

Human Services



Child Welfare

American Indian and Alaska Native children are disproportionately represented in foster care in the United States at a rate that is two to three times the national average.^{viii} 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,^{ix} tribal governments need adequate financial resources to help protect children and programs designed with flexibility. 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 limited funding. 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 and 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 funding for Children's Bureau foster care demonstration grants at \$20 million, and track tribal awards.

The goal of this Obama Administration initiative 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 states, localities, and tribes to test new, innovative strategies for improving outcomes for foster care children, especially those children who have had long-term involvement in the system. Grantees that demonstrate improved outcomes for children in long-term foster care will be eligible for bonus funding in addition to up-front grant funds. Tribal awards and outcomes for Native children in foster care should be tracked, including outcomes for Native children residing in states where 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 from 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 is necessary to support a significant portion of this amount, yet tribes are hindered in their ability to effectively administer programs because most are only eligible for extremely small grants (less than \$10,000 in most cases). Other tribal sources of support, such as Indian Child Welfare Act (ICWA) and Bureau of Indian Affairs (BIA) Social Services funding, are needed for other child welfare-related services, particularly responses to notices of child custody proceedings in state courts involving 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.

To advance new practices and improve outcomes with children under their jurisdiction, tribal courts 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 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 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. 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 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 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 ICWA (equivalent to more than \$115 million in 2010 dollars). Despite this estimate, the program has never been funded at more than \$25 million. We request an increase in ICWA funding (through the BIA Tribal Priority Allocations line item) of \$45 million, which will begin to address historical underfunding and provide tribes minimum support with which to keep Indian children safe in their homes and communities. It is critical that ICWA be funded at \$70 million, given 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 often provide to states—free of charge—to help manage Indian child welfare cases in the state system.

- Re-establish the Urban Indian Child Welfare Grant Program under ICWA and fund at \$12 million.

Increasingly American Indian and Alaska Native children are removed from their urban homes and placed into state custody. From 1979 to 1993, the BIA requested funding for grants that would allow urban organizations 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 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, this funding has never exceeded \$30 million per year, and 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 over FY2011.

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 just gained direct access to Title IV-E 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.



Disabilities

Key Recommendations

DEPARTMENT OF EDUCATION

Labor, HHS, 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 U.S. Census, 24 percent of American Indians and Alaska Natives have a disability. Diabetes, heart disease, and preventable accidents are among the issues that contribute to the disproportionate number of American Indians and Alaska Natives with disabilities. This creates an extraordinary need for tribes to help their disabled citizens become self-sufficient. Tribes have had limited access to the American Recovery and Reinvestment Act (ARRA) vocational rehabilitation and job training funding compared to states.

Elders

In tribal communities, elders are considered the “wisdom-keepers” and are held in the highest regard. Unfortunately, these elders 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 Indian tribes traditionally have been both well managed and woefully inadequate to meet existing needs. The Older Americans Act (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, “comparable services” have not been achieved due to insufficient funds for this entitlement. State programs seldom reach Indian elders due to cultural and geographic barriers. Indian tribes have little or no access to the agencies, departments, ombudsman, or other programs that are available to states.

OAA is the major federal vehicle that provides 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.



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.

These programs 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 Indian 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 several 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 service. Rapidly increasing transportation costs also severely limit Title VI service providers' ability to deliver meals and related supportive services to home-bound Indian elders.

Provide \$7.2 million for Part C (Native American Caregiver Support Program), and create a line-item for training for tribal recipients.

Part C grants assist American Indian, Alaska Native, and Native Hawaiian families caring for older relatives with chronic illness. The 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. Dedicated resources are needed 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 OAA authorizes a program for tribes, public agencies, or nonprofit organizations serving Indian 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, funds for tribes have never been appropriated for this purpose. Further, tribes have no additional source of mandatory federal funding for elder protection activities.

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 minority senior Americans.

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 and other community-based aging organizations to serve Indian elders. 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. The overall interest is to strengthen local organizations in serving seniors.

