Tribal Leadership Series
Funding Child
Welfare Services







Introduction

Tribal governance as an expression of tribal sovereignty requires leadership, both political and programmatic, to be able to effectively guide program and services design, partnerships, critical policy and budget decisions, ensuring accountability, and community engagement. Tribal leaders' ability to guide child welfare programs determine the tribe's capacity to address community needs and the overall effectiveness of responses to child abuse and neglect.

This document provides information on how to think about funding tribal child welfare program services so that they match community values while leveraging available funding from tribal, federal, and state sources. Special emphasis is given to helping tribal leadership think about how to develop a tribal child welfare system that reduces the need for the removal and out-of-home placement of American Indian and Alaska Native (AI/AN) children and strengthens families so that children can remain safely at home.

Federal Child Welfare Funding History

Over the last several decades, federal child welfare funding sources have changed significantly and have influenced the ability of tribes and states to develop child welfare programs that provide services and support that children and families need. Beginning in 1935 with the passage of Title V of the Social Security Act, the federal government began providing federal child welfare funds for states (CWLA, n.d.; Ottinger, 1960). From 1958–1985, Congress established a number of new federal child welfare programs that greatly expanded the federal role in supporting state child welfare services. Programs such as the Title IV-E Foster Care and Adoption Assistance program, which provide over 50% of the federal funding available for child welfare services each year (Stoltzfus, 2017).

For tribes, the first dedicated federal funds for child welfare became available in 1974 through the passage of the Child Abuse and Treatment Act (P.L. 93-247). However, this law only allowed the funding of two tribal grants a year for child abuse prevention activities. Later in 1975 the Indian Self-Determination and Education Assistance Act (P.L. 93-638) provided tribes the ability to contract for social services previously provided by the Bureau of Indian Affairs (BIA), including child welfare services. In 1978, competitive grant funding under the Indian Child Welfare Act (25 U.S.C. § 1931) became available

and two years later the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272) provided tribes with small child welfare grants under the Title IV-B Child Welfare Services program. The Indian Self Determination contract funds, Indian Child Welfare Act competitive grants, and Title IV-B Child Welfare Services grants established the first federal tribal child welfare finance system with very little change seen over the next decade. Unfortunately, the amounts of funding were small in these programs and, except for the Title IV-B Child Welfare Services program, were not available to all tribes that wanted or needed the funds. From 1993–2018, tribal access to federal child welfare funding sources increased significantly, but tribal access to this funding, both in terms of the types of services that could be funded and grant amounts, lagged behind that of their state counterparts (Stoltzfus, 2017; National Child Welfare Resource Center for Tribes, 2011, pp. 6–10).

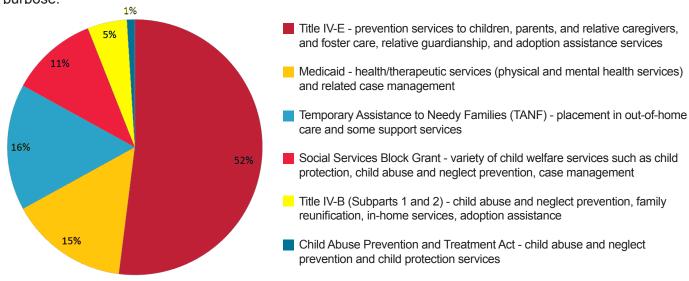
Federal Child Welfare Funding

Children and families have a range of needs when it comes to reducing the risk of child abuse and neglect and improving family functioning. Each family has a different set of needs, and the challenge for any tribal child welfare system is matching up available funding with the needs of children and families within your community. The federal or state funding your tribe is eligible for may or may not support the services that your children and families need and your tribe desires to provide. In some cases, federal programs require the use of evidenced-based services based upon research that did not include Native children or families or study tribal culturally based services. These types of mainstream services may not be effective in your community and could even pose harm for some children and families.

How needs are met is also very important. While different tribal child welfare programs and even some states may share similar approaches to service delivery, there can be important differences too. Understanding the appropriate methods for delivering services to your tribal families is helpful in assessing whether federal or state funding will meet your needs. For example, if a funding source does not allow you to provide services with traditional healers in your community or requires your tribal court to make determinations that are counter to your cultural values, this funding source may not be right for your community.

Federal child welfare funding is also more heavily weighted towards services that require removing a child from their family to receive funding. Funding that supports services to prevent child abuse or neglect, help a child stay safely in their home, or reunify a child with their family after a removal is a smaller portion of federal child welfare funding. Each year the federal government provides approximately \$14 billion of federal child welfare funding to states and tribal governments (Stoltzfus, 2017). Tribal governments receive 1% of these federal child welfare funds (approximately \$140 million), even though Al/AN people represent 2% of the United States population and have high rates of risk factors in several areas for child abuse and neglect (National Indian Child Welfare Association, 2013, pp. 5–7).

The chart below shows the percentages of federal child welfare funding by source and their intended purpose.



Note: While the list of federal child welfare programs in the figures represents all of the primary federal child welfare programs, tribes do not have direct access to all of these. The figures are intended to provide a general picture of how the federal child welfare system is designed and funded overall.

Note: At the time of publication, the Family First Prevention Services Act contained within Division E of the Bipartisan Budget Act of 2018 (P.L. 115-31) had just been enacted into law. This new law authorizes partial federal reimbursement for eligible prevention services as defined by the law. Estimates of the fiscal impact of the authorized prevention services range from \$1–2 billion of new funding total for states and tribes starting in February 2018. The figure above does not include the impact of these new federal dollars on percentages for each federal child welfare program above.

As the chart indicates, over half of federal child welfare funding is available for services that support the removal of children from their homes, with the largest being Title IV-E. In addition, a number of programs have out-of-home placement and care as a component of their eligible services (TANF, Social Services Block Grant, and Title IV-B). Only the Child Abuse Prevention and Treatment Act and Title IV-B are specifically designed to support services that prevent child abuse and neglect and help maintain children safely within their homes (6% of total federal child welfare funds). Child welfare advocates have long criticized this imbalance in the federal funding system, and have argued that having significantly more funds available to remove children as compared to keeping them safely in their home provides a substantial challenge, if not an incentive, to remove children more often rather than providing intensive services to help families keep their children safely at home.

As was noted earlier, tribal governments do not have direct access to all of the federal programs described in the chart above. The same is true for tribal specific child welfare programs under the BIA. The BIA has the authority to make decisions about whether individual tribes are eligible to operate the programs in the chart below and with respect to BIA social services programs; the BIA makes a determination of whether there are similar state-operated programs or services available to tribes before granting tribal access to these programs. This has created large swaths of Indian Country where BIA social services programs do not exist, especially in Public Law 280 states where the state has concurrent jurisdiction with tribes over civil domestic matters such as child welfare.

The chart below lists all of the BIA programs that fund some type of child welfare services. All of these are discretionary programs that rely on annual federal appropriations. As was mentioned above, not all tribes are eligible to receive funds from these federal programs.

Bureau of Indian Affairs Programs That Support Tribal Child Welfare Services

Source

Indian Child Welfare Act, Title II Grants

Welfare Assistance — Child Assistance payments

Social Services— Services to Children, Elderly, and Families

Eligible Services

Broad variety of child welfare services can be supported

Support for placement costs of foster care, guardianship, adoptive, or other non-medical care facility placement

Support for tribal caseworkers and supervisors providing basic social services, such as protective services to children

Enacted Amounts (FY 2017)

\$18.9 million

No individual amounts specified for Child Assistance payments (FY 2017 funding for all Welfare Assistance programs was \$74.8 million)

Amounts supporting child welfare services unavailable (FY 2017 funding for all adult and child services in this category was \$52.3 million)

Notes

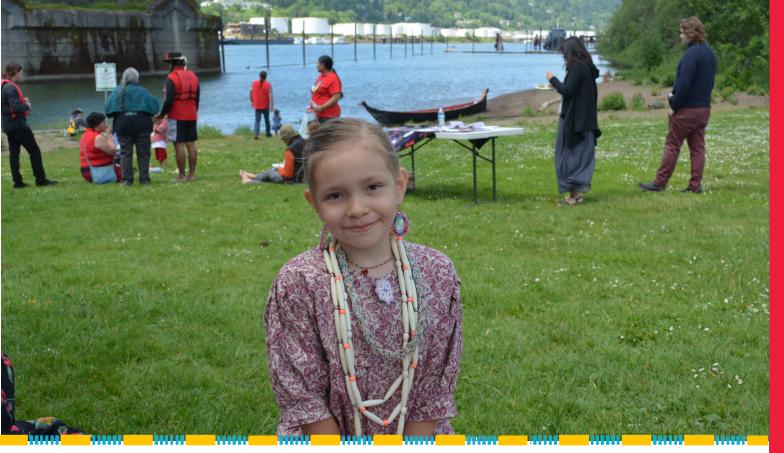
All federally recognized tribes are eligible to receive these grants

Not all tribes are eligible to receive these funds. BIA determines eligibility

Approximately 270 tribes receive Welfare Assistance funding

Not all tribes are eligible to receive these funds. BIA determines eligibility.

Approximately 270 tribes receive Social Services funding



A 2004 study of select tribal child welfare programs found that funding for tribal child welfare services in 2000 came primarily from BIA programs. The study found that 69% of tribal child welfare funding came from BIA programs, with 25% coming from more mainstream sources under the Department of Health and Human Services (DHHS) (see pie chart above) and 6% from tribal or local funds. The findings of this study indicate how dependent many tribes are on just a few discretionary programs under the BIA. While no update of this 2004 study has been conducted, the findings from a more current study would likely be similar in that tribes continue to be dependent upon a small number of discretionary funding sources. One possible change from the findings of the 2004 study would likely be that increased numbers of tribes are accessing DHHS programs, such as TANF and Title IV-E. If we similarly charted sources of state child welfare funding, there would be much greater diversity of funding sources, more funding from mandatory-based funding sources, funding sources would be more evenly proportioned, and a higher level of state or local revenue would be available to support child welfare services. This disparity in funding sources and levels reveals some of the complexity and challenge to developing an effective tribal child welfare funding system.

Federal funding for tribal child welfare services is complicated and does not provide the kind of stable, need-based funding that tribal communities need. In this resource-scarce environment, it is tempting to pursue every source of funding available without understanding how each funding source impacts how you provide services or whether it will help you improve child safety, family stability, and reduce out-of-home placements of children. Just putting more money into your tribal child welfare system will not necessarily result in improved outcomes for children and families.

Thinking about not just how much, but also how well, a funding source helps children and families is key to evaluating which funding sources are right for your community. Some federal child welfare funding sources that are available may not be aligned with tribal traditions or values. In other situations, a funding source may fit well with what tribal children and families need, but may only provide a small portion of what is required to deliver certain services or may carry with it substantial administrative requirements that outweigh the amount of funding available. In either case, the challenge for tribal leadership is to make effective decisions about which funding sources will meet their children and families' needs most appropriately, rather than adopting one-size-fits-all or more mainstream approaches. In the next section we will explore how the needs of families can inform the selection of child welfare services funding options.

Type and Amounts of Federal Child Welfare Funding for States and Tribes

Federal Funding Source	Type of Funding Mandatory	State Amount \$8.3 billion	Tribal Amount \$13 million ¹
Title IV-E Foster Care and Adoption Assistance			
Title IV-B Subpart 1: Child Welfare Services	Discretionary	\$320 million	\$5.5 million
Title IV-B Subpart 2: Promoting Safe and Stable Families	Mandatory and discretionary	\$447.2 million (mandatory) \$58.2 million (discretionary)	\$13.8 million (mandatory) \$1.8 million (discretionary)
Child Abuse Prevention and Treatment Act, Community-Based Child Abuse and Neglect Prevention Grants	Discretionary	\$97.5 million	\$300,000²
Social Services Block Grant – child welfare related services	Mandatory	\$1.3 billion ³	\$0
TANF- child welfare related services	Mandatory	\$2.8 billion ⁴	\$15 million ⁵
Medicaid – child welfare related services	Mandatory	\$800 million ⁶	\$0
BIA Indian Child Welfare Act grants	Discretionary	\$0	\$18.9 million
BIA Child Assistance (under BIA Welfare Assistance)	Discretionary	\$0	\$20 million ⁷
BIA Social Services	Discretionary	\$0	\$52.3 million ⁸
TOTAL		\$14.1 billion	\$140.6 million

Notes ¹Federal expenditures for the Title IV-E program are not available by tribes. A 2005 Congressional Budget Office (CBO) estimate of the expected Title IV-E expenditures for tribes at full implementation was \$66 million with 2,000–3,000 Native children receiving Title IV-E services. The estimate looked at a 10-year window with gradual increases in the number of tribes and Native children covered. The current numbers of tribes approved to operate the Title IV-E program is 12, with only a few tribes approved currently implementing the program. We have used the CBO estimate for the first year of tribal Title IV-E implementation, which is similar to the current number of tribes and Native children being served, as the basis for calculating the level of tribal Title IV-E expenditures in this table. CBO estimate retrieved from Senate Report No. 109-51 at 104 (2005).

²Indian tribes and migrant programs share in a 1% set-aside under the Child Abuse Prevention and Treatment Act (P.L. 93-247), Community-Based Child Abuse and Neglect Prevention grants. These are competitive grants and historically 1–2 tribal grants have been made each grant cycle. In most years, two tribal grants have been awarded totaling approximately \$300,000.

³Estimates of Social Services Block Grant funding used by states for child welfare purposes was retrieved from Kristina Rosinsky and Dana Connelly Child Welfare Spending in SFY 2014: A Survey of Federal, State, and Local Expenditures, Child Trends, Annie E. Casey Foundation, and Casey Family Programs, October 2016.

⁴Estimates of TANF funding used by states for child welfare purposes was retrieved from Kristina Rosinsky and Dana Connelly Child Welfare Spending in SFY 2014: A Survey of Federal, State, and Local Expenditures, Child Trends, Annie E. Casey Foundation, and Casey Family Programs, October 2016. ⁵Estimates of TANF funding used by tribes for child welfare purposes was developed by using a similar ratio of TANF non-child welfare purposes to child welfare purposes reported by states and factoring in what information is known about how tribes are using TANF for child welfare purposes. No specific data is available that details tribal TANF program spending for child welfare purposes.

⁶Estimates of Medicaid funding used by states for child welfare purposes was retrieved from Kristina Rosinsky and Dana Connelly Child Welfare Spending in SFY 2014: A Survey of Federal, State, and Local Expenditures, Child Trends, Annie E. Casey Foundation, and Casey Family Programs, October 2016

⁷No data is available on the specific amounts of BIA Welfare Assistance funding (\$74.8 million) that support Child Assistance services, such as foster care

placements. However, there have been unofficial statements by BIA officials that as much as \$20 million of BIA Welfare Assistance funds support child assistance services.

⁸BIA Social Services funding can be used for a variety of case management services for children, families, and adults. Because BIA does not provide data on the levels of Social Services funding used for child welfare purposes, we are using the full amount enacted in the Consolidated Appropriations Act, 2017 (P.L. 115-31).

Tribal Family Needs and Resource Allocations

Every family needs some level of support to function well and protect the safety and well-being of their children. These supports may be informal, such as help from a relative or friend, or formal, such as services arranged by a tribal child welfare program or some other service provider. An effective tribal child welfare system understands where the greatest community needs are and allocates its resources to match those needs, notwithstanding the importance of ensuring that services and supports are also aligned with tribal values and cultural traditions. The chart below illustrates family needs and the support services needed by families. It also provides a benchmark of the proportion of families that may need these services in your community and how your funding resources should be allocated.



Note: Reprinted from Effective leadership for tribal child welfare: An overview for tribal leaders (p. 7), by T. L. Cross and D. Simmons, n.d., Portland, OR: National Indian Child Welfare Association. Copyright National Indian Child Welfare Association.

The bottom, wider part of the chart describes the needs that all families have and often need a little help to meet. For instance, all families have basic needs for food, housing, income, and health care. The tribal government may play a role in helping facilitate the provision of these resources to tribal members in one form or another. The next level, which is also required for all families, is related to helping prevent child abuse or neglect; another way of saying this is: ensuring child safety. In this area, you may see families that need information about caring for a new baby or dealing with a health issue or safety challenge in their home. When families are under stress, they may also need help with coping with difficult circumstances, such as a death in the family or loss of a job. Families also need education about risk behaviors that can threaten child safety, such as abuse of alcohol or drugs or accidents, and how to avoid them. All of these are normal life experiences for families, but they may need additional information or support to work through them successfully.

As you continue up the chart, you will find levels where fewer families will require services or supports, but the services and interventions will be more intensive. Families that need extra support, those at risk of child abuse or neglect and at risk of child removal, can receive services without having their children removed and placed in out-of-home care. In most tribal communities, neglect is by far the most common form of child maltreatment, and when caught early, often can be addressed most favorably through inhome, counseling, and educational services that do not require the removal of a child from the home.

As you move up the chart, the remaining levels require out-of-home placement of a child, at least temporarily, because the parent(s) are unable to ensure the child's safety. Placement of the child with kin or relatives is the first preference, then foster care with other families, or in more rare situations, where children cannot be cared for in a family setting, institutional care. Institutional care should most often be thought of as a temporary placement while the child or youth undergoes mental health or substance abuse treatment with a goal to return to family care at some point. The primary goal in these categories



is still to rehabilitate and strengthen the family so the child can be safely reunified with their parent(s). The last level, at the top of the chart, is for children who cannot return home. Adoption and permanent guardianship placements should be reserved for children whose parent(s) cannot adequately parent them and provide for their safety. Tribal customary adoption is another permanent placement that uses tribal traditions, beliefs, and customs to provide another permanent family for the child, but without terminating the parents' rights and the child's connection to their extended family¹.

The chart provides an illustration of how a child welfare system can be organized (what services are made available to what proportion of the community) and funding allocated (ensuring adequate funding for the services and prevention activities that support all families) to help families keep their children safe without having to remove a child from their home. This requires having adequate services for families that can address safety challenges as early as possible before the need becomes such that leaving the child in the home will subject the child to serious physical or emotional harm. This is a proactive child welfare system design that attempts to address safety concerns before family stress mounts and compounds and families go into crisis. Unfortunately, many tribal and state child welfare systems are structured and funded in a manner that places most of the resources in the top half of the chart where children must be removed from their homes to ensure their safety, admittedly the most expensive services. This more reactive child welfare system has serious limitations with respect to preventing or remediating family instability before it approaches the crisis stage, and often lends itself to considerable skepticism and distrust within the community, who do not believe that services are actually there to help them.

How Do You Develop a Responsive Child Welfare Funding System?

As a tribal leader, your role provides you the authority and opportunity to help shape service systems within your community. Likely you do this with the help of senior tribal administration officials, such as your tribal CEO, general manager, and human services director. In developing a child welfare system that is responsive to the needs of your community, you will need to have in-depth knowledge of the needs of the families you serve. This includes

- understanding what constitutes being considered safe as a child in a family home as defined by your community;
- what parents' key challenges are to ensuring the safety of their children, what kinds of services your tribe provides or has arranged along each level of the chart above;
- how these services are resourced (source and amounts of funding);
- where gaps in funding or other resources exist; and
- the overall capacity of your tribal program to provide the kinds of services your community needs (e.g., staff skills, resources, supervision, program management and administration capacity, etc.).

Different people within the community will have information to help answer these questions, but likely sources of important information are parents that have been involved in the child welfare system, caregivers for children (relative care, foster care, guardians), local service providers, child welfare staff and management, elders, and tribal leadership.

Once you have answered these questions, you can compare what you found with how child welfare services and funding are currently structured to see where there is alignment in the needs of families and how funding resources are allocated and areas where needs and resources are not in alignment.

Two examples of how funding sources can be better utilized are blended and braided funding. These approaches allow tribes to use more than one source of funding to support a specific service or activity and broaden the impact of individual funding sources (Spark Policy Institute, n.d.). Blended funding is combining funding from two or more sources together to fund a specific service or activity. It allows costs from each funding source to be allocated and tracked as a single source rather than individual funding sources. Braided funding also allows the use of multiple funding sources to support the cost of a service or activity, but requires that costs be allocated and tracked for each individual funding source to avoid duplication and ensure each funding source pays its fair share.

As an example, TANF funds, while sometimes thought of as only supporting economic self-sufficiency and job readiness, can also support services to help families stay intact. Many states and some tribes braid these funds with other child welfare funding sources to support relative out-of-home placements or other supports to kinship placements.

Some key questions for tribal leaders to ask themselves about individual funding sources include:

- 1. Are your child welfare funding sources aligned with your tribe's preferred way of working with families and children (i.e., reflective of your tribal values)? Are there constraints or conflicts created by the funding sources' requirements that require responses that do not help families or possibly even harm them? Is it possible to rethink or employ alternative ways to meet these requirements (which may require speaking with your funder)?
- 2. Is your tribal child welfare system funded in such a way that there is balance between services that families need that don't require removal of a child, and services that do to ensure children are safe in their homes?
- 3. How do you prioritize the investment of your tribal revenue in child welfare services? Do you use your tribal revenue to fill service gaps where no funding is available to support these services (state or federal) or enhance or supplement existing services? You may also have to think about whether or not the services needed could be funded under a state or federal source or even provided by another agency, such as a state or county. Using non-tribal funding sources or agencies may be a necessary step, but should also be examined in terms of the fit with your community's cultural values.
- 4. Are there ways you can braid or blend your child welfare funding sources, so you leverage other funds and maximize the use of available funding? Are the administrative requirements of the funding source (e.g., program and fiscal reporting, data collection) proportionate to the amount of funding available? Do the program requirements create serious challenges to front line staff in being able to work with families and children?
- 5. Is the state or federal funder willing and able to work collaboratively with your tribal government and child welfare program? Do they understand and appreciate what your tribe is trying to do in operating a program that meets your community's needs? Do they understand tribal sovereignty and how it supports the work you do through your child welfare program? If the funder is not responsive to your community's needs or service design there will likely be difficulty in implementing a service system that meets your community's needs and challenges to establishing a productive relationship with the funder.
- **6.** Do your child welfare staff feel your funding and the services it supports help them meet their responsibilities to children and families in the community? Does it help or hurt the program's image within the community (i.e., promote an image of either family support or adversaries of families)?

As tribal leadership and senior tribal administration officials grapple with these questions there will be opportunities to think about making adjustments in how services are structured and provided within the community. While funding alone should not drive how child welfare services are provided, funding decisions do have important consequences for capacity and flexibility to respond to changing needs within the community. Creating mission and vision statements for the tribal child welfare program that are community driven, along with a practice model that outlines the core values and approaches used by the program, will go a long way to helping stabilize and improve the relationship of the program with the community as a whole and guide funding decisions.

Case in Point

Several years ago the Confederated Tribes of the Umatilla Indian Reservation in Oregon faced the challenge of how to improve their child welfare system to better meet the needs of children and families. Over a period of a few years, the tribal leadership, the tribal child welfare program, and community members realized something needed to change if they were going to improve outcomes for children and families in the community. The number of children placed in foster care had either risen or stayed very high despite the best efforts of all of those involved and the various state and federal funding sources they had secured. Families did not seem to be getting better, and removing children seemed like the primary tool to ensure their safety. The tribe's largest child welfare funding source only provided reimbursement for services after a child was removed from the home, and the program was largely based on a state and federal model of how to provide child welfare services. Tribal child welfare staff were overwhelmed with efforts to find homes for tribal children that were removed from their families, and community members were frustrated with the child welfare program's increasing need to recruit more foster homes. Something had to change.

To turn their child welfare system around, tribal leadership, community members, and child welfare staff all came to the table to redesign their system to be more proactive and family-centered. This meant redesigning the structure of the child welfare system, incorporating more cultural practices, and restructuring the way the system was funded. A primary change was developing more robust services for families that needed extra support or were at risk of having their children removed. The enhanced services placed greater emphasis on having regular contact with families; active coordination with other service providers, both in and outside the community; more training for staff on family engagement and support; and restructuring staff positions to provide more expertise and focus on prevention services. After the changes were made, child welfare workers meet with families weekly—or more often, depending on each family's unique need—to provide preventive services that keep families together and ensure children's safety. The number of children in foster care and other out-of-home care decreased dramatically, by over 70% and has remained stable ever since following the restructuring. Reducing the number of children in out-of-home care freed up funds that had been previously used for foster care to be used for family support services, and tribal leadership reprioritized their revenue contribution to provide greater support for family support services too. An additional, unanticipated benefit of the restructuring was the improvement in the community's relationship with the tribal child welfare program. Staff reported that after restructuring, parents were much more likely to voluntarily seek help before a crisis occurred, and there was great relief in the community as a whole when recruitment for foster homes became less desperate and constant.

Although this kind of child welfare system redesign needs a lot of community investment to get off the ground, in the long run it has proven to be much less expensive because of the improved outcomes for children and families, provided much higher staff satisfaction and lower turnover, and a reduced need for more expensive and more intensive interventions like foster care and other out-of-home services.

Conclusion

Funding a proactive and responsive tribal child welfare program can be challenging, but is supported by the benefits of having a more culturally responsive system that can improve outcomes for tribal children



and families and utilize precious resources more effectively. Tribal access to federal and state funding sources is improving, along with flexibility to adapt these funds to tribally driven systems. However, tribal leadership must take steps to closely examine the mission and vision of their child welfare system and understand the needs of families to make good decisions about which funding sources to access and how to best utilize them. This includes how to best use tribal revenue to complement other state and federal resources. A community-driven process is best to identify these community needs, and tribal leadership can play an important role in facilitating the relationship between the child welfare program and community members. Where tribal governments have followed these steps, there are proven results that: outcomes for tribal children and families have improved long term, tribal child welfare programs are more stable and have improved relationship with their communities, and there is potential to decrease service costs over time, as prevention services address family needs earlier, stemming the need for more expensive, intensive services.

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The First Kids 1st - Every Child is Sacred Initiative

is a national collaborative effort and is comprised of leading Native American organizations, allies, and partners from all backgrounds, focused on changing national, tribal, and state policy to create conditions in which American Indian and Alaska Native children can thrive. We are working to cultivate and nurture strategies and policies that build and strengthen equitable and local supports for vulnerable Native children in their communities.



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