



*Native young people represent the future of Indian Country with 32 percent under the age of 18. The protection of American Indian and Alaska Native children is vital to the welfare and security of tribal life. Photo credit: US Department of Agriculture*

# Human Services

## Child Welfare

American Indian and Alaska Native children are our most precious resource and fundamentally represent the future of tribal nations. Despite the strong desire to protect our children, they are disproportionately represented in foster care in the United States, placed in care at a rate that is two-to-three times the national average.<sup>35</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, tribal governments not only need adequate financial resources to help protect children, but they also need flexibility in the design of these programs to protect the prosperity of generations to come. 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 and the cultural appropriateness of these services when they are available. Jurisdictional and geographical barriers make it difficult for American Indian and Alaska Native children and families to access services outside their communities, and thus 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.

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## Key Recommendations

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, HHS, Education Appropriations Bill*

#### Foster Care Initiative

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

The goal of this initiative, proposed by the 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, HHS, Education Appropriations Bill*

#### Child Welfare Services

- Increase the tribal allocation of Title IV-B, Subpart I by creating a five 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 \$105,000.<sup>36</sup> Title IV-B, Subpart I supports a significant portion of this amount. Yet tribes are hindered in their ability to effectively administer a program, because 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 five percent tribal set-aside of Title IV-B, Subpart I 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.

#### Title IV-E Foster Care and Adoption Assistance Program

- Amend the authorizing statute to extend the life cycle of tribal Title IV-E development grants from two to three years, and increase the funding from \$300,000 to a \$450,000 maximum to account for the program costs of the third year.

In 2009, tribes became eligible to operate their own Title IV-E programs. In expanding the program, Congress also wisely provided an authorization of \$3 million in mandatory funding each year to help establish tribal programs. Currently, the program allows grantees \$150,000 per year for up to two years. In each of the previous grant cycles, grantee tribes have requested a one year no-cost extension to continue programmatic development and submit an approvable plan. Allowing tribal grantees an extra year and increased funding will provide tribes with necessary time to develop acceptable plans and adequate funding to increase infrastructure for future implementation.

## From South Puget Sound Inter-tribal Planning Agency (SPIPA):

SPIPA is a tribal consortium that administers selected services for its member tribes. SPIPA has enjoyed a positive relationship with the State of Washington for many years in regard to the coordination of child welfare services, but has always had a goal to be able to help its tribes even more fully exercise their sovereignty and responsibility to their children and families. One of the fundamental components of tribal sovereignty is the ability of tribes to develop service delivery systems that meet the needs of their members in ways that are not only effective, but which are appropriate to and respectful of the traditional values of the people. By getting a Title IV-E Development Grant, SPIPA and the tribes they serve have been able to move forward in the development of a foster care program that meets these criteria. In addition, SPIPA is not only planning to provide services to their tribal members that live on tribal lands, but is also in the process of developing an agreement with a neighboring county to provide foster care services to tribal members living in a nearby urban area. Their Title IV-E Development Grant funding is making it possible for them to develop a more comprehensive program that can effectively leverage state, county, tribal and federal resources to ensure that tribal children on and off tribal lands in their service area will be afforded the most effective and culturally appropriate services available and save the state and county funding as well.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, HHS, Education Appropriations Bill*

### Promoting Safe and Stable Families (PSSF)

- *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.*

PSSF is one of only a few federal funding streams that can be used for services that prevent out-of-home placement and work to strengthen families where either the children are at risk of being placed or have been placed. These services form the foundation of all tribal child welfare programs and are critical to successful outcomes for their children and families. The funds are typically used to establish and operate integrated, preventive family preservation services and family support services for families at risk and/or in crisis. This funding is a particularly valuable tool for tribal child welfare because family preservation and family reunification work aligns with traditional American Indian and Alaska Native cultures and practices. In FY 2012, the enacted amount for the total program was \$345 million in mandatory funding and \$63 million in discretionary appropriations. The tribal allocations from reserved amounts in this program (three percent) were \$12 million total from both mandatory and discretionary sources. 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 three percent tribal set-aside.

- *Amend the authorizing legislation to support the increase of tribal Court Improvement funding from \$1 million to \$5 million, while increasing the overall appropriation request by \$5 million, holding state allocations harmless.*

Tribal justice systems are chronically and historically underfunded; they continue to face complex issues of justice with far fewer resources than their state counterparts while balancing more conflicting demands from state and federal authorities with regard to compliance and from the communities they serve in relation to cultural imperatives and values. There is no other funding stream available to tribes specifically for their juvenile dependency courts. Tribal court improvement is critically needed, especially as a growing number of tribes plan and begin direct administration of Title IV-E foster care, adoption, and guardianship programs.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, HHS, Education Appropriations Bill*

### Child Abuse Prevention and Treatment Act

- *Provide a separate line item for tribal Title II grants and set aside five 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). Currently, tribes and migrant programs must compete with each other for a one 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 who is in an out-of-home placement under their jurisdiction and care. A five 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 Protection and Family Violence Prevention Act

- *Appropriate \$10 million for the Indian Child Abuse Treatment grant program and \$30 million for the Indian Child Protection and Family Violence Prevention grant program.*

The Bureau of Indian Affairs and Indian Health Service have oversight authority for the Indian Child Protection and Family Violence Prevention Act, but in more than 10 years have never made any requests for these grants, nor has Congress appropriated any funding. Yet, American Indian and Alaska Native children experience the second highest rate of child abuse and neglect, just behind their African American peers.<sup>37</sup> These grants would provide greater access for tribes to respond to child abuse and neglect in their communities and begin to slow the cycle of untreated trauma and violence in tribal communities.

### Indian Child Welfare

- *Increase funding to the Bureau of Indian Affairs for the Indian Child Welfare Act (ICWA) Tribal Priority Allocations by \$20 million for tribes and tribal consortia.*

Upon passage of Indian Child Welfare Act (ICWA) in 1978, Congress estimated that \$35 million was needed to fully fund tribal programs under the Act. Despite this historical estimate, the program has never been funded at more than \$17 million in any given year. We request a \$20 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 fully funded.

- *Reestablish the Urban Indian Child Welfare Grant Program under the Indian Child Welfare Act (ICWA) and fund it at \$5 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 who resided in urban areas, but it was discontinued due to lack of funding. Five 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 by \$10 million to \$35 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 \$35 million in FY 2014.

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.

## 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.*

*“The moral test of a government is how it treats those who are at the dawn of life, the children; those who are in the twilight of life, the aged; and those who are in the shadow of life, the sick, the needy, and the [disabled].”*

– *Senator Hubert Humphrey*

According to the Centers for Disease Control and Prevention, approximately 30 percent of American Indian and Alaska Native adults have a disability—the highest rate of any other population in the nation.<sup>38</sup> Of those American Indian and Alaska Native adults with a disability, 51 percent reported having fair or poor health.<sup>39</sup> A number of issues contribute to this troubling reality, including high incidences of diabetes, heart disease, and preventable accidents. As a result, tribes have an extraordinary need to support their disabled citizens in improving their health and becoming self-sufficient. Despite this need, however, tribes have had limited access to funding for vocational rehabilitation and job training compared to states. An increase in the Vocational Rehabilitation Services Projects to \$67 million would begin to put tribes on par with state governments and better equip tribes to provide supports to their disabled citizens.

## 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, American Indian and Alaska Native elders are at a growing risk of financial exploitation and neglect. In fact, it is these same elders in Indian Country that comprise the most economically disadvantaged elderly minority in the nation.<sup>40</sup>

The Older Americans Act (OAA) is the major federal statute that authorizes social and nutritional services to elders. These supportive services include congregate and home-delivered nutrition services; community centers; community service employment; long-term care ombudsman programs; 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, Alaska Natives, and Native Hawaiians that are comparable to services provided under Title III” (grants for state and community programs on aging). Grants to tribes have a history of being both well-managed and woefully inadequate to meet existing needs. As such, due to insufficient funds to carry out the purpose of Title III, “comparable services” for Native elders have not been achieved. Tribal governments have little or no access to the agencies, departments, ombudsman, or programs that are available to states. In addition, state programs seldom serve Native elders due to cultural and geographical barriers. Congress needs to take action to remedy these disparities and ensure that Native elders are well taken care of.

## Key Recommendations

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Labor, HHS, 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 Older Americans 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. Yet, those tribes receiving \$100,000 typically serve between 200 and 300 elders. As such, 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 services, 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 at the current funding level. This funding should be significantly increased so that Native elders receive the care that they deserve.



- Provide \$8.3 million for the Native American Caregiver Support Program administered by the Administration on Aging 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 many 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 cannot be effective if it is 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, HHS, 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 non-profit 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, HHS, 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 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 Native 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.