

Sample Letter on Department of Health and Human Services Deregulation Request for Information ([Docket ID: AHRQ-2025-0001](#))

The () submits the following written comments on the Department of Health and Human Services (HHS) request for information regarding deregulation (Docket: AHRQ-2025-0001). Our comments will focus on the impacts to Native children and families regarding human service programs under the Administration for Children and Families (ACF).

Tribal Nations have a unique political relationship with the federal government that is based on treaties between Tribal Nations and the federal government and is reflected in the United States Constitution, United States Supreme Court decisions, and federal law. This government-to-government relationship reflects the U.S. acknowledgement of Tribal Nations as sovereign governments and the millions of acres of land that were ceded in exchange for the federal government assuming a federal trust obligation to ensure the well-being of Native people. These treaty and trust obligations apply to all federal departments, including HHS. HHS also operates under departmental policies that acknowledge and emphasize this government-to-government relationship and require consultation with Tribal Nations on policies that impact Tribal citizens, such as deregulation.

We appreciate HHS's desire to improve regulations to improve program effectiveness and efficiency. For Tribal Nations, supporting policy changes that further Tribal self-governance principles are in alignment with the federal trust relationship. Examples of current federal policy that can be a model for future changes include empowering Tribal Nations to utilize community standards for determining program eligibility for Head Start programs operating in Tribal communities, allowing Tribal Nations to select which eligible child welfare services to concentrate their Title IV-B, Subpart 2 funding in, authorizing Tribal Nations that operate the Title IV-E Prevention Services program to utilize cultural standards to define what is an eligible prevention service and trauma-informed service, and Public Law 102-477 that allows Tribal Nations to streamline and consolidate administrative requirements between various federal human service programs that address training, employment, and related services.

We also recognize that federal regulations serve a critical purpose in improving policy and services to Native children and families and promoting partnership between state and Tribal governments. An important example is the 2024 Adoption and Foster Care Analysis Reporting System (AFCARS) regulations that require collection of new data on Native children and families in state child welfare systems as authorized under the Supporting

America's Children and Families Act (P.L. 118-258, Section 107). These new data elements will inform Tribes, states, and federal officials about the trends and impacts of services upon outcomes for this population that has not been available previously. The value of this data in developing targeted technical assistance for states and Tribes and promoting stronger state-Tribal partnerships is invaluable and should be protected during the deregulation process. Another example of a regulation that promotes greater protection and support for improved Tribal-state relationships is the 2024 Foster Care Legal Representation regulations. This final rule provides clarification on the use of Title IV-E administrative funds to support legal representation of the child welfare agency, children, and parents in foster care proceedings in either Tribal or state systems and for legal representation of a Tribal Nation in a state child welfare proceeding where a Tribal citizen (child) is involved. Studies have indicated the criticality of children and parents having legal representation in child welfare proceedings and the benefits of this representation in securing appropriate placements, better judicial decisions, safe return to parents, and reduced stays in foster care.¹ For many Tribes, their capacity to provide legal representation as parties in state proceedings involving their Tribal children is challenging, which also limits the benefits for the court to Tribal knowledge, perspective, and resources. Providing reasonable opportunities to support the cost of legal representations for children, parents, and Tribal Nations can save dollars over the long-term with more effective decision-making.

In conclusion, Tribal Nations are ready to work with HHS to support deregulation that enhances program efficiency and effectiveness while advancing the principles of Tribal self-governance. Consultation ahead of decisions to propose or make regulation changes will be critical in ensuring that the federal trust responsibility is upheld, federal agencies are exposed to Tribal perspectives and experiences, and changes advance policy that supports Tribal administration of federal programs and retains important protections for Native children and families. We thank you for your consideration of our comments and encourage you to contact us if you have any comments or questions.

Sincerely,

¹ Casey Family Programs. (2019). How does high-quality legal representation for parents support better outcomes? <https://www.casey.org/quality-parent-representation/#:~:text=Recently%2C%20New%20York%20University%20School,subsequent%20substantiated%20report%20of%20maltreatment.>