

NICWA News

service and advocacy for Indian children

National Indian Child Welfare Association's Quarterly Newsletter - Fall 1998

Circles of Care Grantees Announced

In early October the Center for Mental Health Services (CMHS), Substance Abuse and Mental Health Services Administration (SAMHSA) officially announced the Circles of Care grantees.

The Circles of Care grant was offered on a competitive basis to federally acknowledged tribes and tribal organizations. Urban Indian organizations were also eligible to apply if they were non-profit, provided for the participation of all interested Indian groups and individuals in their area, and who were governed by a board of directors comprised of at least 51 percent American Indian/Alaska Natives.

The grant's availability, announced by SAMHSA, in collaboration with Indian Health Services Mental Health Programs Branch, was made public in the Federal Register on January 20, 1998. Congratulations to the following grantees on the receipt of their new Circles of Care award:

- ✓ Cheyenne River Sioux Tribe,
Eagle Butte, South Dakota
- ✓ Choctaw Nation of Oklahoma,
Durant, Oklahoma
- ✓ Fairbanks Native Association,
Fairbanks, Alaska
- ✓ Feather River Tribal Health,
Oroville, California
- ✓ First Nations Community Health Sources,
Albuquerque, New Mexico
- ✓ In Care Network, Billings, Montana
- ✓ Intertribal Council of Michigan,
Sault St. Marie, Michigan
- ✓ Oglala Sioux Tribe, Pine Ridge,
South Dakota
- ✓ Urban Indian Health Board,
Oakland, California

NICWA will provide technical assistance for program development to the Circles of Care grantees. The National Center for American Indian and Alaska

See Circles, page 7.

Workshops Invited!

The call for workshop presentations for the 17th Annual "Protecting Our Children" Conference has been mailed to tribes and Indian programs across the country according to NICWA Vice President and Conference Chair, Eloise King.

"Potential workshop presenters are encouraged to contemplate this year's conference theme, which is 'Protecting our Children Through Honoring Our Traditions' when organizing their proposals," she said. Deadline for mailing proposals is December 1, 1998. A six-person selection panel will read, score and report on the appropriateness of each proposal. The top 36 workshops selected will be notified in writing before the end of December.

April 12-14 are the dates of the 1999 event. The conference headquarters hotel is the Radisson South Hotel and Towers in Minneapolis, Minnesota. This is the third time in recent years that this event has been held at this facility, the most recent being in 1995. "We rotate the site of the conference yearly to the four regions of the country with significant Indian populations and ICW programs. That way, we are able to make attendance convenient for more of the professionals and programs at least every four years," King pointed out.

Inside...

- 2 Board Meets
- IDEA Partners
- 3 Advocacy
- 4 Clearinghouse
- 5 Casinos
- 6 New Members
- 8 Calendar

NICWA News

**Published by
NATIONAL INDIAN CHILD
WELFARE ASSOCIATION**

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NICWA News is an official quarterly membership publication of the National Indian Child Welfare Association, Inc.

NICWA Board Meetings

Since the last issue of *NICWA News* our board of directors has met twice. On August 22, they met in Portland, approved a revised budget (\$1,384,305 for FY99), revised plans for our year 2000 conference and elected officers: Gary Peterson, President; Eloise King, Vice President; and Dan Gargan, Treasure were all re-elected to serve another two-year term. James Knapp was elected to the position of Secretary, replacing Elizabeth Redbear, who had been appointed to fill the unexpired term of Margaret Jose, who left the board last year. James' election as Secretary comes at an important time as the job takes on more responsibility for the business of the board. Congratulations to all NICWA officers on your election.

On October 18 the board met in Myrtle Beach, South Carolina at the beginning of The National Congress of American Indians' (NCAI) annual convention. Board members reviewed plans for a new project designed to inform Indian parents about the Individuals with Disabilities Education Act. Board members engaged in a discussion regarding NICWA's upcoming conference and its theme. It was decided that with the theme focused on "Honoring our Traditions," we need to include people who work in traditional ways as well as in-depth sessions on spirituality and child welfare practice.

The meeting also included a review of the year's legislative events, development of new advocacy strategies and a briefing on participation in NCAI committee meetings. Gary Peterson was appointed Co-Chair of the Indian Child and Family Welfare Subcommittee. In addition, NICWA was invited to enter a dialogue with NCAI on increasing our work on common issues. NICWA board member Ernie Stevens, Jr. is also an Area Vice President of NCAI. Ernie took time from his busy schedule to welcome NICWA to the convention.

NICWA Enters IDEA Partnership

In October NICWA was notified that Pacer Center in Minneapolis was awarded funds for a major project entitled "The Families and Advocates Partnership for Education: Improving Results for Children." NICWA will soon enter into a contract with the Pacer Center as one of the partners on the project. The partnership will inform and provide support to families and advocates on the Individuals with Disabilities Education Act (IDEA). NICWA is the only Indian organization to date to join the partnership.

One of our tasks will be to network with other Indian organizations working on IDEA issues. NICWA will conduct workshops on IDEA, provide telephone assistance to Indian parents and advocates seeking information on IDEA and publish articles in our newsletters on the topic. This project has a natural connection to NICWA's work on children's mental health issues. In December, NICWA staff member, Seathl Ollgaard, and consultant, Carol Iron-Rope Herrera, will attend the first partnership meeting in Minneapolis for orientation and training.

ADVOCACY

ICWA Amendments Update

With less than 15 legislative days left in the 105th Congress, Senate and House action on tribal ICWA amendments (S. 569), while still possible, is becoming more remote. The Senate Committee on Indian Affairs staff continues to work behind the scenes to clear the path for a vote on the Senate floor, but concerns raised by Senator Slade Gorton (R-WA) and other Senators pose difficult challenges.

Even if the Senate was able to pass S. 569, the House leadership would need to agree to find room on their schedule. This would require that roadblocks in the House be removed before a vote in the House could occur. The challenges in the House have been even more difficult to resolve than those in the Senate, because of opposition by leading Republican members such as Congresswoman Deborah Pryce (R-OH) and the Chairman of the House Rules Committee, Congressman Gerald Solomon (R-NY).

Another source of significant opposition to S. 569 is the National Council for Adoption (private agency adoption advocacy group). They have actively lobbied Congress to oppose S. 569 and expressed their view that ICWA should only apply to on-reservation, involuntary child custody proceedings. This group has also enlisted the help of the National Right to Life Committee (anti-abortion advocacy group). If the Senate and House do not pass S. 569 this year, the bill will have to be re-introduced next year and start the legislative process again in both the Senate and House (committee hearings, committee votes and floor votes). The good news is that we will still be under current ICWA law, since no amendments would have been passed. This situation, however, continues to leave the ICWA vulnerable to negative attacks in the media and in the Congress, as more contested ICWA cases are cited by ICWA opponents.

Title IV-E Foster Care and Adoption Assistance Amendments Update

Efforts this year to pass amendments to Title IV-E Foster Care and Adoption Assistance, while not resulting in changes to the law, have increased awareness and support for providing benefits to Indian

children placed out of home by tribes. Currently, this open entitlement program only provides reimbursement for services to states and entities that have agreements with states. (Approximately 50 tribes have agreements with states.)

Efforts to educate Congress have occurred at hearings in 1997 and 1998 where the National Indian Child Welfare Association (NICWA) and tribes have provided testimony to Congress on the need to change the law so that tribes can seek direct reimbursement for foster care and adoption services they provide.

The issues surrounding how to best receive direct reimbursement are challenging, based on the complexity of the law, diversity in tribal infrastructure and the current attitude of Congress regarding new expenditures of federal funds. Efforts are underway at NICWA to put together a tribal working group on this issue to further examine the ramifications for tribes, refine the current amendments and build momentum in Indian Country and Congress to make needed changes in the law.

Resolutions supporting this work have been passed at the National Congress of American Indians and Affiliated Tribes of Northwest Indians. Congressional action on this issue is probably over for this year, but with a working group in place and the groundwork laid over the last couple of years, hopes are high that a positive solution will be worked out next year. If you are interested in learning more about the work group, contact NICWA staff member, David Simmons by e-mail at desimmons@nicwa.org or phone (503) 222-4044.

BIA Child Welfare Assistance Regulations Being Revised

The BIA is working on revisions to the Child Welfare Assistance regulations under BIA Social Services. This revision is occurring simultaneously with the revisions to the General Assistance regulations under BIA Social Services. The new regulations are going to incorporate areas of new law, such as the Personal Responsibility and Work Reconciliation Act (welfare reform law) and the Adoption and Safe Families Act of 1997.

A work group with representatives from Indian Country was begun at the National Congress of American Indians' Mid-Year Conference and is

Continued, next page.

Continued from previous page.

providing input into the revisions of these regulations. An official draft of the Child Welfare Assistance regulations is expected out very soon for tribes, with the publishing of a Notice of Public Rule Making (NPRM) expected in November. The NPRM provides a 90-day public comment period before the publishing of the final regulations. NICWA is working on obtaining a copy and will develop an analysis as soon as possible. If you want to provide comments or would like a draft of these for review, contact Larry Blair, Chief of the BIA Social Services Division at (202) 208-2721.

state care. Of particular interest is how the regulations address the new law and Indian children eligible for protections under the Indian Child Welfare Act. NICWA is working on a formal analysis of the new adoption law and will also be developing comments on the new regulations, for distribution to both tribal governments and Indian organizations. For more information on this adoption law or the NPRM, contact NICWA staff member, David Simmons by e-mail at desimmons@nicwa.org or phone at (503) 222-4044.

Draft Adoption and Safe Families Act Regulations Published

The Administration for Children and Families published a Notice of Public Rule Making (NPRM) in the *Federal Register* on September 18 that provides draft guidance on new requirements for state and tribal Title IV-B and Title IV-E grantees. Many of these new requirements were authorized under the Adoption and Safe Families Act of 1997 (P.L. 105-89). You can also find a copy of the NPRM on the Internet at <http://www.acf.dhhs.gov/hypernews/topics10.htm>. Key issues that will be addressed in the draft regulations are:

- new requirements for when petitions to terminate parental rights must be filed and exceptions to that requirement;
- expanded definition for when reasonable efforts have to be made with families with respect to efforts to reunify children with their birth families and efforts to secure a permanent placement;
- options for states (and tribes) regarding other permanency planning issues for their children; and
- application of new fiscal incentives for increasing adoptions of children in state foster care.

These and several other important child welfare provisions will apply to Indian children in both state and tribal custody. Written comments on the draft regulations will be accepted at the Administration for Child and Families until December 17, 1998.

The National Indian Child Welfare Association has been in close contact with tribes and the Administration for Children and Families regarding how this new law will apply to Indian children under both tribal and

Clearinghouse Corner

by Seathl Ollgaard

One day about two months ago while I was at the Northwestern School of Law Library, I did a search on Indian child welfare. The results of the search returned approximately 75 law journal articles that had Indian child welfare in the title! I did a similar search when I first started working in the library back in the Spring of 1996, but I never had the time to follow up. So this time I printed the list, took it back to our library and checked it against the articles we have in our collection. I knew we did not have many of the newer articles, but I was shocked to find that we also had very few of the older ones.

The results of this work have helped strengthen NICWA's library. It was helpful to me too, because I read many of the articles as I was cataloging them. Another benefit to doing them all at once is the consistency that is maintained when one person does all the entries.

In recent years, state courts have arbitrarily made exceptions to implementing the ICWA. Many of the recent articles address this concern. We have now been able to assemble an information packet on the judicially created exceptions to the Indian Child Welfare Act of 1978.

I have created a bibliography of all materials that mention Indian child welfare in the title and were written the 1990's. To request a copy call me at (503) 222-4044 ext. 28

I am going to do the same kind of search on social work journals in the very near future. Although many of these articles are in our library already, a search of this nature will round out our collection.

About Indian Gaming and Tribal Casinos

By Lisa Watt

Editor's Note: A large number of tribal and urban programs are finding it difficult to maintain funding in today's economic and political climate. Adding to the difficulties is the impression that tribes are getting adequate revenues, even becoming wealthy, from casino money. This article dispels that notion.

Gambling, or games of chance, has always been part of Native American cultural traditions. Today Indian gaming has taken on a different form, from simple stick games to big business. The current movement found its birth in the early 1970's with tribally organized bingo operations. Then in 1987, a U.S. Supreme Court decision favored tribal gaming in *California v. Cabazon and Morongo Bands*, a landmark case, which affirmed the tribe's right to conduct gaming operations on the reservations and limited the states' jurisdiction in these matters. Thus began the Indian gaming movement witnessed today.

Within the last several years, sensational media stories describing the wealth of a small number of tribes have painted an inaccurate picture of Indian gaming as a whole. While a small handful of successful tribal casinos exists, the truth is that the vast majority of tribes are not getting rich from gaming. In fact, not all Indian casinos are successful or even profitable.

Of the 557 federally recognized tribes, 188 tribes in 28 states have a total of 285 gaming facilities. That's one-third of all tribes with gaming facilities, which is far fewer than the impression created by the media that all tribes have a casino. These facilities range from bingo-only operations (as in a typical church-sponsored event) to Class III, casino-style games. Of the \$500 billion gaming industry nationwide, Indian casinos account for approximately \$7 billion (1 percent), with 10 tribes earning 40 percent of all tribal gaming revenues. The remaining 142 tribes are not seeing anywhere near this type of return, in large part due to their isolation.

Once tribes begin gaming operations, they are authorized — by legislation — to spend their gaming revenues in several critical areas. These are health, education, economic development, human and social services, housing, infrastructure and a host of other governmental functions. In addition, tribes make charitable contributions to non-profit and service organizations in their surrounding communities. This is not an optional activity. Most tribes are required to

make these gifts. No other segment of the private gaming industry in this country is mandated by law to use their revenues in specific ways.

The fact is that Indian communities have been neglected for so long that the needs are enormous. In nearly all cases where tribal casinos exist, gaming revenues have made it possible for tribes to invest in their communities for the first time. For example, one needs only to look at the Confederated Tribes of the Umatilla Reservation where the positive impact of gaming. It has brought jobs, increased tourism and other economic opportunities that did not exist before. Although similar successful turnarounds exist nationwide, tribes see the window for gaming likely to close in the future, and recent events in Congress and in several states, such as California, New Mexico and Wisconsin, are seen as confirming this. In the meantime, casino tribes are trying to quickly diversify their economies and invest wisely, all the while defending their right to operate gaming operations.

A community with resources to invest in its future is in a privileged place, not shared by all tribes or even all gaming tribes. The vast majority of tribes remain poor. Their members live below the poverty line and suffer the worst health and social problems of any group in the country. Many reservation communities still have unemployment rates as high as 80 percent due to the lack of jobs in the isolated rural areas where reservations are located.

Because of widespread misinformation and the misperception that all tribes are getting rich from casinos, both American Indian non-profits and tribal social service agencies are experiencing a backlash. Many funding sources, including foundations and corporations, expect tribes to fully and exclusively fund Indian programs or believe that their dollars are no longer needed. This is simply untrue. While some tribes are in a position to give, most are not, much less give at levels that meet the current financial needs. For tribes to be able to make charitable gifts is a new phenomenon, and the impact is immediate and wide. For example, the Confederated Tribes of Grand Ronde has made substantial gifts through their community fund, and the Oregon Museum of Science and Industry and the Portland Art Museum in particular have reaped from the tribes' riches. Nationally, tribal charitable gifts run the entire spectrum, from sponsorship of local little leagues, Boys and Girls Clubs and Chambers of Commerce, to over \$100,000 in contributions to local public school districts.

Statistics and figures provided by the National Indian Gaming Commission, Washington D.C.

Lisa Watt is Executive Director of the Grand Ronde Cultural Center and Museum. She is a member of the Seneca Nation.

THANK YOU, NEW NICWA MEMBERS & DONORS

The board of directors and staff of the National Indian Child Welfare Association extend our sincere thanks to you for your investment in NICWA's mission, goals and programs. If at any time you have any questions regarding your membership, or if we can be of service to you in any way, please call us at (503) 222-4044. Thank you for your support.

*Renewal

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 Unit, Niobrara, NE
 Shoshone-Bannock Tribes Social Services Program,
 Fort Hall, ID

Circles, *continued from page 1*

Native Mental Health Research at the University of Colorado Health Sciences Center will provide technical assistance related to evaluation. The Circles of Care grants are for planning, designing, and assessing the feasibility of implementing a culturally appropriate, child-centered, community-based, family-focused mental health services model for American Indian/Alaska Native children with serious emotional disorders or disturbances and their families. The grants are not for the purpose of service delivery. Grantees will work to bring stakeholders from relevant systems into a collaborative relationship or partnership around the children who have serious emotional disorders and their families. These might include, but are not limited to, state or tribal child welfare, education, and juvenile justice agencies; the Bureau of Indian Affairs (BIA), Indian Health Service (IHS); business; nonprofit organizations; natural helpers; medicine people; ministers; and child advocates.

Each grantee will design a system model and determine its goals and objectives based on the unique strengths, resources and needs of their community. One of the goals of the program is to provide a structure for tribal and urban organizations to define culturally specific outcomes for mental health services systems for children with serious emotional disturbances.

NICWA News

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CALENDAR

National Association of Native American Children of Alcoholics Annual Conference

Tulsa, OK

December 5-9, 1998

Contact: NANACOA, (206) 467-7686

Fifth National Healthy Families America Conference

National Committee to Prevent Child Abuse

Hyatt Regency Hotel, Chicago, IL

February 28-March 2, 1999

Contact: NCPA, (312) 663-3520

Native Women & Men's Wellness Conference II

Health Promotions Programs, Univ. of Oklahoma

February 28-March 4, 1999, San Diego, CA

Contact HHP, (405) 325-1790

17th Annual "Protecting Our Children" National American Indian Conference on Child Abuse and Neglect

National Indian Child Welfare Association

Radisson South Hotel, Minneapolis, MN

Contact: NICWA, (503) 222-4044

NACAC Board Declares Policy on Native Rights

At their mid-March meeting in Cincinnati, the board of directors of the North American Council on Adoptable Children (NACAC) discussed and approved a series of five policy positions on a diverse list of topics. Of particular interest to Indian Country is the organization's position on Native rights. The board statement reads:

North American Indian Issues

North American Council on Adoptable Children (NACAC), recognizes that Native American Indian Tribes and Canadian First Nations have an inherent right to self-determination and exclusive jurisdiction regarding the welfare of their children who are at risk and in need of special services. NACAC also supports the notion that federal, state and provincial laws do not eliminate or lessen indigenous rights. Federal, state and provincial laws must be adapted so that indigenous rights receive full consideration in the child welfare system and in the courts.

Upon hearing of this action, NICWA Executive Director Terry Cross said, "NACAC deserves high praise for their courage and leadership in supporting Native rights. We welcome their support."