The National Congress of American Indians
Resolution #SD-15-071

TITLE: Support for the Inclusion of ICWA Data in the Adoption and Foster Care Automated Reporting System (AFCARS)

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, there is minimal data collected at the state or federal level on American Indian and Alaska Native (AI/AN) children in state child welfare systems and efforts to effectively implement the Indian Child Welfare Act in their cases; and

WHEREAS, quality state-level data is necessary to understand how states treating AI/AN children in the child welfare system and what assistance states need to better serve these children; and

WHEREAS, under Title IV-E of the Social Security Act all states are required to collect and report data about children in the child welfare system to the Adoption and Foster Care Automated Reporting System (AFCARS); and

WHEREAS, the AFCARS requirements do not currently include any data on AI/AN children and families or Indian Child Welfare Act (ICWA) implementation; and

WHEREAS, the Department of Health and Human Services, through the legislation that authorizes the collection of AFCARS data and the various laws that provide for the protection of AI/AN children and the reporting of information on ICWA compliance, has the authority to collect data on AI/AN children and ICWA implementation; and
WHEREAS, in the Federal Register on February 9, 2015, the Department of Health and Human Service, Administration on Children and Families issued a Notice of Proposed Rulemaking that did not include requirements related to AI/AN children or ICWA Compliance and then on April 2, 2015 issued a Notice Intent to Publish Supplemental Proposed Rules for data collection on AI/AN children and ICWA compliance were forthcoming.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) does hereby recognize and firmly support the publication of AFCARS regulations that include data collection requirements for AI/AN children and ICWA implementation; and

BE IT FURTHER RESOLVED, that the federal laws that protect AI/AN children and families, and guide child welfare systems, deserve the same data reporting considerations as those that address protections and services to other children; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2015 Annual Session of the National Congress of American Indians, held at the Town and Country Resort, San Diego, CA, October 18-23, 2015, with a quorum present.

ATTEST:

Brian Cladoosby, President

Aaron Payment, Recording Secretary