

Why American Indian and Alaska Native Children and Families Need Child Welfare Resign

A publication of the National Indian Child Welfare Association | December 2021

This publication was funded by The Annie E. Casey Foundation, Inc. The findings and conclusions presented in this report are those of the author(s) and respondents alone and do not necessarily reflect the opinions of the Foundation. We thank them for their support.

The enactment of the Indian Child Welfare Act (ICWA) in 1978 (25 U.S.C 1901 et seq.) was a much-needed remedy for the large numbers of American Indian and Alaska Native (AI/AN) children being removed from their families and communities by state child welfare systems. Between 25% - 35% of American Indian and Alaska Native children had been removed, often needlessly, and placed in foster care, adoption, or institutions with approximately 85% placed in non-Indian homes far from their homes and communities (Indian Child Welfare Program, 1974). While ICWA has significantly decreased the flow of AI/AN into out of home care, there are still concerns about the bias in state child welfare systems and the need to better support tribal nations as they protect and care for their children and families. Fundamental redesign of the child welfare system in the United States is needed to address continuing bias in state child welfare systems, gaps in funding to support tribal culturally based child welfare programs, and the need for expanded training resources for the tribal child welfare workforce that is based in Indigenous experience, thinking, and approaches to healing AI/AN children and families.

AI/AN Children Are Still Disproportionately Removed and Placed in State Foster Care Systems

While ICWA has been a critical support in improving child welfare outcomes for AI/AN children and families, there is still disproportionate placement of AI/AN children nationally and in 15 different state child welfare foster care systems (NICWA, 2019). 15 states have rates of foster care placement of AI/AN children that are higher than the population rate of AI/AN children in their state (NICWA, 2019). These rates range from 1.5 to over 14 times the rate of foster care placement than the general AI/AN population rate (NICWA, 2019). The national rate of foster care placement for AI/AN children is 2.6 times the rate of AI/AN children in the United States (NICWA, 2019).

Current Federal Policies Do Not Provide Adequate Funding or Support for Tribal Culturally Based Services

ICWA was enacted into law because of ongoing bias and large numbers of AI/AN children being removed from their families and tribal communities by state child welfare systems (Indian Child Welfare Program, 1974). The bias in state child welfare systems was accompanied by a lack of understanding and support for tribal extended family structures, cultural healing practices, and the value of tribal nation participation in child welfare proceedings. Congress recognized the need for remedies to this bias in enacting ICWA with two key purposes: providing support for greater tribal child welfare capacity and the involvement of tribes in state child welfare matters involving their children and families. While ICWA provided some of the first tribal child welfare grants starting in 1979, most tribal grants

are small (National Resource Center for Tribes, 2004). NICWA estimates that a tribal nation needs at least \$200,000 to fund a minimal child welfare program with at least two staff and operating expenses.¹

Other federal funding is available to support tribal child welfare programs, but like ICWA, the grants are typically very small. Tribal grants available under Title IV-B of the Social Security Act through the Stephanie Tubbs Jones Child Welfare Services Program and the Mary Lee Allen Promoting Safe and Stable Families Program provide small grants to tribes with most coming in under \$25,000 per year to eligible tribal nations (NICWA, 2018). The Child Abuse Prevention and Treatment Act, which provides grant funding to states to support child abuse prevention and child protection services, contains a 1% set-aside for tribes from the Community-Based Child Abuse Prevention (CBCAP) program which typically results in two tribal grants, each a three-year grant cycle, for a total of just over \$400,000 per year (NICWA, 2018). The CBCAP grant program provides funding for special projects in child abuse and neglect prevention but does not support ongoing operational costs for these types of prevention services (United States Department of Health and Human Services [USDHHS], 2020).

The federal government's largest source of child welfare funding, Title IV-E of the Social Security Act, is an open-ended entitlement that provides over half of the federal government's funding in child welfare, but contains challenges for tribes that want to operate the program (General Accountability Office, 2015). The funding requires a significant non-federal match which can range from 17% to as high as 70% depending upon the service component (foster care, relative guardianship, adoption assistance, or prevention) and tribal program and service population characteristics. The prevention funding under Title IV-E is some of the most attractive to tribal child welfare programs because of the ability to support prevention services that can help reduce out-of-home placements. However, only tribal child welfare programs that operate the Title IV-E program directly from the federal government are allowed to define and use their own culturally based programs and services that fall outside the evidence-based programs and services approved by the Title IV-E Prevention Services Clearinghouse. The Clearinghouse has been in operation since 2018 and has approved only a small number of prevention services, none of which are tribal culturally based programs or services (United State Department of Health and Human Services, n.d.). In addition, there are less than 20 tribal nations approved to operate the Title IV-E program directly through the federal government (USDHHS, 2021) while over 260 tribal nations are operating the program through an agreement with a state (Trope and O'Loughlin, 2014). Tribal nations in Title IV-E agreements with states are not eligible to define and use their own culturally based programs and services and must rely on the list of approved clearinghouse prevention programs and services.

For tribal nations to build their child welfare capacity they must not only have adequate funding, but also funding that is tailored to the specific needs of children and families in their community. The current federal child welfare finance system contains significant

¹ The estimate includes base salaries for two professional social workers, fringe benefits, administrative expenses, and office space and utilities.

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challenges that have limited the ability of tribal nations to build child welfare systems in their communities that are culturally based and can provide the full range of services that are needed.

The Tribal Child Welfare Workforce Needs Expanded Training Resources

The relationship between Indigenous people and the Western world has been turbulent, and decisions by the federal government and its agents carried out the genocidal policies that devastated AI/AN communities for over two centuries. Because of this, AI/AN communities have built walls of mistrust to protect themselves from mainstream systems. While well-intentioned in different respects, federal and state agencies often struggle to acknowledge tribal child welfare programs and Indigenous professionals as equals and to value the work that is done in tribal communities. When federal and state leaders push mainstream approaches with tribal nations and ignore the knowledge and experience of tribal leadership and professionals it reinforces a paternal relationship where it is assumed that non-Native ways of being are superior to Native ways of being. This kind of relationship is a barrier to providing appropriate support and training to AI/AN professionals and limits the ability of tribal nations, state, and federal governments to partner on child welfare issues.

Paternalism also exists in educational institutions and organizations that provide training to AI/AN professionals. To be successful, AI/AN professionals need education and training that understands and is responsive to their community's unique needs and culture. Currently, there are some examples of progress on the need for improved workforce training for AI/AN professionals. The Council on Social Work Education (CSWE) has recently acknowledged the harm done to Indigenous people by their profession and is advocating for educational institutions to teach social workers how to "critically reflect on how we teach about and support Indigenous and Tribal Peoples in our Profession" (CSWE, 2021). Leduc suggests that wherever social work is taught, efforts need to focus on supporting decolonization of Indigenous programs so we can destabilize the position of social work and respond to the injustices and learn from Indigenous cultures (Leduc, 2018, p. 414). However, efforts by larger educational institutions and training organizations are unlikely to succeed without greater engagement with tribal nations and policy changes that require fundamental changes in educational focus and improved access to culturally based training for tribal child welfare professionals.

Conclusion

It is clear that with the enactment of ICWA there has been a decrease of AI/AN in out-of-home care, however, disproportionate placement of AI/AN children in state child welfare systems still occurs. Tribal nations with proper levels of funding and flexibility to provide culturally based programs and services can build child welfare systems in their communities that will heal and support the ongoing wellbeing of their children and families. Further, with expansion of Indigenous-based training resources for tribal child welfare workers, tribal systems can continue the work of

decolonizing and the walls of mistrust then can start to come down.

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