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Joe Bock, Acting Commissioner
Administration on Children, Youth and Families
U.S. Department of Health and Human Services
250 Maryland Avenue SW, 8th Floor
Washington, DC 20024

Re: Comments Regarding the Request for Public Comment on Providing Technical Assistance Related to the Indian Child Welfare Act ([Docket No. ACF-2025-0038](#)) Published July 22, 2025, in the *Federal Register*.

Dear Acting Commissioner Bock,

Improving implementation of the Indian Child Welfare Act (ICWA) is a priority for our [insert Tribe or organization]. ICWA's protections ensure our children and families receive fair and appropriate services that can help them heal from trauma and provide a safe home for their children. ICWA's success also depends upon our ability to collaborate effectively with state child welfare agencies and courts. Providing additional technical assistance (TA), training, and support to Tribal Nations and states is critical to improving ICWA compliance for current and future generations. Please accept our comments on the request for public comment published on July 22, 2025, in the *Federal Register* (Docket No. ACF-2025-0038).

I. Technical Assistance Related to ICWA. As stated above, [Public Law 118-258](#) requires the Department of Health and Human Services (HHS) to develop a plan to provide TA to support the effective implementation of ICWA.

a. What barriers has your state/Tribe experienced in effectively implementing ICWA, including these specific topics:

While there are several key challenges and considerations that have emerged in our work to support the effective implementation of ICWA, we would like to share a few highlights below. [Share the top three to five barriers your Tribe or organization has experienced implementing ICWA.]

b. Has your state/Tribe identified a method of receiving TA that worked well in the past? Can your state/Tribe identify a method of receiving TA that did not work?

There are several methods of technical assistance that have worked well, including peer-to-peer engagement, scenario-based instruction, and lived experience led training. Each of these uses methods that address different adult learning styles. Community-based opportunities for Tribes and states to receive technical assistance together is another helpful approach. Technical assistance should be culturally relevant for the families, service providers, and communities involved and focus on strengths-based and solution-based approaches to addressing different roles, supporting Tribal sovereignty, addressing policy and practice barriers, and promoting collaborative responses to children and families' needs. This approach leads with the principle of culture as a resource and walks alongside community—viewing Tribal Nations as partners that have a critical role in determining what technical assistance should entail and how it can be most effectively delivered.

c. What existing state-Tribe partnerships or processes are helpful in effectively implementing ICWA?

We have engaged in several state-Tribal partnerships and collaborative processes that are helping to strengthen the effective implementation of ICWA. The following examples highlight how we are working together to uphold both the letter and the spirit of the law. [Share a few examples of state-Tribal partnerships or processes that have been most helpful in implementing ICWA.]

d. How could HHS coordinate with the Department of Interior (DOI) to develop technical assistance plan? How could HHS, DOI, and other Federal agencies coordinate to provide effective TA for ICWA implementation?

A few examples of coordination that could be helpful include formalizing interagency relationships with a Memorandum of Understanding (MOU) or amending current agreements to more specifically address ongoing technical assistance needs for Tribes and states. Clear delineation of roles and responsibilities and shared goals is essential. An MOU or operating agreement should include structured opportunities for Tribes to meet with federal staff in planning and coordinating the technical assistance and integrate existing efforts to support a broader systems approach that strengthens ICWA across federal agencies. For example, we support a coordinated technical assistance approach across federal departments that interface with existing Tribal Advisory Committees to help guide implementation and elevate Tribal priorities. Additionally, utilizing existing departmental advisory groups, workgroups, and interagency tools to align federal resources, reduce fragmentation, prevent stagnation in interagency efforts, and support cross-agency collaboration that is responsive to the needs of Tribes and Native children and families. This structure could position HHS to foster sustained, cross-agency collaboration that respects Tribal sovereignty and strengthens ICWA compliance.

To ensure technical assistance reflects the unique needs and circumstances of various jurisdictions and people impacted, we recommend that federal agencies involved in ICWA technical assistance contract with Tribal Nations and Native organizations with ICWA experience to ensure Indian Country experience and expertise is reflected in technical assistance. This would include the use of individuals with lived experience, Tribal leadership, Tribal attorneys and judges, and Tribal child welfare programs.

e. What data is needed to know whether TA is effective?

The 2024 AFCARS Final Rule ([RIN 0970-AC98](#)) provides an opportunity for enhanced ICWA data collection. These data elements are critical to helping the Administration for Children and Families (ACF), states, and Tribal Nations better understand how ICWA is being implemented across the country and effectively target resources to improve implementation where needed. Over time, this data could support efforts to assess changes in case-level outcomes and inform the development of additional policies that strengthen ICWA implementation. Additional measures could include training evaluations and data that link changes in policy or practice as a result of technical assistance.

f. Are there specific supports ACF could provide to help state courts and child welfare agencies address barriers to effectively implement ICWA?

Effective ICWA implementation relies on timely and accurate information about legal requirements and strong state-Tribal partnerships. Key support includes increased mandatory funding to strengthen Tribal capacity, comprehensive data collection and consistent information sharing to enhance accountability and guide system improvements, and regional convenings that bring together Tribes, state agencies, courts, Native organizations and coalitions, and other partners to share promising practices and address local challenges collaboratively. Additionally, promoting and supporting promising practices—such as those developed through ICWA courts, state-Tribal agreements, workgroups, and statewide or regional collaborative bodies—can help advance a more consistent, uniform, and culturally appropriate application of the law.

g. What additional supports would Tribes find helpful to build their capacity to respond to ICWA notices, attend court hearings, and certify foster families under ICWA?

[Share examples of support that would be helpful to build your Tribe's capacity to respond to ICWA notices, attend court hearings, and certify foster families under ICWA.]

II. Reducing Administrative Burden.

Notwithstanding federal statutory requirements, a more reasonable reporting framework for Tribal child welfare programs could reduce the amount of overall reporting. The Annual Progress and Services Report (APSR) requires annual reports on the goals and objectives in the Tribe's Child and Family Services Plan (CFSP) and related fiscal data. The final report in year five of the CFSP requires a recap of the progress toward goals and objectives over the five years of activity, much of which has already been reported in previous APSR submissions. Revising the final report to only require year five data would reduce administrative burden for Tribes and still capture goals and objectives progress and fiscal expenditures for the fiscal year. Requiring a recap of the five years of the CFSP in the final report does not provide substantial value in assessing the five years of activity or assist in development of the new CFSP in the next five-year period.

Another option is reducing the amount of data required in the APSR and CFS-101 reports overall. Focusing on necessary fiscal expenditures, progress towards goals and objectives, and basic services data could provide more targeted data and reduce administrative burden. For example, the CFS-101 asks for expenditures, both in the current fiscal year and estimated for the next fiscal year. The data requested asks for expenditures by service category, even though Tribes are not required to spend their funds across all service categories (CFS-101, part I and III). It also asks for other fiscal data that is funded through state-only grants, like monthly caseworker visits. While the form identifies when data is only required for states, creating Tribal specific forms that only include required information from Tribes would be helpful.

Addressing Tribal concerns and recommendations in consultation with Tribal Nations is the surest way to support and protect Tribal sovereignty. Concerns will almost certainly arise if solutions are developed in a vacuum without Tribal input. While the opportunity to provide written comments is helpful, engaging in dialogue with Tribal Nations after written comments have been submitted to discuss key themes and recommendations and discuss specific solutions, will greatly reduce the risk that streamlining infringes upon Tribal sovereignty.

III. Court Improvement Program.

Although virtual court hearings are often more accessible than in-person hearings, they may not be accessible if broadband internet is not available, something that is a reality for many Native people across the country. The best approach for state courts to ensure appropriate engagement from Tribes in virtual hearings is to make sure that Tribal attorneys, case managers, and parents attending the hearing understand how to use the technology, have adequate support to effectively use it, and understand court procedures for participating in virtual hearings. Guidance from ACF can encourage state courts to include user-friendly information on how to use the technology being used in virtual court hearings, how to troubleshoot technology issues that may arise, and information on procedures that are specific to virtual court, including proceedings for addressing the judge and attorneys. ACF can also encourage states to work with Tribal staff and parents to make sure the technology is accessible to them, including providing trainings and resource guides, providing opportunities to practice the technology prior to court hearings, reaching out to parents to make sure they have a plan for when they are going to access the internet and virtual conferencing software, and connecting with Tribal child welfare staff to make sure parents and qualified expert witnesses attending the hearing have access to a computer in a reliable, confidential space at the time of the hearing.

[Describe your position on the amount and approach to allocation of the Court Improvement grants for Tribes]

IV. Increasing Studies of Programs and Services Eligible for Review by the Title IV-E Prevention Services Clearinghouse.

a. How can ACF structure these grants to build evidence for program and services that are adapted to the culture and context of the Tribal communities served and eligible for review by the Clearinghouse?

Tribes that operate Title IV-E and the Prevention Services program, either through an agreement with a state or directly through an approved plan with ACF, have the opportunity to utilize programs and services adapted to their culture without having to meet the evidence-based requirements that states must use.¹ Increasing opportunities for Tribal Nations to utilize this flexibility and successfully apply for and operate these grants requires creating methods for documenting Tribal cultural practices that are not overly burdensome and sensitive to Tribal concerns regarding documentation of cultural practices. ACF can be helpful by consulting with experts in Indian Country on how to develop forms or templates that are relatively easy to use and don't require revealing sensitive information about Tribal cultural practices that would be considered inappropriate. Also, using grant reviewers for Tribal grant applications that have relevant cultural knowledge and experience to assist in accurately assessing Tribal prevention services plans and appropriate methods for building evidence in a Tribal setting would be helpful.

b. What TA do states and Tribes need to be able to successfully engage individuals with lived expertise to develop and study new or adapted programs and services that are eligible for review by the Clearinghouse?

To successfully engage individuals with lived experience, the grants must be flexible in terms of their design requirements and clearly encourage the use of people with lived experience. This should include providing incentives for including people with lived experience in the development and study of new or adapted programs. During the grant review process incentives provided could be ranked by level of engagement to further incentivize lived experience participation. Strategies to successfully engage lived experience people could include being able to use a portion of the grant funds to help recruit and support lived experience people, provide opportunities to learn about and actively engage with the programs being studied, and allow funding to be used for trainings on trauma-informed practices, in order to provide a space for lived experience experts to share their experiences in a safe manner. Additional elements of the awards that would make them more accessible for individuals with lived experiences are to provide for funding for the logistics of convening lived experience experts, including funds for food, travel, and childcare, and make the grant application language itself accessible.

Conclusion

We appreciate the opportunity to provide comments on these critical issues and look forward to continued collaboration in support of implementing key Tribal provisions in the Supporting America's Children and Families Act—advancing Tribal sovereignty, ensuring effective ICWA implementation, and promoting the safety and healing of our Native children and families.

Sincerely,

[Sign Here]

¹ Tribal authority to use culturally adapted prevention programs and services can be found at 42 U.S.C. 679c(c)(1)(E). State requirements for eligible prevention programs and services can be found at 42 U.S.C. 671(d)(4)(C).