



*Prioritizing the health and well being of Native peoples, from tribal elders to Native youth, is critical to strengthening Indian Country.*

*Credit: National Congress of American Indians.*

## HUMAN SERVICES

### CHILD WELFARE

American Indian and Alaska Native children are disproportionately represented in foster care in the United States—placed at a rate that is two to three times the national average.<sup>22</sup> Given the high incidence of out-of-home placements for American Indian and Alaska Native children and the high risk these children generally have for entering the child welfare system,<sup>23</sup> tribal governments not only need adequate financial resources to help protect children, but they also need flexibility in the design of these programs. Tribes need to be able to design and implement programs to best meet community needs.

Tribes face great obstacles in their efforts to provide preventive services to address child abuse and neglect in their communities. These difficulties are strongly linked to the limited funding available to provide such services. Jurisdictional and geographic barriers make it difficult for American Indian and Alaska Native children and families to access services outside their communities, and the overall need for these services continues to increase. The majority of tribal communities are characterized as rural, with many covering vast areas that create a sense of geographic, and sometimes social, isolation. This is especially true where services, as well as recreational and community activities, are difficult to access.

### Key Recommendations

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, Health and Human Services, Education Appropriations Bill*

##### Foster Care Initiative

- Provide \$20 million to fund Children's Bureau foster care demonstration grants and track tribal awards.

The goal of this initiative, proposed by the Obama Administration, is to identify innovative strategies that improve outcomes for children in long-term foster care. Twenty million dollars in demonstration grants should be provided to tribes, states, and localities to test new, innovative strategies for improving outcomes for foster care children—especially those children who have had long-term involvement in the foster care system.

Grantees that demonstrate improved outcomes for children in long-term foster care will be eligible for bonus funding. Tribal awards and outcomes for Native children in foster care should be tracked, including outcomes for Native children residing in states in which the state received a grant award.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, Health and Human Services, Education Appropriations Bill*

### Child Welfare Services

- *Increase the tribal allocation of Title IV-B, Subpart 1 by creating a 3 percent set-aside of the total appropriation.*

The bare minimum needed to establish a child abuse and neglect prevention program in any tribal community is approximately \$80,000. Title IV-B, Subpart 1 supports a significant portion of this amount, yet tribes are hindered in their ability to effectively administer a program as the majority of them are only eligible for small grants (less than \$10,000, in most cases). Other sources of support to tribes, such as Indian Child Welfare Act (ICWA) and Bureau of Indian Affairs (BIA) Social Services funding, are needed to supplement child welfare-related services. There is a particular need to provide tribes with the funding necessary to generate responses to notices of state child custody proceedings that involve tribal member children. No other consistent, stable source of funding is available to tribal governments to provide basic, preventive child welfare services. BIA Social Services funding is discretionary and not available to every tribe. A 3 percent tribal set-aside of Title IV-B, Subpart 1 funding (within a total appropriation of \$281.7 million for this capped entitlement program) will allow for larger tribal grants to provide basic child welfare services to support Native families and protect Native children.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, Health and Human Services, Education Appropriations Bill*

### Promoting Safe and Stable Families

- *Provide \$200 million for Title IV-B, Subpart 2—the full amount authorized for the discretionary component of the program which will benefit tribes and states.*

In order for tribal courts to advance new practices and improve outcomes with children under their jurisdiction, they need access to funding that will support capacity building and innovative practices, such as the funding that states receive under Title IV-B, Subpart 2 of the Promoting Safe and Stable Families Act. Currently, the Title IV-B, Subpart 1 program allows the use of funds for family preservation purposes, but Title IV-B, Subpart 2 (the larger of the two programs) does not focus on family preservation. Title IV-B, Subpart 2 should be funded at \$200 million—the full amount authorized under the Act for the discretionary component of the program—so tribes will receive increased resources from the 3 percent set-aside.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, Health and Human Services, Education Appropriations Bill*

### Child Abuse Prevention and Treatment Act (CAPTA)

- *Provide a separate line item for tribal Title II grants and set-aside 3 percent of total funding for tribes and tribal consortia.*

Grants are authorized under Title II, Community-Based Grants for Prevention of Child Abuse and Neglect of the Child Abuse Prevention and Treatment Act (CAPTA). Tribes and migrant programs must compete with each other for a 1 percent set-aside of the total funding appropriated under Title II of CAPTA.

Tribes and states have a governmental responsibility to ensure that foster care protections are provided to every child that is in an out-of-home placement under their jurisdiction and care. A 3 percent tribal set-aside, listed as a separate line item in the budget, will provide a base level of funding for every tribe, regardless of size, and give every tribal community an opportunity to establish a quality child abuse and neglect prevention program.

## DEPARTMENT OF THE INTERIOR

### *Interior - Environment Appropriations Bill*

#### **Indian Child Welfare**

- *Increase funding to the Bureau of Indian Affairs for the Indian Child Welfare Act (ICWA) by \$45 million to \$70 million for tribes and tribal consortia.*

In 1978, Congress estimated that \$35 million was needed to fully fund tribal programs under the Indian Child Welfare Act (ICWA) (equivalent to over \$115 million in 2010 dollars). Despite this historical estimate, the program has never been funded at more than \$25 million. We request a \$45 million increase in ICWA funding, through the Bureau of Indian Affairs' Tribal Priority Allocations line item, to begin to address historical underfunding and provide tribes minimum support with which to keep Native children safe in their homes and communities. Given the disproportionate representation of American Indian and Alaska Native children in foster care when compared to all other racial/ethnic groups, the lack of tribal access to the Title XX Social Services Block Grant (a major source of funding for state child welfare programs), and the assistance that tribes provide to states, free of charge, to help manage Indian child welfare cases in the state system, it is critical that ICWA be funded at \$70 million.

- *Reestablish the Urban Indian Child Welfare Grant Program under the Indian Child Welfare Act (ICWA) and fund at \$12 million.*

Increasingly, American Indian and Alaska Native children are removed from their homes in urban areas, and placed into state custody. From 1979 to 1993, the Bureau of Indian Affairs requested funding for grants that would allow urban organizations serving Native peoples to help tribes, states, and counties comply with ICWA. The grant program became an effective way to serve tribal children and families that resided in urban areas, but it was discontinued due to lack of funding. Twelve million dollars in urban Indian child welfare grants will provide support that tribes need to respond to notices from states and counties that are removing Indian children from their homes because of abuse or neglect.

- *Increase Bureau of Indian Affairs Child Welfare Assistance funds to \$55 million.*

This funding stream provides foster care and adoptive home services to children who do not qualify for Title IV-E funding. Historically, because this funding has never exceeded \$30 million per year, many tribes have not even been able to access these severely limited funds. Child Welfare Assistance, funded through the BIA Tribal Priority Allocations line item, should be increased to \$55 million in FY 2013.

Moreover, tribes should be able to use program funding as a non-federal match for the Title IV-E Foster Care and Adoption Assistance entitlement program. Tribes only recently gained direct access to Title IV-E funds, and have not had the same support that states have had over the last three decades to build the infrastructure necessary to administer the program. Consistent with the federal statute, the regulations should be clarified to ensure that Child Welfare Assistance, like any other tribal contract funding, can be used as a non-federal match to leverage other federal funds.

## Key Recommendations

### DEPARTMENT OF EDUCATION

*Labor, Health and Human Services, Education Appropriations Bill*

#### **Vocational Rehabilitation Services Projects for American Indians with Disabilities**

- *Increase Vocational Rehabilitation Services Projects to \$67 million, and create a line item of \$5 million for providing outreach to tribal recipients.*

According to the US Census, 24 percent of American Indians and Alaska Natives have a disability. High rates of diabetes, heart disease, and preventable accidents are among the issues that contribute to this troubling reality. This creates an extraordinary need for tribes to support their disabled citizens in becoming self-sufficient. Further, tribes have had limited access to funding for vocational rehabilitation and job training—such as funds made available under the American Recovery and Reinvestment Act (ARRA)—compared to states. An increase to \$67 million would begin to put tribes on par with state governments.

## ELDERS

*“I remember the biggest lesson I ever learned ... ‘Take care of the old person you are going to become.’”*

*- Tlingit spiritual leader and statesman Dr. Walter Soboleff*

In tribal communities, elders are considered the “wisdom-keepers” and are held in the highest regard. However, it is these same elders in Indian Country that comprise the most economically disadvantaged elderly minority in the nation. American Indian and Alaska Native elders are at a growing risk of financial exploitation and neglect.

Funds for grants to tribes have a history of being both well-managed and woefully inadequate to meet existing needs. The Older Americans Act (OAA) is the major federal statute that authorizes social and nutrition services to elders. These supportive services include congregate and home-delivered nutrition services; community centers; community service employment; long-term care ombudsman program; information and referral services; and services to prevent the abuse, neglect, and exploitation of elders. The OAA specifically states “it is the purpose of this Title to promote the delivery of supportive services, including nutrition services, to American Indians, Alaskan Natives, and Native Hawaiians that are comparable to services provided under Title III” (grants for state and community programs on aging). However, due to insufficient funds to carry out the purpose of Title III, “comparable services” have not been achieved. In addition, state programs seldom serve Native elders due to cultural and geographic barriers. Tribal governments have little or no access to the agencies, departments, ombudsman, or programs that are available to states.

## Key Recommendations

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### *Labor, Health and Human Services, Education Appropriations Bill*

#### **Older Americans Act – Title VI**

- *Provide \$30 million for Parts A (Grants for Native Americans) and B (Grants for Native Hawaiians) of the Act.*

Programs under Title VI of the Older Americans Act are the primary vehicle for providing nutrition and other direct supportive services to American Indian, Alaska Native, and Native Hawaiian elders. Approximately two-thirds of the Part A and Part B grants to tribes or consortia of tribes are for less than \$100,000. This funding level is expected to provide services for a minimum of 50 elders for an entire year. Those tribes receiving \$100,000 serve between 200 and 300 elders. Many tribes are unable to meet the five-days-a-week meal requirement because of insufficient funding and are serving congregate meals only two or three days per week. Some Title VI programs are forced to close for a number of days each week, unable to provide basic services such as transportation, information and referral, legal assistance, ombudsman, respite or adult day care, home visits, homemaker services, or home health aide services. Rapidly increasing transportation costs also severely limit Title VI service providers' ability to deliver meals and related supportive services to home-bound Native elders. This funding should be drastically increased so that Native elders receive the care that they deserve.

- *Provide \$8.3 million for the Native American Caregiver Support Program, and create a line item for training for tribal recipients.*

The Native American Caregiver Support Program under Part C of the OAA assists American Indian, Alaska Native, and Native Hawaiian families caring for older relatives with chronic illnesses. The grant program offers myriad services that meet caregivers' needs, including information and outreach, access assistance, individual counseling, support groups and training, respite care, and other supplemental services. However, this program will not be effective if not adequately funded. It should be funded at \$8.3 million, with sufficient resources also allocated to address historically unmet tribal training needs.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, Health and Human Services, Education Appropriations Bill*

### Older Americans Act – Title VII

- *Create a tribal set-aside of \$2 million under Subtitle B of Title VII.*

Subtitle B of Title VII of the Older Americans Act authorizes a program for tribes, public agencies, or nonprofit organizations serving Native elders to assist in prioritizing issues concerning elder rights and to carry out related activities. While states have been funded at more than \$20 million per year under this program, tribes have never received appropriations for this purpose. Further, tribes have no additional source of mandatory federal funding for elder protection activities. As such, a \$2 million tribal set-aside should be created under Subtitle B to ensure that tribes have access to such funds at a comparable level to states.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, Health and Human Services, Education Appropriations Bill*

### Older Americans Act – Title IV

- *Provide \$3 million for national minority aging organizations to build the capacity of community-based organizations to better serve American Indian and Alaska Native seniors.*

Language and cultural barriers severely restrict Native elder access to federal programs for which they are eligible. Typically, these senior Americans have limited access to and participation in programs such as Social Security, Medicare, and Medicaid. Funding is needed to build capacity for tribal, minority, and other community-based aging organizations to serve Native elders and enroll them in programs to which they are entitled. These efforts could include training tribal staff on expanding Indian elders' access to Medicare, Medicaid, housing, congregate meals, and veteran benefits. Efforts could also include working with tribal leaders to leverage existing funds and programs to sustain support for elders. This funding is essential to strengthening local organizations in serving seniors.