



Native Child and Family Policy Update

September 2026

A copy of 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

There is Still Time to Submit Comments: Administration for Children and Families Annual Tribal Consultation

The Administration for Children and Families (ACF) held its Annual Tribal Consultation on August 25–26, 2026, in a hybrid format. Tribal leaders and their designees provided testimony on key child welfare and other human service issues facing Native children, families, kinship caregivers, and Tribal child welfare systems. See the final agenda and materials for the consultation via [ACF's Planning Pod](#).

NICWA developed its own [written comments](#) and [sample comments](#) to support comment submissions from Tribal Nations and Tribal organizations.

If you were unable to attend or would like to follow up with your comments in writing, you can submit comments to ACF Assistant Secretary, Alex Adams, at tribalaffairs@acf.hhs.gov by September 25, 2026, at 5:00 p.m. (ET).

The Senate Continuing Resolution's Impacts on the Office of Management and Budget's Proposed Changes to the Uniform Guidance

On May 29, 2026, the U.S. Office of Management and Budget (OMB) proposed [changes](#) to overhaul the set of rules (regulations), known as the Uniform Guidance, that govern federal grants, cooperative agreements, and other funding awards to nonprofits, state and local governments, Tribal Nations, and other grantees. The proposed changes apply new requirements and prohibitions to all federal agencies with additional changes specific to

individual federal agencies. The proposed changes would give federal agencies authority to terminate any approved grant where activities of the grantee are determined by the federal agency to not align with the Administration's priorities. These broad criteria could include determinations about grant activities supporting diversity, inclusion, and equity (DEI) activities, which have occurred with some Tribal grant programs already. Other proposed changes would give preference to grant proposals that have lower indirect rates, which could bias reviewers against Tribal Nation proposals even where they have a federally negotiated indirect rate. The level of uncertainty in the OMB proposal about what constitutes grounds for grants not being approved or terminated creates a risk for substantial instability for Tribal Nations and other grantees that has not been seen before. **NICWA submitted [written comments](#) on the proposed changes in July.**

Commented [JB1]: If this is modifying the "grantees" then negate this s, but if Tribal Nation is a noun then add the s

On September 1, 2026, the House of Representatives approved the Senate's Continuing Resolution (CR), which included bipartisan language delaying this proposed rule from taking effect. Under the provision, the federal government won't be able to implement the guidance in the rule until December 11, 2026, giving Congress time to consider a longer-term legislative solution on the rule.

A Generational Investment: Urge Your Senators to Support the Native Children's Commission Implementation Act

On July 14, 2026, Senators Lisa Murkowski (R-AK) and Brian Schatz (D-HI) introduced the Native Children's Commission Implementation Act ([S. 4976](#)). The bill spans nine titles covering health, research and data, environmental health, nutrition, homelessness, workforce, and justice for Native children and families. It grew directly out of the work of the Alyce Spotted Bear and Walter Soboleff Commission on Native Children's The Way Forward Report, which constructed a roadmap of recommendations concerning Native child welfare, physical and behavioral health, education, early childhood development, juvenile justice, data sovereignty, and more.

Two other bills that were part of the Native Children's Commission Implementation Act recommendations and address Tribal child welfare and human service program funding are the American Indian and Alaska Native Child Abuse Prevention and Treatment Act ([S. 4179](#) and [H.R. 8048](#)) and the Promoting Strong Native Families and Children Act ([S. 4638](#)). These bipartisan bills provide new Tribal funding for child welfare and other human services programs (see descriptions below).

If passed, this legislation could make significant strides toward improving the safety and well-being of Native children and families, reduce child welfare involvement, increase access to behavioral health services, and strengthen government-to-government relationships between Tribal Nations and the U.S.

Tribal Nations, Tribal organizations, and advocates for Native children and families can contact their senators—calling on them to sign on to S. 4976 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](#).

Administrative

Supporting Full Implementation of the Indian Child Welfare Act Data Elements in the Adoption and Foster Care Analysis and Reporting System

On December 5, 2024, a [final rule](#) was promulgated that requires ACF to implement new Adoption and Foster Care Analysis and Reporting System (AFCARS) data elements focused on Indian Child Welfare Act (ICWA) requirements involving Native children and families in state child welfare systems. These are the only federal data elements that track key ICWA requirements. The ICWA data elements are also necessary to assist ACF in their statutory obligations to develop a technical assistance plan to assist states and Tribes as they implement ICWA and provide ACF with data to report to Congress on state compliance with ICWA (42 U.S.C. § 628d). States will begin collecting and submitting this ICWA data to ACF on October 1, 2028. NICWA and Tribal advocates have been asking for these data elements to be established since 1996 to fill a gap in state data collection for Native children and families.

Previously, there were concerns that ACF may have been contemplating changes or delays to the AFCARS ICWA data elements, but ACF has recently voiced their support for full implementation of the 2024 ICWA data elements. NICWA and Tribal advocates welcome ACF's support for full implementation of the data elements but also have questions about ACF's plan for implementation. For example, a number of states have already begun their planning and activities to integrate the new data elements into their state child welfare data systems. Both states and Tribes have questions about the level and types of support ACF will provide to them in these efforts. NICWA is strongly encouraging Tribal Nations to begin discussions with their state child welfare agencies to discuss the new data elements, how they should be integrated into the state's data system, training for state caseworkers on how to correctly input the data, and how the data will be shared with Tribal Nations and used to inform improvements to ICWA implementation. NICWA is also encouraging Tribes to talk with their ACF representatives to learn more about ACF's plans to support Tribal and state child welfare agencies in this work.

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 generally 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 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, 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

We Need Your Help: Urge Your Senators to Support the Passage of 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 need 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.

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](#).

Call on Congress to Stand with Native Families by Supporting the American Indian and Alaska Native Child Abuse Prevention and Treatment Act

On March 24, 2026, Senators Lisa Murkowski (R-AK) and Elizabeth Warren (D-MA), alongside Representative Adelita Grijalva (D-AZ), reintroduced the American Indian and Alaska Native Child Abuse Prevention and Treatment Act (AI/AN CAPTA). These bipartisan and bicameral 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. A Tribal set-aside would allow for a much-needed increase in the number of Tribes that can operate this program. 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—urging 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 letters to your congressional leaders via [NICWA's Advocacy Center](#).

Take Action to Promote Truth, Justice, and Healing for Indian Boarding School Survivors, Families, and Tribal Communities

[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](#).

Appropriations

Senate and House Working on a Temporary Stopgap Funding Bill to Fund the Government Through December

On September 1, 2026, the House of Representatives approved the Senate's stopgap funding bill with a 370-48 vote ([H.R. 6500](#)). Shortly thereafter, the president signed the bill into law. This means Congress has successfully averted a government shutdown until at least December 11, 2026. Nevertheless, Congress will have to spend the holiday season trying to pass all 12 individual appropriations bills or another CR that will finance federal agencies for fiscal year (FY) 2027.

The bill includes changes made when the Senate approved its version of the bill prior to August recess. The bill prevents the Department of Homeland Security from transferring funds to the Border Patrol, and it delays a [proposed rule](#) that would give political appointees more authority to stop federal grants from going out for programs they view as not in line with the president's agenda.

Looking back to FY26 appropriations, a record 43-day shutdown occurred last fall when Congress disagreed on renewing an expiring tax credit that lowers the cost of health coverage obtained through Affordable Care Act marketplaces; then came the shutdown of

the Department of Homeland Security, which lasted 76 days before Congress agreed to fund much of the department but not its immigration enforcement operations. If Congress cannot pass 12 appropriations bills or extend FY27 funding through a second CR, there could be a risk for another government shutdown starting on December 12, 2026. Because congressional timelines shift frequently, check out the FY27 [Appropriations Status Table](#) regularly for updates.

A copy of this update with live links can be found on NICWA's website at <https://www.nicwa.org/child-and-family-policy-updates/>. For more information relating to this update, please contact NICWA Director of Government Affairs and Advocacy, David Simmons, at desimmons@nicwa.org.