions that deny Indian children of the protections the law provides and places unnecessary barriers to tribes that intervene in these cases that want to support their tribal citizens. We think these concerns could be more easily addressed if there was data to properly understand what the implementation concerns are and if there was supportive technical assistance for tribes and states to address implementation challenges. We also believe that the Department of Health and Human Services is in the best position to provide technical assistance to states and tribes to further their collaborative efforts to improve ICWA's implementation.

The Strengthening Tribal Family Act (H.R. 3461) provides clarity for HHS in their role with tribes and states to collect necessary data on ICWA's implementation and provide data-driven technical assistance to help states and tribes work together to improve ICWA's implementation. This legislation is bipartisan and directs HHS to collect targeted data on ICWA implementation that will support data-driven solutions to implementation concerns and promote collaboration between the Bureau of Indian Affairs and HHS in the process.

Salt River Pima Maricopa Indian Community supports this legislation and believes it will further our efforts to ensure our children and families receive the support and services they need regardless of where they live and work.

Tribal Adoption Tax Parity Act

Lastly, I want to share information related to the adoption of our tribal children and how federal law can get in the way of supporting adoption in tribal court, and is perpetuating a culture of inequity and disrespect for tribal governments. While I have shared with you how we strive to avoid out of home placements of our children whenever possible, there are some situations where the child can never be returned safely to their birth parents. In those situations, the tribe weighs carefully what type of placement will be in the best interest of the child. This can include a permanent guardianship home or an adoptive home.

When adoption is the best choice, many prospective adoptive parents, who are oftentimes who a relative of the child or a tribal member, prefer to perform the adoption in our tribal court where they feel more comfortable. The cost of adopting a child can contain significant costs, such as legal fees, and other new costs for the family, especially in the first year after placement. We strive to help our adoptive families as much as possible, but the adoptive family may need to bear the burden of some of these costs.

One of the barriers for families adopting in a tribal court is the Internal Revenue Code of 1986 only authorizes states to determine if a child being considered for adoption meets the requirements for the federal adoption tax credit. This tax credit of up to \$10,000 can be very important to our families that want to adopt, so we support the Tribal Adoption Tax Parity Act (S. 1065), bipartisan legislation, which amends Internal Revenue Code to add tribal nations as eligible to make determinations for purposes of qualifying a child adopted in a tribal court for the federal adoption tax credit.

H.R. 7906, Strengthening State and Tribal Child Support Enforcement Act

While the Salt River Pima Maricopa Indian Community does not operate a child support enforcement program, many of the tribes we work with on a regular basis have robust programs that provide additional resources for children and helps tribal nations offset some of the costs of assistance they provide to children. Tribal nations that operate the program have designed their programs to maximize support for tribal children through innovative programs that use conventional cash methods to support children, as well as more innovative ways such as making home improvements, providing firewood for heating homes, or like we sometimes need here in Arizona, replacing critical air conditioning window units. Tribal child support programs are also using their funds to teach teens and young adults about the financial, legal, and emotional responsibilities of parenthood and improving intergovernmental case processing and collections from parents that live in other tribes or states.

While 60 tribes have approved plans to operate Title IV-D child support enforcement programs in their communities, there are many more tribes that would like to operate this program and do so without having to contract with a state to collect past-due payments. The Strengthening State and Tribal Child Support Enforcement Act (H.R. 7906) would authorize tribal nations to access the Federal Tax Offset Refund program directly to help secure collections from non-custodial parents through their federal tax refunds. This provides tribal nations with another tool to ensure that tribal children receive needed support they deserve.

This legislation is supported by the National Tribal Child Support Association and National Association of Tribal Child Support Directors.

Chairman Smith and members of the Committee thank you for the opportunity to provide testimony on these important issues and proposed legislation. It is my hope this hearing will provide a substantive record to move legislation forward.

Thank you.