



Native Child and Family Policy Update

June 2026

This update with live links can be found on the National Indian Child Welfare Association's (NICWA) website at <https://www.nicwa.org/child-and-family-policy-updates/>.

Hot Topics

Senate Introduces the Promoting Strong Native Families and Children Act

On May 21, 2026, Senators Lisa Murkowski (R-AK) and Catherine Cortez Masto (D-NV) introduced the Promoting Strong Native Families and Children Act ([S. 4638](#)). This legislation would (1) expand Tribal access to federal human services funding by \$94 million, (2) ensure grant amounts better reflect the true costs of administration and community needs, (3) strengthen collaboration among states and Tribes when Native children are placed in out-of-home care in state child welfare systems, and (4) support Tribes in effectively meeting program and administrative requirements that align with operational conditions in Tribal communities.

Tribal Nations provide critical, life-saving services that protect children, elders, victims of family violence, and individuals with disabilities from harm. These services support Tribal citizens living both on and off Tribal lands, and require robust Tribal social services programs and Tribal court systems. Despite Congress's efforts over the last three decades to expand Tribal Nations' eligibility for federal social services program funding, Tribal Nations still lack access to key federal social services programs. Where access does exist, funding levels remain disproportionately low—hampering Tribal Nations' ability to provide basic protective services for vulnerable citizens, improve self-sufficiency, and increase the effectiveness and efficiency of existing programs.

Tribal Nations need additional access to flexible funding to bolster key services and expand successful programs. The Promoting Strong Native Families and Children Act helps address these gaps by establishing greater parity access for Tribal Nations, providing resources tailored to local community needs, and solutions only Tribal Nations can deliver.

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NICWA encourages Tribal Nations, Tribal organizations, and advocates for Native children and families to contact their senators—calling on them to sign on to S. 4638 as co-sponsors, and to support the passage of this legislation by the full Senate. You can find more information about the legislation, view sample letters, and take action on this bill via [NICWA's Advocacy Center](#).

Senate and House Reintroduce Bill on Child Abuse Prevention and Treatment for American Indian and Alaska Native Communities

On March 24, 2026, Senators Lisa Murkowski (R-AK) and Elizabeth Warren (D-MA), alongside Representative Adelita Grijalva (D-AZ), introduced the American Indian and Alaska Native Child Abuse Prevention and Treatment Act (AI/AN CAPTA). These bills ([S. 4179](#) and [H.R. 8048](#)) would amend CAPTA (P.L. 93-247) to increase the amount of funding available for Tribal Nations to support child abuse and neglect prevention activities and ensure Tribes receive equitable distribution of federal prevention grants.

AI/AN CAPTA would create a separate Tribal set-aside for child abuse prevention funding and increase the set-aside to five percent—supporting sustained investment in Tribal prevention programming and culturally relevant prevention strategies developed by Tribal Nations and Tribal organizations. Currently, Tribes and Tribal organizations share a one percent set-aside with migrant populations through a competitive grants program, funding only two Tribal grantees for each three-year grant cycle.

The Community-Based Child Abuse Prevention program, established under Title II of CAPTA, is only one of two dedicated funding programs that specifically target the design and implementation of prevention programs in Tribal communities. It empowers Tribes to create programs that will be truly effective at preventing child maltreatment—programs that are community based and tailored to the needs of the local community. A Tribal set-aside would allow for a much needed increase in the number of Tribes that can operate this program, and would also support state efforts to prevent child abuse and neglect. This investment directly strengthens the safety and well-being of Native children, supports Tribal sovereignty, and ensures Tribal communities have the resources they need to protect their families.

NICWA encourages Tribal Nations, Tribal organizations, and advocates for Native children and families to contact their senators and representatives—calling on them to sign on to S. 4179 and H.R. 8048 as co-sponsors, and to support the passage of this legislation by the full Senate and House. You can find more information and submit a letter to your congressional representatives through [NICWA's Advocacy Center](#).

Administrative Policy

Request for Public Comment: Protect the Indian Child Welfare Act Data Elements in the Adoption and Foster Care Analysis and Reporting System

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On March 30, 2026, the Administration for Children and Families (ACF) published a [Request for Public Comment](#) regarding the Indian Child Welfare Act (ICWA) data elements added to the Adoption and Foster Care Analysis and Reporting System (AFCARS), per the December, 2024, [final rule](#). ACF is specifically requesting comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility, (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, (c) the quality, utility, and clarity of the information to be collected, and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, or other forms of information technology. The comment period closed at the end of May.

[NICWA submitted comments](#) and advocated for the necessity of ICWA data collection in AFCARS to help deliver better outcomes for Native children and families in state child welfare systems. Currently, ICWA is the only major federal child welfare law that does not have a structured and regular data collection system that tracks implementation. Establishing these data elements would inform more effective responses that address the unique needs of Native children and families and help address foster care disproportionality. NICWA has concerns that there may be attempts to delay or modify the ICWA data elements ahead of their scheduled implementation of October 2028, so NICWA is encouraging Tribal Nations to voice their support to ACF for moving forward with implementation of all the ICWA data elements in the final rule on the timeline established in the final rule. NICWA is also encouraging Tribal Nations to share their support for implementation with their state child welfare agency that will be collecting the data.

White House Issues an Executive Order on Child Welfare

On November 13, 2025, the Trump Administration issued Executive Order (EO) 14359 entitled “Fostering the Future for American Children and Families.” The EO directs federal agencies overseeing child welfare policy and programs, among other things, to review current child welfare policies to assess how data collection is used to evaluate whether a program is successful, expand the use of Artificial Intelligence (AI) and predictive analytics in child welfare services, speed up the placement of children into a permanent placement if they can’t return home, and increase partnerships between child welfare agencies and faith based organizations. Related to EO 14359, Assistant Secretary for the ACF under the HHS, Alex Adams, has spoken about his goal to have a foster home for every child that needs a foster care placement, and increase support for foster care families and at-risk families through prevention services in the United States child welfare system.

Some of the actions outlined in EO 14359 could support Tribal Nation priorities, including data collection of information indicative of child well-being and safety. The Adoption and Foster Care Analysis Reporting System data elements that measure implementation of the ICWA with Native children in state child welfare systems are an example of this effort that

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could enhance positive outcomes associated with ICWA for Native children. The EO also directs HHS to publish an annual scorecard for states on achievements of key metrics and outcomes that include a number of data points important to Tribal Nations, and are associated with effective implementation of ICWA, such as; (1) reducing unnecessary entries into foster care, (2) decrease the time between reports of child maltreatment and investigations, (3) reduce child injuries and fatalities caused by caregiver neglect and abuse, (4) increase caregiver recruitment and retention, (5) improve caregiver and child matching, (relative care), (6) reduce placement disruptions, (7) decrease the average time that children spend in foster care, and (8) accelerate permanent placement for children when necessary, (ICWA placement preferences).

However, there are also [concerns](#) with how AI and predictive analytics could be incentivized and implemented in child welfare. Predictive analytics, a data-driven process that has been used to assist child welfare agencies in making risk assessments, determining when children should be placed in out-of-home placements, and determining services for families, has been criticized for reinforcing biases against certain families, particularly against families of color. While some applications of AI in child welfare, such as improving digitization of case notes and training and skill development, could be beneficial, advocates are concerned about the use of AI in other areas that inform key decisions in child welfare. Using AI in child welfare also raises questions about how Tribal data and data on Native children and families in child welfare systems might be used and how this would impact data sovereignty for Tribes and Native children and families.

NICWA, in partnership with Tribal Nations, is taking steps to learn more about the directives in this EO and talk with the Administration about their plans for implementing the EO with Indian Country, including consultation with Tribal Nations. We encourage you to read more about AI in child welfare, and have conversations with your colleagues, state child welfare agency, and Tribal leadership.

Legislative

Truth and Healing Commission on Indian Boarding School Policies Act of 2026

[H.R. 7325](#) was introduced by Representative Tom Cole (R-OK-4) on February 3, 2026, to establish the Truth and Healing Commission on Indian Boarding School Policies Act, signaling growing bipartisan momentum. H.R. 7325 is the House companion to [S. 761](#), the Senate version introduced by Senator Lisa Murkowski (R-AK) on February 26, 2025. H.R. 7325 has been referred to the House Committee on Education and Workforce and the House Committee on Natural Resources for consideration, and S. 761 is awaiting a vote by the full Senate. This means there is still time to contact your senators and representatives to urge them to sign on as co-sponsors. The current list of co-sponsors for H.R. 7325 can be found [here](#), and S. 761 can be found [here](#). You can learn more about the legislation and take action directly via [NICWA's Advocacy Center](#).

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Appropriations

Department of Health and Human Services Holds Tribal Budget Consultation in April

Each year the Department of Health and Human Services (HHS) holds a Tribal Budget Consultation to gather input from Tribal Nations on HHS funding and policy related priorities. The consultation happens early in the year as HHS begins development of their fiscal year 2028 budget recommendations that will be included in the President's budget and presented to Congress in early 2027. NICWA has provided testimony each year since the budget consultations began in 1999, and focuses on child welfare programs under the ACF and children's mental health programs funded under the Substance Abuse and Mental Health Services Administration.

NICWA submitted written testimony ahead of the consultation, and Vice Chairwoman Loni Greninger, (Jamestown S'Klallam Tribe), provided NICWA's testimony, underscoring our commitment to advancing the well-being of Native children and families. NICWA's testimony included funding and legislative recommendations that would provide Tribal Nations with more workable funding levels—after years of little or no increase—and to improve outcomes for Native children and families, whether in Tribal or state systems. You can read NICWA's testimony [here](#).

Senate and House Working on Fiscal Year 2027 Appropriation Bills

With the President's Fiscal Year 2027 (FY27) Budget Proposal released on April 3, 2026, House and Senate Appropriations Committees are moving to adopt their appropriation bills. The House is currently ahead in the process, with a few FY27 appropriations bills already approved at the committee level, while the Senate has further to go. There are 12 different appropriation bills that govern spending for the federal government and agencies. Subcommittee markups are expected to continue into early summer with full committee markups following. The timeline for advancing FY27 appropriations could be affected by a second budget reconciliation package that seeks to provide additional targeted funding for Immigration and Customs Enforcement (ICE) and Border Patrol. There is also increasing discussion about a possible third reconciliation bill. All of this comes as mid-term elections are nearing, which also takes away from time Congress can dedicate to finishing appropriations work. If Congress cannot pass 12 individual appropriations bills, or extend FY27 funding through a continuing resolution, there could be a risk for another government shutdown starting on October 1, 2026. Because congressional timelines shift frequently, check the [Appropriations Status Table for FY27](#) regularly for updates.

The President's FY27 Budget Proposal for HHS continues a pattern of restructuring, and proposed elimination of existing programs and replacing them with new programs that

align with the Administrations priorities, including behavioral and mental health grant programs. Under the Administration for a Healthy America (formerly the Substance Abuse and Mental Health Services Administration), the President’s budget request proposes to eliminate the existing Tribal Behavioral Health Grant Programs (two grant programs with a combined \$51 million—split between mental health and substance abuse prevention grants) and the Circles of Care children’s mental health grant program (\$7.7 M). These three grant programs are the only grant programs under the Administration for a Healthy America that Tribal Nations do not have to compete with states or local governments for. As a replacement, the Administration is proposing a new Behavioral Health Innovation Block Grant (\$4.1B) that would consolidate the Community Mental Health Services Block Grant, the Substance Use Prevention, Treatment, and Recovery Services Block Grant, and State Opioid Response into one block grant. These are state-controlled block grants with no clearly defined Tribal funding, or parameters on how the funding could be used, meaning Tribal access would likely depend on having an agreement with a state, or language contained in future Congressional legislation that addresses Tribal access. The Administration is also proposing another new program, the Behavioral Health and Substance Use Disorder Resources for Native Americans grant program (\$80 M), which is the clearest dedicated Tribal behavioral health funding in the President’s budget request, but its structure, eligibility, and how funds would be distributed are not clear, and would likely require Congressional legislation to authorize the funding too. Rather than funding the existing programs that Tribes are familiar with, these new initiatives could risk destabilizing critical behavioral health services for Tribal communities—especially if the new programs remain unauthorized and the long-standing programs they are meant to replace do not receive funding.

The President’s budget request outlines \$15.9 billion in discretionary budget authority for the Department of the Interior (DOI) in FY27, a 12.9% reduction from FY26 enacted levels. The budget request indicates cuts to DOI energy and environmental programs as well as “duplicative and wasteful programs” more broadly. While the budget appears to maintain level funding for Bureau of Indian Affairs (BIA) social services and welfare assistance programs, the broader federal trend is unmistakable: reorganization across federal agencies and a focus on program cuts and eliminations followed by new initiatives aligned with the Administration’s priorities. The Administration’s pattern of restructuring across federal agencies suggests Tribal Nations should watch closely for shifts in funding requests, their impact on access to funds, and the long-term continuity and sustainability of programs that Tribal Nations depend on to meet community needs.

Check out [NICWA’s FY27 House Interior Appropriations Testimony on Bureau of Indian Affairs](#) human service programs.

For more information relating to this update, please contact NICWA Director of Government Affairs and Advocacy, David Simmons, at desimmons@nicwa.org.

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