State of American Indian/Alaska Native Children and Families, Part 5:

Child Welfare

NICWA
National Indian Child Welfare Association
Protecting Our Children • Preserving Our Culture

Historically, Native children were removed from their families, culture, and tribal nations, first through placement in distant boarding schools, and later into White foster care and adoptive homes via public and private child welfare agencies. In the late 1970s, Congress determined that fundamental changes in Indian child welfare policy and practices were necessary and passed the Indian Child Welfare Act (ICWA) in 1978 (Dempsey, 2021).

ICWA applies to state child custody proceedings involving an Indian child who is a member of (or eligible for membership in) a federally recognized tribe. State child custody proceedings covered by ICWA relate to foster care placement, termination of parental rights, adoption, and placements for status offenses (such as truancy). ICWA sets out federal requirements regarding removal and placement of Indian children in foster or adoptive homes and allows the child's tribe to intervene in the case and to petition to transfer jurisdiction of the case to the child's tribe's tribal court (National Indian Child Welfare Association [NICWA], n.d.). Unfortunately, even with the passage of ICWA, American Indian/Alaska Native (AI/AN) children have remained at greater risk than other children of being confirmed for maltreatment and placed in out-of-home care by the child welfare system (Yi et al., 2020).

The purpose of this data brief is to review data related to American Indian and Alaska Native children and child welfare. It focuses on the early to mid-points of the child welfare pathway—beginning with suspected maltreatment and followed by entry into the foster care system. Data concerning the prevalence of maltreatment and foster care placement among AI/AN children are presented, with a focus on overrepresentation (disproportionality) and disparities compared with other groups. This brief presents the most recent data available at the time of this writing, as well as covers some historical data to place recent findings in a broader context. Finally, limitations of these data are discussed and implications for policy and practice suggested.

American Indian/Alaska Native Child Maltreatment Data

Federal legislation defines child abuse and neglect as, at minimum

- "Any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation"; or
- "An act or failure to act which presents an imminent risk of serious harm" (CAPTA Reauthorization Act, 2010).

Each state is responsible for further defining child maltreatment in state law. The child welfare pathway begins with a report of suspected maltreatment. In most states, the agency that receives a report of suspected child abuse or neglect will do screening to decide whether the report meets criteria for investigation. To be investigated, reports must concern actions that meet the statutory definition of maltreatment in that state. Investigations may or may not find evidence of child abuse or neglect. Investigations that result in a determination that maltreatment occurred are considered "substantiated," "founded," "indicated," or "confirmed" (Child Welfare Information Gateway, 2017).

States report maltreatment information to the National Child Abuse and Neglect Data System (NCANDS). In NCANDS, a victim is defined as "a child for whom the state determined at least one maltreatment was substantiated or indicated; and a disposition of substantiated or indicated was assigned for a child in a report" (Children's Bureau, 2022, p. 136).

Using NCANDS maltreatment data from 2003–2014, Kim et al. (2017) estimated that 23.4% of AI/AN children will have a report of suspected maltreatment investigated by their 18th birthday. The prevalence of maltreatment investigation for AI/AN children (through 17 years) is actually lower than the prevalence among all other racial/ethnic groups except for Asian children (Black children 53.0%, Hispanic children 32.0%, White children 28.2%, and 10.2% for Asian/Pacific Islander children). Kim et al. (2017) also found this order of prevalence among ethnic groups held for two maltreatment types: physical abuse and neglect. For emotional abuse, AI/ANs had the second highest lifetime prevalence for investigated reports (Hispanics had the highest rate, followed by AI/ANs, Black, White, and Asian/Pacific Islander children). With regard to substantiated investigations, AI/ANs had lower rates than Black and Hispanic children but a slightly higher rate than White children. These findings are different from some older reports prior to 2010, likely because the data

in the paper by Kim et al. (2017) are more recent, and because they are national rates. There is wide variability across states, however, and so local data may be more informative in understanding disproportionality than national data.

Using NCANDS maltreatment data for 2014–2018, Beardall and Edwards (2021) found 26% of AI/AN children are investigated for suspected maltreatment, and 11% ever have an allegation of abuse or neglect substantiated. By comparison, about 35% of White children are ever investigated by a child welfare agency, and 11% ever have a substantiated report. Thus AI/AN children nationally are 31% less likely than White children to ever be investigated by CPS, but equally as likely to ever have a substantiated maltreatment report. It is important to note that Beardall and Edwards (2021) found these national averages obscured important geographic differences in maltreatment investigation and substantiation; in some states, AI/AN children are significantly more likely than White children to have a maltreatment investigation substantiated.

AI/AN Child Maltreatment in 2020

The Children's Bureau releases annual reports that include data provided by the states to the NCANDS. Federal reporting of NCANDS data includes both absolute numbers of victims as well as rates of maltreatment (rate calculations utilize victim numbers and population size to produce a rate per 1,000 population). Comparison of rates control for population size differences among groups being compared. As of this writing, the Children's Bureau's most recent report shares NCANDS data for 2020 (Children's Bureau, 2022). A limitation of NCANDS data is that children in tribal child welfare systems are not included in this data, and therefore NCANDS data may not be fully accurate reflections of true rates (Earle & Cross, 2001). It is estimated that approximately two-thirds of AI/AN children in foster care are placed by state child welfare

agencies and one-third to 40% are placed in foster care by tribal authorities (Earle & Cross, 2001).

AI/AN Child Maltreatment Nationally

NCANDS data indicate 9,187 American Indian or Alaska Native children were victims of child abuse or neglect in 2020. AI/AN children had the highest rate of victimization of any racial/ethnic group, with 15.5 per 1,000 children. By comparison, the nation overall had a victimization rate of 8.4 per 1,000 children, and White children's rate of victimization was 7.4 per 1,000 children. AI/AN children also had the second highest rate of child fatalities at 3.85 per 100,000 children. By comparison, Black children had the highest fatalities rate at 5.90 per 100,000; the rate of White child fatalities was 1.90 per 100,000. Racial distributions show that for nearly all race categories, there was a decrease in child victimization during federal fiscal year (FFY) 2020. However, victims of American Indian or Alaska Native descent had an increase of 1.4% for the fiscal year (Children's Bureau, 2022).

AI/AN Child Maltreatment by State

In the U.S., there is tremendous variation in AI/AN child maltreatment across states. For FFY 2020, Alaska had the highest number of AI/AN child maltreatment victims (1,661), followed by Oklahoma (1,125). New Mexico, North Carolina, South Dakota, and Montana all had more than 500 each. Eleven states had between 100–499 confirmed cases of AI/AN child maltreatment. There were 11 additional states with 21–99 victims and 22 states with less than 20 children with substantiated maltreatment reports.

States can have widely disparate numbers of victims, but have similar victimization rates. The 2020 child maltreatment data show that there were 18 states where the maltreatment rate for AI/AN children was above the

Table 1

2020 NCANDS Data for AI/AN, White, Black, and Children in the Nation Overall

	AI/AN	White	Black	National
Child Victimization Rate (per 1,000 children)	15.5	7.4	13.2	8.4
Child Fatalities (per 100,000 children)	3.85	1.9	5.9	2.38
Percent Change in Number of Victims FFY 2019–2020	1.4% ↑	-6.5% ↓	-4.3% ↓	-.58% ↓

Note: Adapted from *Child Maltreatment 2020,* by Children's Bureau, 2022.

Table 2

NCANDS Data for FFY 2020 for Select States

State	AI/AN Experiencing Maltreatment 2020	AI/AN Maltreatment Rate (per 1,000 Children)	Overall Maltreatment Rate (per 1,000 Children)	White Maltreatment Rate (per 1,000 Children)	AI/AN Child Victimization Rate Highest of Any Racial or Ethnic Group?
Alaska	1,661	50.3	18.0	7.2	Yes
Arizona	449	5.8	6.0	5.1	No
California	465	14.6	6.9	5.5	No
Colorado	88	12.8	9.3	6.8	No
Idaho	38	8.5	4.3	4.0	Yes
Iowa	143	57.9	14.6	13.3	Yes
Kansas	20	4.3	3.4	3.3	No
Maine	38	19.9	19.0	15.3	No
Massachusetts	34	13.6	16.8	10.7	No
Minnesota	482	26.8	5.1	2.9	Yes
Missouri	22	4.5	3.2	3.0	Yes
Montana	597	27.6	16.4	14.9	Yes
Nebraska	118	23.4	5.0	3.5	Yes
New Mexico	738	16.0	14.9	11.8	No
New York	193	15.3	14.8	11.0	No
North Carolina	704	27.0	9.7	8.3	Yes
North Dakota	333	24.1	8.9	6.0	Yes
Oklahoma	1,125	11.8	15.4	11.5	No
Oregon	312	34.0	13.3	12.2	Yes
South Dakota	634	23.4	7.2	3.5	Yes
Utah	200	25.3	10.4	9.1	No
Washington	163	7.8	2.4	2.2	Yes
Wisconsin	235	17.9	3.3	2.6	Yes
Wyoming	29	7.8	7.5	7.4	No
United States	9,187	15.5	8.4	7.4	Yes

Note: States were not included in the table above if they had fewer than 20 confirmed cases of maltreatment among AI/AN children in 2020 (22 states), or if they had lower rates of maltreatment than both White children and children overall in a state with fewer than 85 cases of maltreatment (four states: Michigan, Florida, Texas, and Nevada). Adapted from *Child Maltreatment 2020*, by Children's Bureau, 2022.

national average for all children (above 8.4 per 1,000). In two states, Iowa and Alaska, the rate of maltreatment for AI/AN children was particularly high, at 57.9 and 50.3 per 1,000 AI/AN children respectively. Oregon, Montana, North Carolina, Minnesota, Utah, North Dakota, Nebraska, and South Dakota all had high victimization rates as well, all above 20. In no state did White children have a victimization rate greater than 17.1 per 1,000 children. In many states, AI/AN children have very disparate chances of having a substantiated report of child abuse or neglect compared to other children. In 21 of the states shown in the table below, the AI/AN child victimization rate is higher than the rate for White children, as well as higher than the rate for all children. There are 16 states where AI/AN children are at least 50% more likely to have a substantiated or indicated maltreatment report than White children; in more than half of these states, AI/AN children are more than three times as likely as White children to have a substantiated maltreatment report. In 13 states, the AI/AN victimization rate was the highest of any racial or

ethnic group (Children's Bureau, 2022).

Table 2 shows the number of AI/AN child maltreatment victims; the victimization rate per 1,000 population for AI/AN, White, and all children; and whether AI/AN children had the highest victimization rate of any racial or ethnic group for select states.

In the first column of Table 2, red shading is used to highlight the states with the highest number of AI/AN children experiencing maltreatment. Unshaded cells indicate there were fewer than 100 AI/AN maltreatment victims in the state. The darkest red cell, Alaska, followed by the next darkest, Oklahoma, had the greatest number of AI/AN maltreatment victims in FFY 2020, while Iowa and Washington (with the lightest pink shading) had the fewest (among states with at least 100 victims).

In the second column of Table 2, red shading is used to highlight the states with the highest rates of AI/AN children experiencing maltreatment. Unshaded cells indicate an AI/AN child maltreatment rate of less than 5.8 per 1,000 AI/AN children. The darkest red cell, Iowa, followed by the next darkest, Alaska, show the highest rates of AI/AN maltreatment among states in FFY 2020 (near or above 50 per 1,000 children), while Washington and Wyoming (with the lightest pink shading) had rates of 7.8 per 1,000.

American Indian/Alaska Native Children in Out-of-Home Care Data

Foster care is "a temporary service provided by states [and tribes] for children who cannot live with their families" (Child Welfare Information Gateway, n.d.). Children in foster care may live with relatives or unrelated foster parents, or in group homes, residential care facilities, emergency shelters, or supervised independent living. The Adoption and Foster Care Analysis and Reporting System (AFCARS) collects case-level information from state agencies on all children in foster care; specifically, the data include information about children who enter foster care, their entries and exits, placement details, and foster/adoptive parent information. Only tribes with direct Title IV-E funding are required to report to AFCARS, and therefore, a very small fraction of total tribal child welfare agencies are included in the dataset. AFCARS does not currently collect specific data about AI/AN children to whom ICWA applies.

Using AFCARS data from 2015, Davis et al. (2022) examined differences between AI/AN children and non-Native children in foster care. They specified two groups of AI/AN children to compare with non-Native children; those AI/AN Only and those who are identified as having two or more races, one of which is AI/AN (AI/AN +). Davis et al. (2022) highlighted trends indicative of potential disparities between AI/AN Only and AI/AN+ children,

including differences related to disability status and reason for entry into foster care.

With regard to disability, Davis et al. (2022) found AI/AN Only children are less likely to have a diagnosed disability, less likely to be diagnosed with an emotional disturbance, and slightly less likely to have another identified "medical issue" than non-Native or AI/AN+ children. AI/AN+ children are less likely to be diagnosed with sensory deficits in vision and hearing than non-Native and AI/AN Only children. Given risks related to social determinants of health for the AI/AN foster care population, this likely represents a medical assessment disparity for AI/AN children, especially those AI/AN Only. Rather than reflecting true disability prevalence, this finding suggests AI/AN children may not have access to timely, adequate medical care for assessment purposes.

In terms of reason for entry into foster care, Davis et al. (2022) found AI/AN Only children are less likely than non-Native children to be removed due to physical abuse, child behavior concerns, or parents' inability to cope, and more likely to be removed for neglect. AI/AN+ children are less likely to be removed due to child behavior problems or parents' inability to cope and more likely to be removed for drug use by a parent than non-Native children.

However, the biggest difference in foster care entry reason for both AI/AN Only and AI/AN+ children compared to non-Native children was parental alcohol use. One in five AI/AN Only children and one in 10 AI/AN+ children were removed due to a parent's misuse of alcohol, in contrast to 5% of non-Native children. It is unknown whether the actual risk for AI/AN Only and AI/AN+ children due to alcohol misuse is higher, or whether workers are more likely to investigate for alcohol misuse due to stereotyping or bias.

Table 3 displays Davis et al. (2022) findings related to disability status and removal reason. Statistically significant differences among groups are indicated with colored arrows.

Other research using AFCARS data has focused on children's risk of ever experiencing out-of-home care. Wildeman and Emanuel (2014) used AFCARS data including all children in foster care from 2000–2011 to assess the cumulative probability of foster care placement for children from birth to age 18. In examining risk of placement by race and ethnicity, AI/AN included all children identified in the data as Native American (regardless of additional identities).

Wildeman and Emanuel (2014) found AI/AN children had the highest cumulative risks of placement. With 15.44% risk, one in seven AI/AN children will enter foster care at some point before their 18th birthday. By comparison, 10.99% of Black, 4.86% of White, 5.35% of Hispanic, and

Table 3

Disability Status and Removal Reason for AI/AN Only, Non-Native, and AI/AN + Children

Demographics & Removal	AI/AN Only		Non-Native		AI/AN+	
Age in Years: Mean	6.59		7.52		6.79	
Diagnosed Disability: Yes	↓	22%	↑	26%	↑	26%
Physical Disability		<1%		<1%		1%
Emotional Disturbance	↓	11%	↑	15%	↑	15%
Other Medical Issue	↓	10%	↑	13%	↑	13%
Vision/Hearing Disability	→	3%	↑	5%	↓	1%
Intellectual Disability		2%		3%		2%
Removal Reason:						
Physical Abuse	↓	10%	↑	14%	↑	13%
Sexual Abuse		3%		4%		4%
Neglect	↑	67%	↓	63%	↓	64%
Alcohol Use of Parent	↑	20%	↓	5%	→	11%
Drug Use of Parent	→	33%	↓	31%	↑	37%
Alcohol Use of Child		1%		<1%		<1%
Drug Use of Child		2%		2%		2%
Child's Disability		2%		2%		2%
Child Behavior Problem	↓	6%	↑	11%	↓	6%
Parents Died		<1%		<1%		<1%
Parents Incarcerated		10%		7%		9%
Parents Inability to Cope	↓	9%	↑	17%	→	13%
Abandonment		6%		5%		5%
Relinquishment		<1%		1%		<1%
Inadequate Housing		8%		11%		12%

Note: Legend: ↑ indicates highest percentage is different (statistically significantly) from ↓
→ indicates a difference (statistically significant) from ↑ and ↓ (in some cases, magnitude of difference may be small)

Adapted from "Indigenous-Centered Racial Disproportionality in American Foster Care: A National Population Study," by C. G. Davis, A. Dunnigan, and B. B. Stevens, 2022, *Journal of Public Child Welfare,* pp. 1–25.

2.14% of Asian children will enter foster care at some point before they turn 18. Wildeman and Emanuel's (2014) analysis showed AI/AN children are at 3.18 times greater risk of foster care placement than White children (Black children, with the second highest risk of foster care placement, had 2.26 the relative risk of Whites for foster care placement).

Using 2014–2018 AFCARS data, Beardall and Edwards (2021) found 8% of AI/AN children (identified as AI/AN alone or AI/AN in combination with any other group) will enter foster care at some point before their 18th birthday. Among White children, 5% are ever removed into foster care. Beardall and Edwards's (2021) analysis showed

that at the national level, AI/AN children are 60% more likely than White children to ever enter foster care. However, another important finding of this analysis is that the national average obscures significant geographic variation in inequality of risk. In Minnesota, for example, AI/AN children are 8.3 times more likely than White children to ever enter foster care at some point before their 18th birthday; about 44% of AI/AN children in Minnesota will experience out-of-home care before the age of 18.

According to Beardall and Edwards (2021), there are 20 states where AI/AN children are more likely than White children to enter foster care in the 2014–2018 AFCARS

data. In half of these states, AI/AN children are at least twice as likely to enter foster care as White children and have a 15% or higher cumulative probability of entering care before age 18:

- Minnesota (8.3 rate ratio, 44% lifetime risk);
- South Dakota (7.0 rate ratio, 21% lifetime risk;
- North Dakota (4.3 rate ratio, 25% lifetime risk);
- Alaska (4.1 rate ratio, 23% lifetime risk);
- Wisconsin (3.8 rate ratio, 19% lifetime risk);
- Nebraska (2.8 rate ratio, 19% lifetime risk);
- Montana (2.8 rate ratio, 28% lifetime risk);
- Washington (2.4 rate ratio, 15% lifetime risk);
- Oklahoma (2.4 rate ratio, 17% lifetime risk); and
- Iowa (2.0 rate ratio, 22% lifetime risk).

Beardall and Edwards (2021) also found that AI/AN children are more likely than their White peers to be removed from their families and enter foster care if they experience maltreatment. For example, around 55% of AI/AN infants with a substantiated maltreatment allegation are removed into foster care, compared to about 37% of White children. Beardall and Edwards's (2021) analyses suggest the post-investigation decision point where children are removed and placed into care results in disproportional disparities for AI/AN children.

## AI/AN Foster Care: Disproportionality Over Time

Disproportionality calculations look at overrepresentation in the foster care system. Disproportionality rates compare the percentage of children with a given characteristic (such as race/ethnicity) in foster care to their percentage in the child population. Determination of racial/ethnic disproportionality is important for illuminating inequality in child welfare system for racial/ethnic groups.

AI/AN Foster Care Disproportionality: National

Disproportional representation of AI/AN children in the foster care system has been growing over the last two decades. In 2000, AI/AN children were overrepresented in foster care at a rate 1.5 times greater than their proportion in the general population. AI/AN children were 1.3% of all children in the United States, but 1.9% of all children placed outside their homes in foster care (Summers, 2016). By 2010, the foster care disproportionality rate was 2.1 for AI/AN children. In 2020, the rate reached 2.78 (Puzzanchera et al., 2022).

The National Council of Juvenile and Family Court Judges (NCJFCJ) tracks and reports foster care disproportionality rates for children of color, including AI/AN children. The graph below plots NCJFCJ disproportionality ratios for

Figure 1

AI/AN Disproportionality 2014–2018
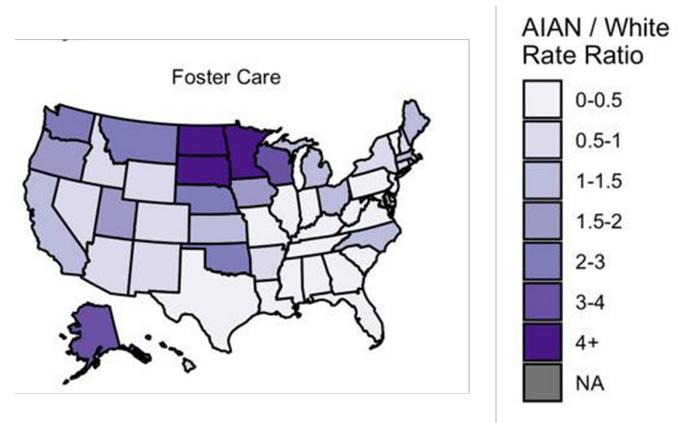
Note: Adapted from "Abolition, Settler Colonialism, and the Persistent Threat of Indian Child Welfare," by T. R. Beardall and F. Edwards, 2021, *Columbia Journal of Race and Law*, 11(3), pp. 533–574.

children in foster care by race/ethnicity from 2010–2020 (Puzzanchera et al., 2022). The graph shows that disproportionality for AI/AN children has been growing over the last decade while it has remained relatively stable or decreased for children of other races/ethnicities.

Figure 2

NCJFCJ Disproportionality Ratios 2010–2020 by Race/Ethnicity
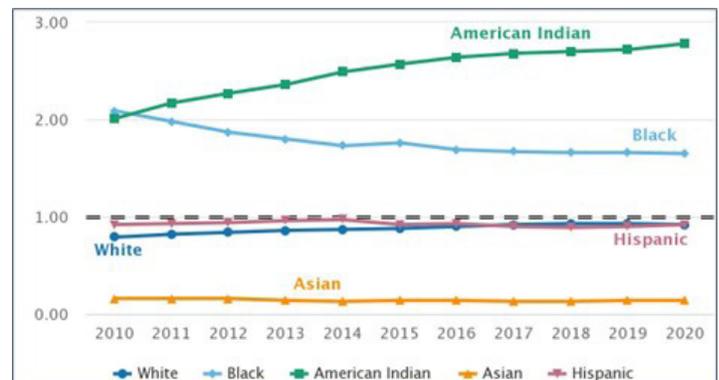
Note: Adapted from *Disproportionality Rates for Children of Color in Foster Care Dashboard, Profile and Disproportionality Index Data Display, Disproportionality Index* By Date, by C. Puzzanchera, M. Taylor, W. Kang, and J. Smith, 2022.

AI/AN Foster Care Disproportionality: States

Nationally, disproportionality for AI/AN children in foster care has been growing over the last decade. At the state level, some states have reduced disproportionality for AI/AN children over this time. However, disproportionality for AI/AN children has been a persistent problem for many states. NCJFCJ produces a Disproportionality Index (disproportionality rate calculation) for each state. The Disproportionality Index (DI) for AI/AN children in foster care in states that have had disproportionality rates over 1 for 2015–2020 appear in Table 4 below (Puzzanchera et al., 2022).

Table 4

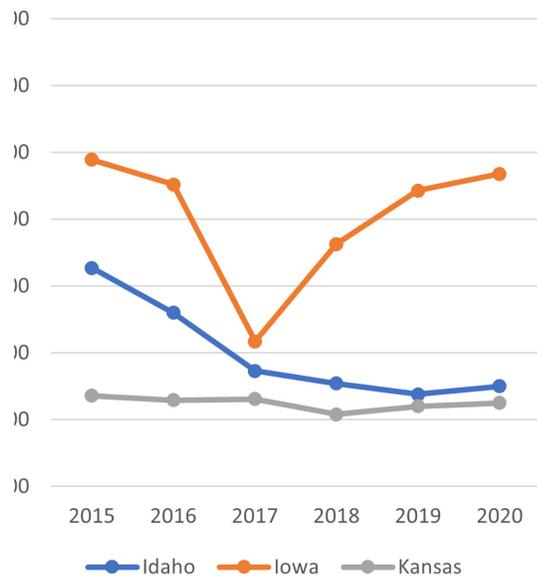*AI/AN Foster Care Disproportionality Rates for States with AI/AN Rates over 1, 2015–2020*

State	DI for AI/AN in foster care 2020	DI for AI/AN in foster care 2019	DI for AI/AN in foster care 2018	DI for AI/AN in foster care 2017	DI for AI/AN in foster care 2016	DI for AI/AN in foster care 2015
Alaska	2.75	2.66	2.65	2.48	2.45	2.47
Arizona	1.16	1.11	1.06	0.95	0.96	0.96
California	1.48	1.52	1.5	1.76	1.57	1.67
Hawaii	0.72	3.49	1.64	4.01	4.49	6.09
Idaho	1.5	1.38	1.54	1.73	2.6	3.27
Iowa	4.68	4.43	3.63	2.17	4.52	4.89
Kansas	1.25	1.2	1.08	1.31	1.29	1.36
Maine	1.41	1.54	1.68	1.41	1.19	0.87
Massachusetts	0.9	0.98	1.04	1.28	2.26	1.85
Minnesota	15.43	15.51	16.03	16.31	16	15.73
Montana	3.78	3.5	3.23	3.2	3.4	3.63
Nebraska	3.93	4.4	4.11	3.99	4.02	3.2
North Carolina	2.18	1.79	1.85	1.82	1.91	1.84
North Dakota	5.59	5.23	4.48	4.57	4.24	3.76
Oregon	3.3	3.18	3.36	3.77	3.51	3.58
South Dakota	4.64	4.57	4.64	4.09	3.84	3.94
Utah	3.05	2.46	2.81	3.3	2.41	2.54
Washington	3.13	3.39	3.51	3.37	3.77	4.14
Wisconsin	6	6.18	6.34	5.66	4.9	4.95

Note: Adapted from *Disproportionality Rates for Children of Color in Foster Care Dashboard, Profile and Disproportionality Index Data Display, Disproportionality Index* By Date, by C. Puzzanchera, M. Taylor, W. Kang, and J. Smith, 2022.

Figures 3–6 below show the Disproportionality Index (DI) for AI/AN children in foster care in states that have had disproportionality indexes over 1 for 2015–2020.
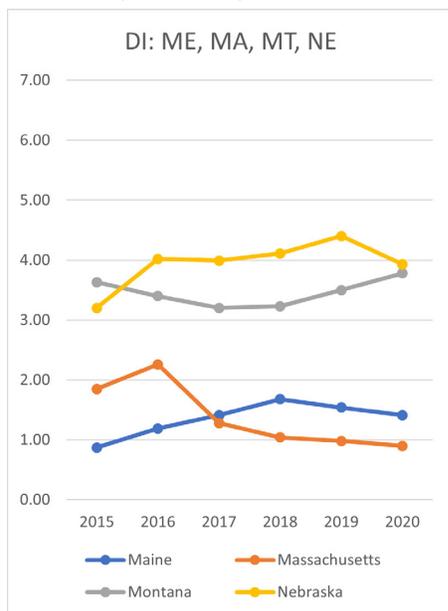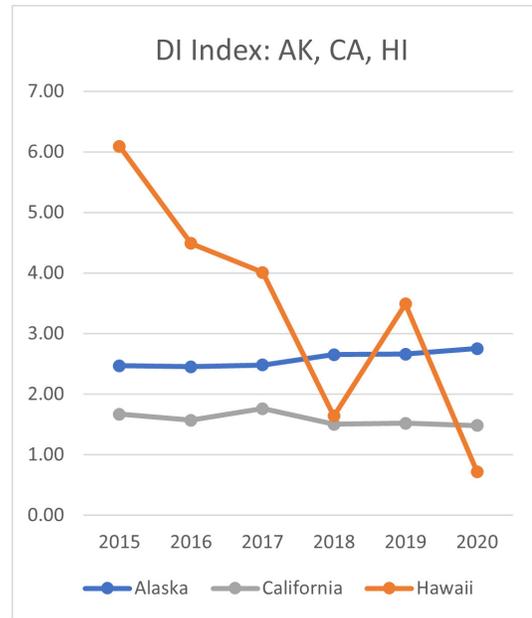
Figure 3

Disproportionality Index for AI/AN Children in Foster Care: Idaho, Iowa, and Kansas

Note: Adapted from *Disproportionality Rates for Children of Color in Foster Care Dashboard, Profile and Disproportionality Index Data Display, Disproportionality Index* By Date, by C. Puzzanchera, M. Taylor, W. Kang, and J. Smith, 2022.
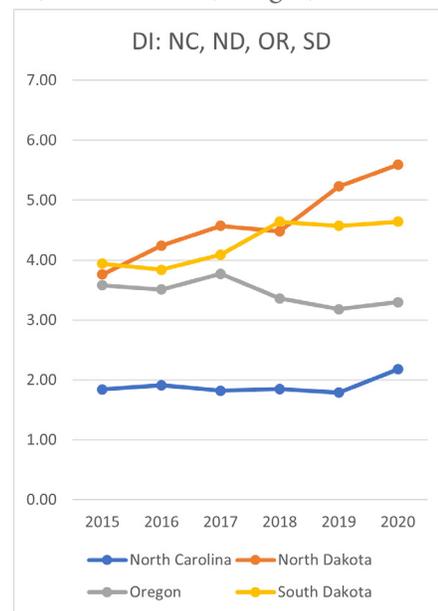
Figure 4

Disproportionality Index for AI/AN Children in Foster Care: Alaska, California, and Hawaii

Note: Adapted from *Disproportionality Rates for Children of Color in Foster Care Dashboard, Profile and Disproportionality Index Data Display, Disproportionality Index* By Date, by C. Puzzanchera, M. Taylor, W. Kang, and J. Smith, 2022.

Figure 5

Disproportionality Index for AI/AN Children in Foster Care: Maine, Massachusetts, Montana, and Nebraska

Note: Adapted from *Disproportionality Rates for Children of Color in Foster Care Dashboard, Profile and Disproportionality Index Data Display, Disproportionality Index* By Date, by C. Puzzanchera, M. Taylor, W. Kang, and J. Smith, 2022.
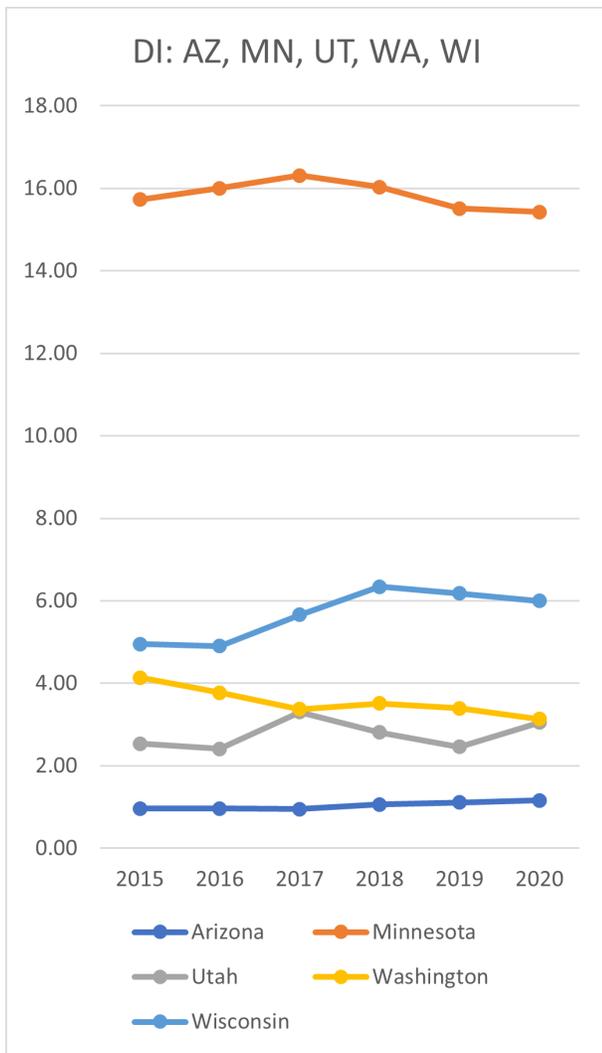
Figure 6

Disproportionality Index for AI/AN Children in Foster Care: North Carolina, North Dakota, Oregon, and South Dakota

Note: Adapted from *Disproportionality Rates for Children of Color in Foster Care Dashboard, Profile and Disproportionality Index Data Display, Disproportionality Index* By Date, by C. Puzzanchera, M. Taylor, W. Kang, and J. Smith, 2022.

Figure 7 below shows the Disproportionality Index (DI) for AI/AN children in foster care in five additional states with disproportionality indexes over 1 for 2015–2020. This graph includes Minnesota, a state with DIs consistently above 15. As no other state has a DI above seven within the past five years, the scale of this graph differs from those above. In addition, Arizona, a state with proportional representation of AI/AN children in foster care 2015–17, is included due to rising DIs from 2018–2020 (1.06, 1.11, and 1.16 for 2020).
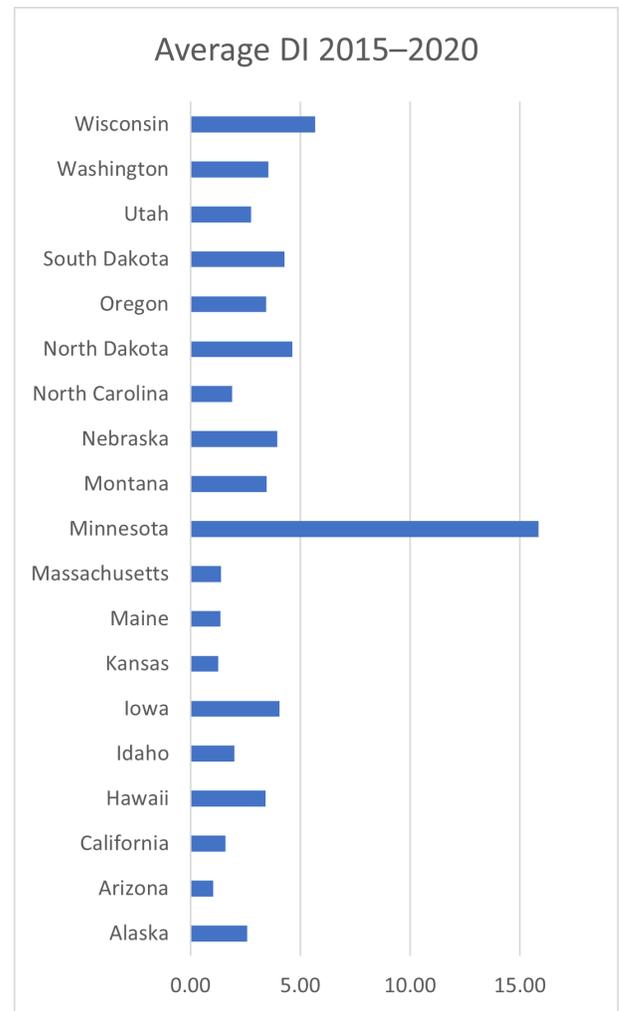
Figure 8 presents the average Disproportionality Index (DI) for 2015–2020 for AI/AN children in foster care in states listed in Table 4. This graph allows for comparison of the relative level of disproportionality among states with DIs above 1 during the time period.

Figure 7

Disproportionality Index for AI/ AN Children in Foster Care: Arizona, Minnesota, Utah, Washington, Wisconsin

Note: Adapted from *Disproportionality Rates for Children of Color in Foster Care Dashboard, Profile and Disproportionality Index Data Display, Disproportionality Index* By Date, by C. Puzzanchera, M. Taylor, W. Kang, and J. Smith, 2022.

Figure 8

Average Disproportionality Index for AI/ AN Children in Foster Care in States with AI/AN Rates over 1, 2015–2020

Note: Adapted from *Disproportionality Rates for Children of Color in Foster Care Dashboard, Profile and Disproportionality Index Data Display, Disproportionality Index* By Date, by C. Puzzanchera, M. Taylor, W. Kang, and J. Smith, 2022.

Figure 8 presents the average Disproportionality Index (DI) for 2015–2020 for AI/AN children in foster care in states listed in Table 4. This graph allows for comparison of the relative level of disproportionality among states with DIs above 1 during the time period.

AI/AN in Foster Care 2020

According to preliminary estimates from the Adoption and Foster Care Analysis and Reporting System (AFCARS) data for FY 2020, there were 9,851 AI/AN children in foster care on September 30, 2020. AI/AN children accounted for 2% of the child welfare population. During FFY 2020, 4,983 AI/AN children entered foster care, and 4,997 exited. As states are permitted to resubmit AFCARS data, these estimates may change over time. The figures presented reflect all AFCARS data received as of October 4, 2021, related to AFCARS reporting periods through September 30, 2020 (Children's Bureau, 2021a).

Table 5 shows the number of AI/AN children in foster care on the last day of the federal fiscal year 2020 for states with > 20 AI/AN children in care. The average number of AI/AN children in out-of-home care on the last day of years 2010–2014 and 2015–2019 is also included (Annie E. Casey Foundation KIDS COUNT Data Center, 2022). The following graphs plot the average count of AI/AN children in foster care (September 30) for 2010–2014 and 2015–2019. Because of the wide range in number of children in care across states, the scale for each graph varies.

It is important to note that the graphs present averages of counts, not rates, so trends may be influenced by factors like population growth or decline. However, they offer a general sense of the average size of the AI/AN child population in foster care in states, as well as show whether the population of AI/AN children in out-of-home care grew or declined over the decade.

AI/AN Foster Care Disproportionality 2020: National

In 2020, AI/AN children were overrepresented in foster care at a rate 2.8 times greater than their proportion in the general population. This means that although AI/AN children were just 1% of all children in the United States, they were 2.8% of all children who were placed in foster care. By comparison, White children were underrepresented nationwide at a rate of 0.9 times lower than their proportion of the general population. White children made up 52% of all children in the United States but only 48% of all children in foster care (Puzzanchera et al., 2022).

Table 5

AI/AN Children in Foster Care on the Last Day of the FFY for Select States

State	2020	Average 2015-19	Average 2010-14
Alaska	1,332	1,216	954
Arizona	675	703	535
California	351	406	440
Colorado	34	34	45
Florida	33	26	40
Idaho	26	40	64
Iowa	81	91	111
Kansas	77	85	54
Maine	29	20	18
Massachusetts	18	34	20
Michigan	43	58	131
Minnesota	1,572	1,968	1,056
Missouri	62	44	25
Montana	1,201	1,145	731
Nebraska	154	205	401
North Carolina	265	234	195
North Dakota	641	494	337
Oklahoma	734	821	744
Oregon	258	348	306
South Dakota	890	768	675
Utah	69	72	87
Washington	403	575	712
Wisconsin	486	483	300
Wyoming	26	26	18
United States	9,851	10,325	8,458

Note: Adapted from *The AFCARS Report, 28*, by Children's Bureau, 2021, and *Children in Foster Care by Race and Hispanic Origin in the United States*, by Annie E. Casey Foundation KIDS COUNT Data Center, 2022.

Figure 9

Five-Year Averages of AI/AN Children in Foster Care Reported by States in in AFCARS: Alaska, Oklahoma, Minnesota, and Montana
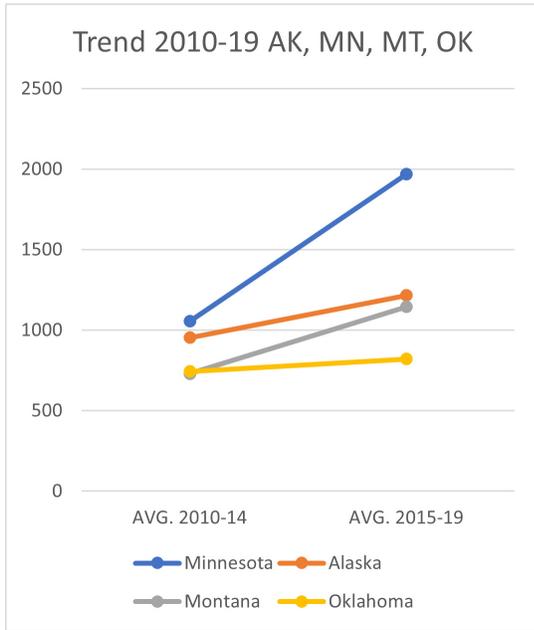
Trend 2010-19 AK, MN, MT, OK

Minnesota — Alaska
Montana — Oklahoma

Note: Data points represent the number of AI/AN children in foster care on September 30 of each year. Adapted from *Children in Foster Care by Race and Hispanic Origin in the United States*, by Annie E. Casey Foundation KIDS COUNT Data Center, 2022.

Figure 11

Five-Year Averages of AI/AN Children in Foster Care Reported by States in AFCARS: North Carolina, New Mexico, Nebraska, Oregon, and Wisconsin
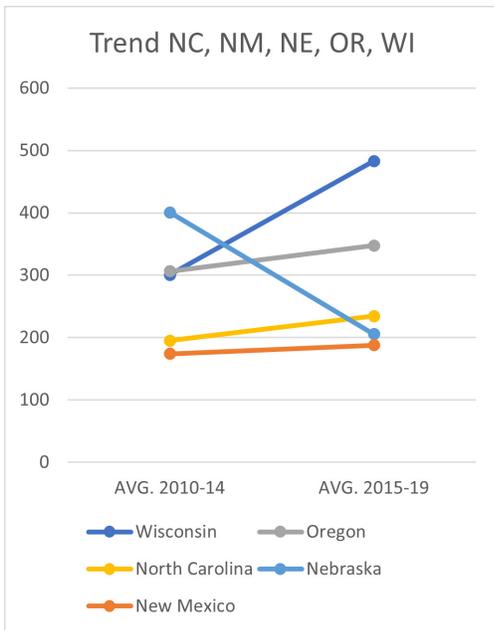
Trend NC, NM, NE, OR, WI

Wisconsin — Oregon
North Carolina — Nebraska
New Mexico

Note: Data points represent the number of AI/AN children in foster care on September 30 of each year. Adapted from *Children in Foster Care by Race and Hispanic Origin in the United States*, by Annie E. Casey Foundation KIDS COUNT Data Center, 2022.

Figure 10

Five-Year Averages of AI/AN Children in Foster Care Reported by States in AFCARS: Arizona, California, North Dakota, South Dakota, and Washington
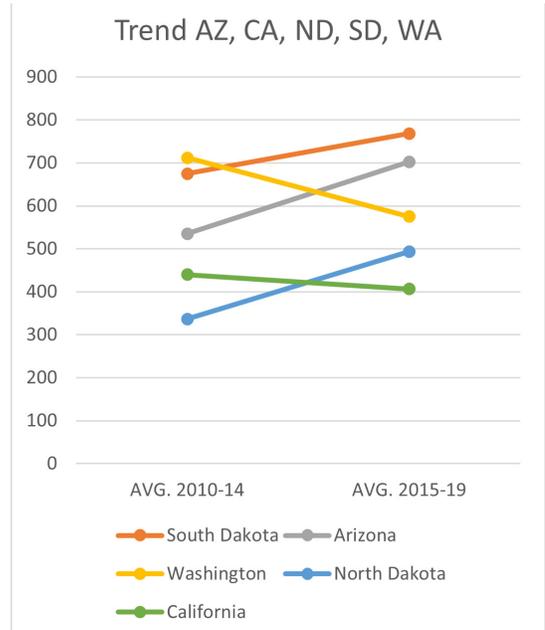
Trend AZ, CA, ND, SD, WA

South Dakota — Arizona
Washington — North Dakota
California

Note: Data points represent the number of AI/AN children in foster care on September 30 of each year. Adapted from *Children in Foster Care by Race and Hispanic Origin in the United States*, by Annie E. Casey Foundation KIDS COUNT Data Center, 2022.

Figure 12

Five-Year Averages of AI/AN Children in Foster Care Reported by States in AFCARS: Iowa, Kansas, Michigan, New York, and Utah
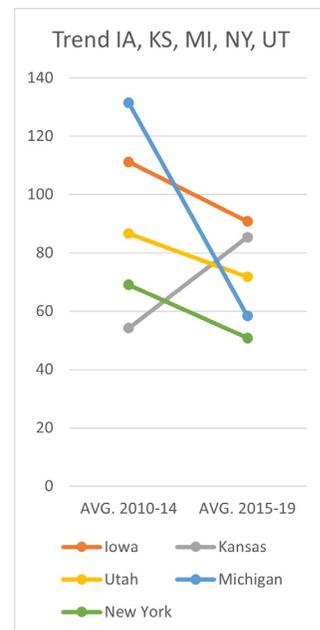
Trend IA, KS, MI, NY, UT

Iowa — Kansas
Utah — Michigan
New York

Note: Data points represent the number of AI/AN children in foster care on September 30 of each year. Adapted from *Children in Foster Care by Race and Hispanic Origin in the United States*, by Annie E. Casey Foundation KIDS COUNT Data Center, 2022.
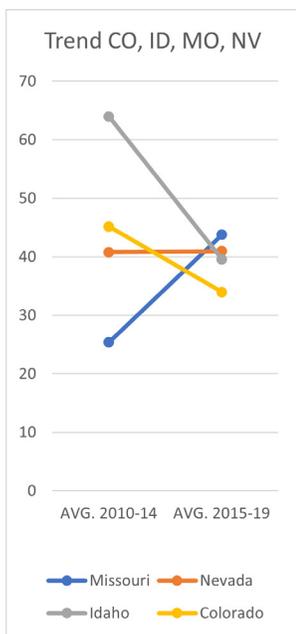
Figure 13

Five-Year Averages of AI/AN Children in Foster Care Reported by States in AFCARS: Colorado, Idaho, Missouri, and Nevada

Trend CO, ID, MO, NV

Note: Data points represent the number of AI/AN children in foster care on September 30 of each year. Adapted from *Children in Foster Care by Race and Hispanic Origin in the United States*, by Annie E. Casey Foundation KIDS COUNT Data Center, 2022.

Figure 14

Five-Year Averages of AI/AN Children in Foster Care Reported by States in AFCARS: Florida, Massachusetts, Texas, and Wyoming

Trend FL, MA, TX, WY

Note: Data points represent the number of AI/AN children in foster care on September 30 of each year. Adapted from *Children in Foster Care by Race and Hispanic Origin in the United States*, by Annie E. Casey Foundation KIDS COUNT Data Center, 2022.

AI/AN Foster Care Disproportionality 2020: States

Disproportionality rates for AI/AN children in foster care in 2020 were displayed in Table 4. The map below shows the 21 states where AI/AN children were overrepresented in foster care in 2020.

Disproportionality was smallest in Missouri (DI=1.02), Oklahoma (DI=1.04), Wyoming (DI=1.06), and Colorado (DI=1.06) (these states were not listed in Table 4). Disproportionality was greatest in Minnesota, Wisconsin, North Dakota, Nebraska, South Dakota, and Iowa (DI>=4) (Puzzanchera et al., 2022).

AI/AN Children in Foster Care 2019: Disparity with White Children

The disproportionality rates shown above compare the percentage of AI/AN children in foster care to the percentage of AI/AN children in the child population. These calculations look at overrepresentation in the foster care system, but do not compare differential outcomes across groups. Disparity is the unequal outcome of one racial or ethnic group compared with an outcome for another racial or ethnic group (Child Welfare Information Gateway, 2021). By creating a ratio of the foster care entry rate for AI/AN children to the rate of a comparison group (in this case White children), disparity between groups can be measured.

The most recent state-specific foster care data report measuring foster care entry disparity presents data from 2019. Nationally, AI/AN children entered care at a rate of 9.1 per 1,000. AI/AN children were 2.91 times as likely as White peers to enter foster care in 2019 (Children's Bureau, 2021b).

In Table 6, the rate of disparity in foster care entry for FFY 2019 for AI/AN children compared to White children is shown for states with a disparity ratio greater than 1. Table 5 shows that in Minnesota, AI/AN children are 14.6 times as likely as White children to enter the foster care system. In South Dakota, AI/AN children are 10.7 times as likely to enter. AI/AN children are at least five times

Figure 15

AI/AN Disproportionality 2020 Map

Note: Adapted from *Disproportionality Rates for Children of Color in Foster Care Dashboard, Profile and Disproportionality Index Data Display, Disproportionality Index By Date,* by C. Puzzanchera, M. Taylor, W. Kang, and J. Smith, 2022.
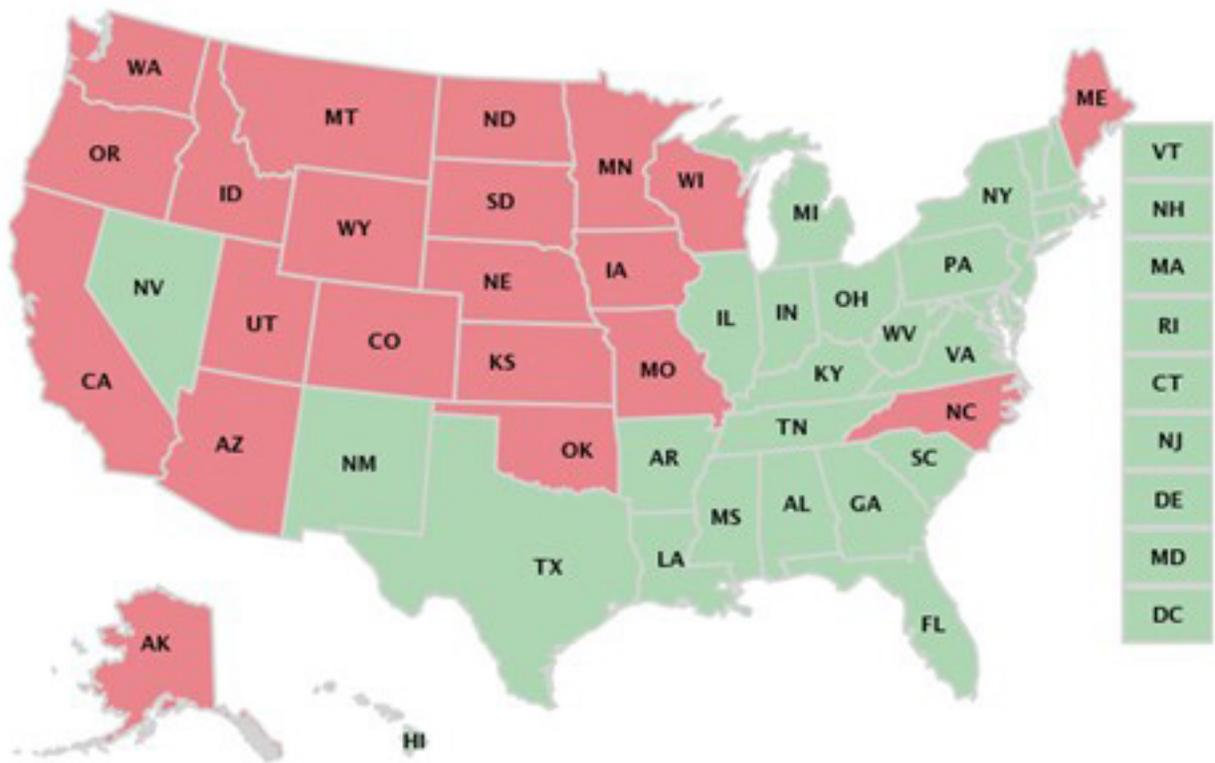
Table 6

FFY 2019 Foster Care Entry Rates per 1,000 Population and Foster Care Entry Disparity Rates for States with Disparity Ratios Above 1

State	Foster Care Entry Rate for AI/AN Children FFY 2019 (Per 1,000 Children)	Foster Care Entry Rate for White Children FFY 2019 (Per 1,000 Children)	Rate of Disparity in Foster Care Entry for FFY 2019 for AI/AN Children Compared to White Children
Minnesota	41.4	2.8	14.6
South Dakota	22.1	2.1	10.7
Wisconsin	22.8	2.5	9.1
North Dakota	25.2	2.9	8.8
Iowa	31.6	4.3	7.3
Nebraska	23.5	3.3	7.2
Alaska	20.6	3.8	5.5
Hawaii	22.6	4.8	4.7
Oregon	12.8	3.6	3.6
Utah	6.6	1.9	3.5
Montana	21.1	6.3	3.4
Washington	8.3	2.8	3.0
California	7.0	2.4	2.9
North Carolina	5.1	2.5	2.0
Massachusetts	5.2	2.7	2.0
New York	2.4	1.2	1.9
Kansas	10.6	5.7	1.9
Idaho	5.3	3.2	1.7
Colorado	4.5	2.8	1.6
Oklahoma	5.0	3.3	1.5
Missouri	6.4	4.6	1.4
Maine	4.7	3.9	1.2
Nevada	5.2	4.6	1.1
Arizona	5.4	5.1	1.1
United States	9.1	3.12	2.91

Note: Adapted from *State-Specific Foster Care Data 2019,* by Children's Bureau, 2021.

as likely as White children to enter foster care in seven states, and at least two times as likely in nine additional states. Further, five states have AI/AN foster care entry disparity ratios approaching two (Children's Bureau, 2021c).

AI/AN Child Welfare Data: Discussion

Data are needed to recognize, understand, and respond to emerging or persistent problems, advocate for needed solutions, strategically allocate resources, and evaluate impacts of actions taken. The purpose of this data brief has been to review data related to American Indian and Alaska Native (AI/AN) children and child welfare. This data brief is offered as a tool to help inform those seeking to improve the lives of Native children who are, or who may be, impacted by child welfare. James Bell Associates (2018) suggest data needed to inform decision making must "be accurate, complete, timely, and actionable.... The data should be accessible and compatible across data systems so multiple users can readily view and use them" (p. 18).

The data presented in this review rely on data from NCANDS and AFCARS. These data may not be accurate or complete for AI/AN children for several reasons. First, as the Children's Bureau acknowledges, administrative data entered about race and ethnicity may be incorrectly inferred by child welfare workers or influenced by recorder bias (Child Welfare Information Gateway, 2021). Caseworkers may make assumptions based on phenotype, or may not know to routinely ask about Native heritage (van Straaten & Buchbinder, 2011). Caseworkers might even avoid asking about AI/AN heritage because the agency must pursue documentation if a child may be a tribal citizen, which could be perceived as extra work (Child Welfare Information Gateway, 2021).

Numerous studies have shown that when people determine the race or ethnicity for another in data records, race is often misclassified. For example, Polubriaginof et al. (2019) found that when health system patients self-reported their race and ethnicity, 66% reported information that was discrepant with the observational data entered in their electronic health record (EHR). Misclassification in administrative data is especially common for AI/AN people. Arias et al. (2016) found that during three time periods (1979–1989, 1990–1998, and 1999–2011), only 51–55% of AI/AN decedents who self-identified as AI/AN in census records were correctly identified on their death certificates. However, census record and death certificate race matched nearly 100% for both the White and Black populations in the three decades studied. A literature review by Villegas et al. (2016) found that AI/AN racial misclassification was common in hospital discharge data (Bigback et al., 2015), mortality and cancer registry data (Bauer & Plescia, 2014; Espey et al., 2014; Hoopes et al., 2012), and HIV/AIDS reporting (Bertolli et al., 2007).

Studies have shown medical professionals, funeral directors, and even child welfare workers (Earle & Cross, 2001) misidentify race when they report on behalf of AI/AN people.

The data used to create maltreatment rate and foster care disproportionality statistics typically rely on a formula that compares the number/percent who experienced maltreatment/foster care (numerator) to the number/percent of the child population who are AI/AN, including those AI/AN children both on and off tribal lands (denominator). If AI/AN children are misclassified in administrative data, the numerators in these calculations undercount Native children.

In addition, in some states, tribes are the primary governments responsible for providing child welfare services to tribal children on tribal lands. In these states, the inclusion of tribal children who reside on tribal lands in the population numbers (denominator) may skew the disproportionality data, because the state is not responsible for the care of these children. As a result, the administrative data would underestimate the number of AI/ANs in foster care. If the number of AI/AN children who receive services from tribal governments were recorded (in the numerator), disproportionality rates for AI/AN children would likely be larger (NICWA, 2019).

Rate and foster care disproportionality statistics will also be influenced by the source of the denominator. Scholars' use of varying population datasets when doing secondary analyses on AFCARS and NCANDS data can produce confusing or seemingly conflicting results. For example, findings from Beardall and Edwards (2021) are shared in this data brief. The authors highlight the complication of switching datasets in their own work, writing:

> Note that these lifetime incidence rates for AIAN children differ from the author's prior published estimates [(Edwards & Beardall, 2020)]. This difference is a function of the different population data used for computing risks. This study uses adjusted AI/AN alone or in combination data from the Census PEP, while most prior estimates use data from NIH SEER bridged-race population estimates. (pp. 554–555)

Creating any data profile concerning American Indian and Alaska Native children is further complicated by the complexity of defining the AI/AN population. Determining who is considered AI/AN in a given context is an issue for debate. There was no universal standard for defining AI/AN applied to the data sources reviewed and included in this brief. AI/AN identity has political, cultural, and racial components, but for data analyses usually gets distilled into two categories—AI/AN Alone, or AI/AN Alone or in combination with any other race. Beardall and Edwards (2021) explain their population estimates

include "all individuals identified as AI/AN Alone or AI/AN in Combination with any other group" (p. 549). The disproportionality and disparity data appearing in tables and graphs in this review exclusively present data for children identified as AI/AN Alone (for reasons described below) (Children's Bureau, 2022; Puzzanchera et al., 2022; Children's Bureau, 2021c). The analyses by Davis et al. (2022) introduces an additional possibility—they reported findings for an AI/AN Alone group, as well as an AI/AN in Combination group (not inclusive of AI/AN Alone).

AFCARS allows multiple race categories for a child to be selected. However, federal reporting subsumes children with more than one race into a "Two or More Races" category. For their analysis, Davis et al. (2022) chose to look at AI/AN children two ways: those who fit the AI/AN Only federal demographic race description, and those AI/AN+ (those who were AI/AN but who were listed as Two or More Races). Davis et al. (2022) explain their choice to perform analyses for an AI/AN in combination group "reflects a deliberate effort not to engage in erasure through data recording processes and to keep as many Indigenous children as possible in the analyses labeled Indigenous" (p. 9). In the AFCARS FFY 2015 dataset used by Davis et al. (2022), approximately 2.8% (n = 17,525) of children were AI/AN Only, and 2.1% (n = 14,057) were AI/AN+, for a total of 31,582 children. As Davis et al. (2022) highlight,

> if only the federal demographic category of Indigenous heritage were used, this would have resulted in the erasure of 44.5% of all Indigenous identified youths from AFCARS. By contrast, a similar approach with Black children would result in an erasure rate of 12%. (p. 9)

It is sobering to consider that 44.5% of AI/AN-identified children in the 2015 AFCARS dataset have no way to be "counted" as AI/AN in federal reporting about foster care. In addition, the preliminary estimates published by the Children's Bureau (2016) for FFY 2015 showed 10,130 AI/AN children were in foster care on September 30, 2015. The AI/AN Only children captured by this point-in-time "in foster care" count included only about 58% of those involved with the child welfare system in 2015. This suggests that as a gauge of AI/AN representation in out-of-home care, annual point-in-time counts are inadequate even for AI/AN Only children. However, these data are usually the best available, unless a scholar has published results of a secondary analysis.

The way the Children's Bureau reports on maltreatment (using NCANDS data) differs from the format used to report on foster care (AFCARS data). Federal reporting of NCANDS data includes both absolute numbers of victims by race/ethnicity as well as their maltreatment rates at both the federal and state levels. The rate format used in annual maltreatment reports controls for population size

differences and allows for easy comparison among groups. Annual federal reporting of AFCARS data, however, reports absolute numbers by race/ethnicity for children in foster care on the first day of the reporting year, entering and exiting foster care during the reporting year, and in care on the last day of the fiscal year only for the nation as a whole. The proportion (percentage) of children (per category) are also reported by race/ethnicity (e.g., there were 9,851 AI/AN children in foster care on the last day of the fiscal year 2020, and AI/AN children were 2% of those in foster care on that date).

Annual state-level AFCARS data disaggregated by race/ethnicity is obtainable through several websites, including the Annie E. Casey Foundation KIDS COUNT Data Center (2022), the Child Trends website (Williams, 2022), the National Council of Juvenile and Family Court Judges Data Dashboard (Puzzanchera et al., 2022), and the Children's Bureau Child Welfare Outcomes Report Data site (Children's Bureau, n.d.). With the exception of the Annie E. Casey Foundation KIDS COUNT Data Center (2022), the sources offering state-level foster care data listed here give the proportion (percentage) of children in out-of-home care by race/ethnicity (sometimes in comparison with the percent of race/ethnicity in the child population), but do not share the number of children these percentages represent. Thus, most of the AFCARS data readily available to the public focus on representation or disproportionality in foster care.

The difficulty with this as a primary method of reporting is that percentages or disproportionality ratios alone can be misleading and obscure differences that should be taken into context. For example, the Child Trends website (Williams, 2022) shows that in Iowa, AI/AN children make up 2% of the foster care population, but are 1% of the general child population. The difference between 1% and 2% may not give an appearance of concern. However, Iowa had the highest rate of maltreatment for AI/AN children in the U.S. in 2020 (57.9 per 1,000), has had disproportionality indexes over 3.5 for the past three years, and has a large enough population of AI/AN children and children in care annually (4,133 according to Census Bureau (2021a; 2021b) and 85 per year on average 20166–2020) that something there bears further scrutiny. In contrast, Hawaii's disproportionality indexes for 2015–2019 (range 1.64–6.09) appear troublesome as well, but Hawaii is not listed in Table 5 above because the state has not had more than 10 children in care on September 30 in an AFCARS reporting year from 2010–2020. Census Bureau (2021a) figures show the AI/AN Alone child population of Hawaii to be just 684 children (0.002% of Hawaii's child population). With such a small population size, even with low numbers of AI/AN children in out-of-home care, disproportionality can be quite high. The DI for Hawaii may not be meaningfully elevated, however. It is easier to interpret Hawaii's maltreatment rate. Even in 2019 when the AI/AN maltreatment rate in Hawaii was at

15.8 per 1,000, it could be determined in the federal report (looking at just one data source) that this represented just seven victims (Children's Bureau, 2021c). (It is also worth considering that Iowa's 13,108 and Hawaii's 12,715 children who are AI/AN in combination with another race [Census Bureau, 2021a] may have differential experiences with the foster care system compared with other children, but this will remain unknown unless a secondary analysis is performed.)

Most of the AFCARS data readily available to the public can be used to examine overrepresentation (disproportionality) in foster care, but not disparity (differential outcomes between groups). The 2019 foster care entry disparity data presented in this report were found on the Adoption and Foster Care Statistics website under "State-Specific Foster Care Data." Under this heading is a single entry, "2019," which if clicked leads to a page where a PDF can be downloaded. The description of the document mis-identifies it as presenting disproportionality rates; however, the PDF is a table with foster care entry rates and disparity ratios for each race/ethnicity by state. This is the only report on foster care entry rates by race/ethnicity produced by a federal agency that could be identified since an Administration on Children, Youth and Families (2013) data brief utilizing 2002–2012 AFCARS data. Foster care entry rate statistics for 2020 were not available from the Annie E. Casey Foundation's KIDS COUNT Data Center by race/ethnicity as of this writing.

Having as much information as possible to examine differential treatment and experience is an important part of making data actionable. Davis et al. (2022) modeled a more comprehensive strategy for considering differential treatment for AI/AN children in foster care than is customary when they considered that AI/AN+ youth may experience effects of race-based disparity in the child welfare system, and/or have "different constellations of disparities and protections in practice" (p. 9) than AI/AN Only children. Indeed, the analyses by Davis et al. (2022) highlighted trends indicative of disparities between AI/AN Only and AI/AN+ children and White children, as well as differences between AI/AN Only and AI/AN+ children (e.g., related to disability status). The largest and most striking difference found by Davis et al. (2022), however, related to parental alcohol use as a foster care entry reason. One in five AI/AN Only children and one in 10 AI/AN+ children were removed due to a parent's misuse of alcohol, in contrast to 5% of non-Native children. If the analysis had been handled differently, by looking at an "AI/AN Alone or in Combination" group for example, the levels of disparity in placement due to parental alcohol abuse, particularly for AI/AN Only children, would have been obscured. However, if they had used the federal definition of AI/AN (Only), 44.5% of Native children's outcomes would be lost, including the information about differential treatment experienced by this group related to alcohol and removal

compared to White children.

Davis et al. (2022) acknowledge that it is unknown whether the prevalence of alcohol misuse among parents of AI/AN Only and AI/AN+ children is higher, or whether workers are more likely to investigate for alcohol misuse due to stereotyping or bias. To craft effective policy and improve practice, it is important to study the role of bias in disparities like these. Researchers and practitioners must examine the drivers and underlying factors of differences among groups. To do that, however, divergence must first be seen. The inappropriate inclusion (through failure to differentiate responsibility for tribal children) or exclusion (through racial misclassification or via inadequate identity parameters) of Native children in child welfare data is a hinderance to being able to offer accurate, complete, and actionable information for decision-making.

In addition, reporting on AFCARS data could be improved so multiple types of users can view and readily use this data. The maltreatment data in the federal NCANDS report can be interpreted without downloading a population dataset, reviewing multiple reports, or visiting several data websites. The scattershot availability of raw numbers, percentages, and disproportionality calculations used in AFCARS reporting, however, all require additional context to be meaningfully understood.

There is a paucity of specificity about AI/AN children in data and reporting generally due to the relatively small size of the population, so national data is often used to represent the population. With the exception of Beardall and Edwards (2021), the scholars whose work is reviewed here reported statistics at the national level. Beardall and Edwards (2021) found national averages obscure important geographic differences. This review also demonstrates the tremendous variation in child welfare experience for AI/AN children state to state and the importance of disaggregating the data at this level. Further disaggregation would likely be helpful to practitioners operating at a local level, as there is likely variation within states as well. Some states may offer localized data; for example, data are available by race/ethnicity for most counties in California (Kids Data by PRB, 2022).

Notably, the county-level data for California is provided in a rate format, which controls for population size changes and differences among groups, and allows for groups can be compared to one another. While disproportionality provides a measure of inequality, disparity measures remain relevant. The disproportionality index for Alaska for 2019 indicates AI/AN children were represented in foster care at levels more than double (2.66 times) their representation in the population. The foster care entry rate in Alaska in 2019 was 20.6 per 1,000 for AI/AN children, while White children had a foster care entry rate of 3.8 per 1,000 children. AI/AN children in Alaska were 5.5 times as

likely to enter foster care as White children in 2019.

Finally, data usually comes with a time lag—the 2020 data reviewed here are the latest available as of this writing. This means that most of the impacts of the COVID-19 pandemic will have on the child welfare system remain to be seen.

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