

PREPARED STATEMENT OF SAVE THE CHILDREN
 SUBMITTED BY DR. HELEN M. SCHEIRBECK, DIRECTOR
 AMERICAN INDIAN NATIONS PROGRAM

On behalf of Save the Children Foundation (SCF), I would like to submit for the hearing record of the Senate Select Committee on Indian Affairs the following statement on the Indian Child Welfare Act. As you may know, Save the Children Foundation is a private, nonprofit organization. During the past five years it has sponsored the National Indian Child Conference -- an important forum for the exchange of information on current developments in areas of community development and child welfare unique to the Indian population.

At the present time, the American Indian Nations Program of Save the Children operates in eight field offices which serve sixty Indian tribes and communities. The experience of these field offices confirms the need to give continued high priority to administration of the Indian Child Welfare Act. For, adoptions and foster care placements remain a critical problem in the area of Indian Child Welfare. Recent statistics indicate that despite the efforts on behalf of Indian children under the Indian Child Welfare Act that much work remains to be done. To be more specific,

- * The rate of Indian to non-Indian placements is up to 27 times higher in at least one state.
- * Overall, the rate of Indian to non-Indian placements is four times higher.
- * Twenty-five to thirty-five percent of all Indian children are separated from their homes and placed in adoptive homes, foster homes, or institutions. Many of these children are placed in non-Indian homes and face serious social and cultural adjustments as a consequence.

We feel that there are two aspects of the Indian Child Welfare Act that warrant the attention of this Committee: (i) the substantive and administrative provisions of the law which require clarification; and (ii) the adequacy and accessibility of federal funds to carry out the objectives of the law. With regard to the first, we note that many of the witnesses that testified at the April 25, 1984 hearing have already detailed technical amendments to more clearly delineate the scope of state and tribal authority and to clarify specific provisions of the Act. Thus, our comments will focus on the second aspect: funding.

During the years that the American Indian Nations Program of SCF has worked at the community level, it has found that the area of services demanding the largest allocation of its program budget is social welfare. (Among the areas of program activity covered by this program division are welfare, education, public works, housing, health and nutrition, and agriculture. Of the program's total budget for these activities, social welfare accounts for almost 50% of its expenditures). Funds budgeted for social welfare are allocated for both direct services and developing community-based institutions to ensure such services are available on an on-going basis.

On the basis of our experience at the community level, we feel that if the goals of the Indian Child Welfare Act are to be attained then additional funds must be made available to undertake activities that facilitate the maintenance of the family unit in addition to the crisis intervention activities currently carried out under the Act, (i.e. foster placement, adoption, and adjudication of alleged child neglect and/or abuse).

Within most Indian tribes and communities today there are numerous factors contributing to the disintegration of the family unit. At the head of the list is epidemic unemployment. Despite this, as the testimony of witnesses appearing before this Committee on April 25, 1984 confirms, the services central to reducing the likelihood that an Indian child will have to be removed

from the family unit, (i.e. supportive, preventive, and rehabilitative services), are those which ICWA programs are often least able to provide due to a lack of funding.¹

If one were to evaluate successful child protection/family assistance programs currently operating in mainstream that evaluation would disclose that a wide range of services must be in place if troubled families are to avoid dissolution. These services include but are not limited to,

- * Access to telephone counselling services twenty-four hours a day.
- * Access to family and individual counselling services on a regular basis.
- * Access to professional counselling on alcohol and substance abuse.
- * Shelters for abused spouses and children.
- * Job and personal finances counselling.

In contrast, these services are either not available to most Indian communities or are operated on an intermittent basis at locations that are not accessible to Indian people. Moreover, in light of program budget cuts in recent years, Indians who move off the reservation and into urban areas are most likely to find that family/child welfare support services are not available when they are most needed.

If this Committee shares our belief that the interests of Indian children are best protected by a program that combines crisis intervention with aggressive efforts to eliminate those factors which give rise to families in crisis, then its oversight authority might be profitably exercised in the following areas:

¹ Cf. Statement of Ethel Krepps, President of the Oklahoma Indian Child Welfare Association at p. 3, Statement of Melvin Sampson, Confederated Tribes and Bands, Yakima Nation at pp. 3-4.

- * An assessment of the current level of need in Indian tribes and communities for preventive, supportive, and rehabilitative services, the level of unmet need, and the minimum per capita expenditure that would be required to adequately address identified needs and develop a service delivery infrastructure.
- * An assessment of the current level of federal inter- and intraagency coordination state and tribal funding for ICWA related activities.
- * An assessment of how the changes in program structure and funding levels of federal family/child welfare related programs have impacted upon implementation of the ICWA.
- * An assessment of whether the rights of Indian children are inadequately protected under current administration of the Act as a consequence of their moving and living off of the reservation.
- * Requirement of a program impact statement by agencies or agency divisions with primary responsibility for administration of the ICWA when reductions in fiscal year funding levels are requested for program areas that directly impact upon implementation of the ICWA.

We firmly believe that because children are so vulnerable and so powerless in our society, the goals of the Indian Child Welfare Act are best attained by a two-pronged approach. For families in crisis, the interests of Indian children must be protected in a manner that respects Indian culture and values. However, resources must also be allocated to prevent such family crises from occurring or escalating to the point that the future of the child within that family unit is in jeopardy.

The most responsive legal system and the most flawless foster or adoptive placement system are commendable goals. However, they offer no guarantees that the damage done to a child during a period of family upheaval and attendant termination of parental rights can be undone.

PREPARED TESTIMONY OF THE SEATTLE INDIAN CENTER, JAMES PRICE, CHAIRMAN OF THE BOARD (TLINGIT); CAMILLE MONZON, EXECUTIVE DIRECTOR (TLINGIT); AND RAMONA BENNETT, DIRECTOR, FAMILY SERVICE (PUYALLUP)

Pernaps the most important consideration for Urban Indian Child Welfare programs at this time is the issue of under who's rules and regulations we can best provide services. The Bureau of Indian Affairs has been a reluctant host, we have suffered illegal and insensitive handling of our funding applications. The regulations interpreting our eligibility were misinterpreted, and our clients the children were at risk of losing the Indian families licensed through our agency.

The office of Human Development Services, formerly H.E.W. was considered the most sensible viable agency for administration of P.L. 95-608 during early Indian Testimony, because of the initial hostility toward the act displayed in Bureau Testimony to Indian efforts establishing protections for our most important resource, our children.

Time has passed and we have learned that there are no Urban Indian children, these children are Tribal children who have rights and resources within their corporations, villages and reservations. The right to a positive identity and the extended family as a resource are important considerations in planning the future for a child.

Our actual tasks include; holding families together with emergency counseling and services, rescuing children already identified by Children's Protective Services as neglected, abandoned or abused and seeking Native families to help these children the next few weeks or the rest of their childhood, if that's necessary.

The Seattle Indian Center will always be appreciative of the opportunities provided by the Administration for Native Americans to organize, plan and assess on behalf of the thousands of Native Americans within our service area, however, the children rely on our Family Services Division for actual life saving services. We have prevented hundreds of Indian children entering the foster care system and have arranged adoptions and foster placements to serve hundreds more. We cannot survey their needs, the needs are obvious and emergent. The regulations governing A.N.A. at this time would tie our hands for delivery of services.

Despite the Bureau of Indian Affairs history of war, isolation, relocation and the sanctioning of child removal through tens of thousands of interracial adoptions already ordered through state courts across the Nation..... they have regulations that permit services to be provided. We are relying on the development of computerized systems of identifying tribal affiliations. We are relying on facilities being developed on reservations to serve the disturbed victims of these multiple disruptions. We are relying on the birth of advocacy within the Bureau ranks. During the last three years the staff within the Bureau have gone through a very intensive sensitivity training and these changes may very well occur.

A meeting was held on the Yakima Reservation on March 26, 1984. The Seattle Indian Center representative along with representatives from several Washington state Tribes formulated the following recommendations.

We request that definition of Indian be expanded to include Indian children who are acknowledged by an Indian tribe or Indian community organization so that services under P.L. 95-608 may be offered particularly if that child is over 1/4 blood degree but unenrolled, and further to include Canadian Indian people, as authorized by the Jay Treaty or at least require notification to bands of court actions.

To include Indian children in juvenile justice systems and to permit tribal-state agreements to allow for Tribal Court jurisdiction and utilization of state resources for tribal children requiring services not available within the reservations, also include a process in the Act for tribes to reassume jurisdiction in juvenile justice issues (particularly in 280 states).

Establish separate funding authorization to remove the controls and limitations of the Snyder Act, and also establish an authorization level of 54 million, as recommended during the initial hearings, and establish consistency in funding from year to year on a three year cycle.

We request consideration of a minimum of 54 million per year for fiscal years 1985, 1986 and 1987, with 30 million entitlement to tribes and organizations, and 24 million merit for tribes and organizations. Consider eliminating the grant process and accept the work plans as developed by tribes and organizations consistent with P.L. 95-608. Evaluations should be based on individual program merit with guidelines established and consistent for all projects. The evaluators should be qualified, trained and representative of the service area population. These projects are reducing future social problems by stabilizing children with appropriate Indian role models. Increasing funding is an investment in a better educated more self-sufficient Native future.

THERE MUST BE NOTIFICATION OF BOTH VOLUNTARY & INVOLUNTARY PLACEMENT PROCEEDINGS

We must have federal protections for Indian children including mandates requiring proper identification of who is Indian, Indian blood quantum records on a federal computer, standardized enrollment procedures, controls for compliance on private agencies, notification state-to-tribe and tribe-to-tribe, dollars for and requirements for B.I.A. monitoring in this area with notice to local Indian child welfare programs, and prior to going into court, at the time of intake mandate that both public and private agencies give notice to the Tribes and local Indian Child Welfare programs including children over 1/4 blood degree but not enrolled. Also other systems/individuals who are involved. We must continue to serve and preserve the rights of unenrollable Indians.

Upon notification of contact, the tribes shall have access to the following information: the child's birth name and any AKA's, birthdate, tribal affiliation; birth parents, the social history and the case plan currently under consideration. The Tribes to abide by the ethical and professional standards of confidentiality.

In Title II, Section 201(a)(3), include cultural and family-enriching activities.

Inheritance Issues - We are concerned about all aspects of, including; terminations, enrollment, trust accounts, tribal constitutions, and land holdings. Appendix A (iv) pg. 2 should be revised to read;

... parents unless such placement terminates a child's rights of inheritance, enrollment, or cultural reinforcements and add definition of qualified expert witness to read;

An individual with experience in Indian child development, psychology, child rearing, with the additional qualifications of knowing Indian customs, traditions and laws, and appointed by the child's tribe, Indian Child Welfare program, or other Indian organization (i.e., LICWAC).

In the transfer of jurisdiction from state of tribal court we are concerned with the misuse of definition of good cause to the contrary. The burden of proof in racist court proceedings should rest with the parent(s) in objections to the transfer, to show good cause. Notices should include off-reservation programs, when notice goes out to the child's tribe(s) the tribes can connect with local resources immediately to reduce trauma for the child and family.

P.L. 96-272 or any other federal or state law governing child placement must never be used contrary to the best interest of the Indian child as defined by P.L. 95-608.

The Act should mandate B.I.A. in conjunction with tribal and Indian organizations to establish a state-by-state monitoring committee to ensure compliance of provisions of Act. Public agencies, private agencies and state courts are not complying with the Act and the ICW's are not privy to the information gathered by the Bureau. The Act could be revised to establishment of tribal and off-reservation committees to oversee the monitoring procedures of the Bureau and assist with the operation monitoring plan. Individual state regulations should be reviewed annually. State court/agency reporting system should be reviewed annually.

When guardians ad litem are appointed for Indian children, they shall meet the criteria described for expert witnesses (see number 11). We strongly recommend the following; adoption/penalties (new section to be added to "Definitions.")

A. Failed Adoptions

1. Any out of home placement of an Indian child who has been adopted including consent to place, a criminal incarceration, a relinquishment, termination deprivation, any court ordered (tribal or state) out of home placement requires:

A. Notice to biological parents

B. Notice to Tribes of origin

C. Notice to the B.I.A.

D. Notice to local Indian Child Welfare Adoptive Services

- B. Upon relinquishment or termination of Indian child as defined by P.L.

95-608 the supervision/custody must be transferred to a local Indian Child Welfare agency managed by a tribe or an Indian organization.

- C. Establish penalties and compliance regulations

All these issues are causing problems for the Indian Child Welfare agencies and the children and families we wish to serve.

We appreciate your attention and look forward to these much needed improvements in this life saving law.



Design by Robert Davis

Tribal Council
Bill Brady, President
Norman Williams, Vice-President
Loisena Bay, Secretary
Robert Landy, Treasurer
Frank O. Williams, Jr.
Al Perkins
William Rogers
Andrew J. Hope III, Executive Director

Sitka Community Association

A FEDERAL INDIAN TRIBE
Box 4380
Mt. Edgecumbe, Alaska
99836
Tel: 907-747-3207

April 12, 1984

RECEIVED APR 17 1984

Senator Mark Andrews, Chairman
Select Committee on Indian Affairs
SH-838 Hart Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Andrews:

As a result of Public Law 95-608, the Indian Child Welfare Act, the Sitka Community Association Federal Indian Tribe wishes to apprise the Committee of the following:

- 1) This Tribe has been funded by the Bureau of Indian Affairs for Indian Child Welfare programming for three years at a level of 50,000 per year.
- 2) Funding is to cover the salary of one Indian Child Welfare worker plus a minimal direct services budget for legal assistance to children and families coming within the act, and for adoptive subsidies to Indian families.
- 3) To meet part of the gap in needed services the Alaska native Brotherhood, Sitka Camp #1, and the American Legion, Sitka Post 13, have responded to requests for money support to the extent their modest resources allow.
- 4) The Tribe has applied for and obtained Community Services Block grant funds from the Department of Health and Human Services to further supplement the available funding.
- 5) As a Tribal response to the Act, the Tribal Council delegated to a Tribal Children's and Domestic Relations Court a portion of the traditional decision-making powers of the Council.
- 6) To support the efforts of the Tribal Children's Court and Domestic Relation's Court, a Sitka Community Association Tribal Indian Child Welfare Agency was created by the Council to provide supervision and services to children and families before the Court, to effect permanency planning where possible, to provide services to families in crisis and/or at risk for maintenance of family integrity, and to serve as Court liaison with state agencies.
- 7) As a result of Block grant funding the Tribe has developed and enacted a Children's Code, Domestic Relations Code, Standards of Care Outside the Home for Children, and a Civil Code. Work is ongoing with the U.S. Children's Bureau, with the help of a small grant from that agency, to upgrade Codes and Standards of Care. Judge Jim Bowen of the Puyallup Tribal Court is our interface consultant in this effort.
- 8) The State of Alaska does not recognize our Tribe or its jurisdiction within the Act. At a local level, however, the State Department

of Family and Youth Services has been most cooperative in notifying the Tribe of children and families coming before the State Superior Court and in mutual case planning to provide services to such children and families within the intent and meaning of the act. There have been over 100 such notifications and mutual planning efforts over the three year funding period.

9) There are approximately six hundred members of the Sitka Tribe in absentee status in other States than Alaska. We have handled court cases in Washington, Oregon, California, Idaho, and New Mexico on behalf of children of the Tribe before those courts. Full faith and recognition has been extended, mutually, in all cases outside Alaska; a total of 46 at this writing. We have been successful in all cases outside Alaska, one of which required appellate action to the Supreme Court of the United States.

10) In two of the cases in the 'south 48' it was necessary to hold Tribal Court hearings in those states. In one, a judge pro tem, was appointed to hear the case for the Tribe, and in the second, our Court was extended physical facilities by the reciprocating State of Oregon. Both actions were successful in restoring children to Indian families. Our Tribe engages the services of competent Indian practitioners to give services and supervision to children in responding states where return of the families and/or children to Alaska would place a burden on the Indian families.

11) In three instances children have been returned to the Tribe as a result of actions by other State Courts, but not as transfers of jurisdiction. In each instance the Tribe was asked to monitor the case for the reciprocating State Court and to act for that Court. This was accomplished with a resulting re-establishment of intact Indian families in each case.

12) Despite the non-recognition of the Tribal Court program by the State of Alaska, the Sitka Superior Court and the Sitka Bar require notification to the Tribe and a written report to the Superior Court from the Tribe in all Native adoptions coming before the Superior court. A full adoption review is provided by the Tribal Indians Child Welfare Agency as an arm of the Tribal Court in all such cases. These have totalled 43 over the three year period.

13) The Tribe has approached the State of Alaska to attempt to reach an administrative agreement on children's matters through the Governor. The concept paper sent by the Tribe is attached. No action has been taken by the State at this writing, although we are assured the matter is 'under study'.

14) In summary, the Indian Child Welfare Act is working. Even with inadequate funding to completely address the intent of the Act this Tribe has succeeded in carefully selecting cases on a 'most in need' and 'most chance of success' basis, and has been gratified with the results.

15) The intent of the act is to prevent the breakup of Indian families and to provide intervention before the need for court action exists. We are making measurable progress in that direction.

16) The present competitive grant process for Indian Child Welfare monies used by the Bureau of Indian Affairs tends to reward those Tribes which can afford grant writers and to deprive those tribes most in need of Indian Child Welfare programming.

17) The method for securing BIA legal help to Indian families and children before the courts is too cumbersome and too slow to provide such help within the normal notice period for process used by the majority of courts.

18) We, the tribes of Alaska, need help desperately in securing recognition of tribal jurisdiction in family and children's matters by the State of Alaska. The full intent of the Act will never be achieved without such recognition.

19) Those funds presently used for care of Indian Children and services to Indian families by the State of Alaska from federal sources should be made available to the tribes for provision of those services in a culturally relevant context under tribal programming.

Very truly yours,

Andrew Hope III
Executive Director

HILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

SITKA COMMUNITY
March 28, 1984
MAR 30 1984
ASSOCIATION

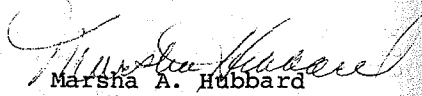
Mr. Bill Brady
President
Sitka Community Association
Box 4360
Mt. Edgecumbe, AK 99835

Dear Mr. Brady:

Governor Sheffield has received your correspondence regarding the relations between Sitka Tribe and the State of Alaska for service to children and asked me to reply.

He has asked that the issue be reviewed, and a response will be sent to you shortly.

Sincerely,


Marsha A. Hubbard
Special Staff
Assistant to
the Governor



Design by Robert Davis
Tribal Council
Bill Brady, President
Norman Williams, Vice-President
Al Parkins, Secretary
Paul Lewis, Treasurer
Pete Asaro, Esquire
Ben Martin
Frank O. Williams, Jr.
Andrew J. Hopa, III, General Manager

Sitka Community Association

A FEDERAL INDIAN TRIBE
Box 4360
Mt. Edgecumbe, Alaska
99835
Tel: 907-747-3207

To Mr. John Shively, Chief of Staff
Office of the Governor

Mr. John Pugh, Deputy Commissioner for Social Services
State Department of Health and Social Services

Date March 20, 1984

Re Concept Paper: Relations Between Sitka Tribe and
State of Alaska for Service to Children

Proposal To meet the needs of children of the Sitka Community Association tribe in the realms of child protection, custody, adoption, permanency planning other than adoption, family services, and full social services to children

Rationale Under the provisions of the Indian Child Welfare Act (P.L. 95-608), the Sitka Community Association is fully prepared to handle all the needs of tribal children. We have a Tribal Children's and Domestic Relations Court, a fully staffed and competent Indian Child Welfare Agency, tribal codes for children, domestic relations, standards of care

We are asking the State of Alaska to make available those funds for the care of tribal children which would be used if the same children were serviced under the Department of Health and Social Services.

We will meet or exceed standards of service required by the State. No staff expenses, administration or support expenses are requested.

May 23, 1984

WRITTEN TESTIMONY
COMMENTS AND RECOMMENDATIONS

Submitted By
THE URBAN INDIAN COUNCIL
TO
THE CONGRESSIONAL OVERSIGHT COMMITTEE
On the Indian Child Welfare Act of 1978

Honorable Senator Mark Andrews and Members of the Oversight Committee:

This testimony has been prepared by Claudia Long, M.S.W., Coordinator of the Urban Indian Council's INDIAN CHILD WELFARE PROGRAM in Portland, Oregon. We share in the concerns for our 7,890 Native Americans identified by the 1980 Census—which constitutes a larger concentration of Indian People than is contained in any of the state's reservations and undercounts the area's actual population by approximately 25%. The main thrust of this document is in support of increased funding and in consideration of the following proposals.

1. Increased Funding level. Would allow programs an opportunity to fulfill quality service-delivery. The impact of limited funding restrictions is evidenced by our 1983 ICW program which was prohibited in purchasing needed legal and mental health services, as well as needed training for program staff. Lack of training and consultation hinders any program performance—and especially true for agencies responsible for protecting and ensuring the rights afforded by federal mandate which is unclear, and many times misinterpreted.

2. Establish a three-year funding cycle. Would allow funded programs the opportunity to gain consistency and stability within the community it serves. The detrimental impact of a year-to-year funding cycle is evidenced by our program in that the 7,890 eligible client population—and specifically the 60 families and 200 youth served during FY 83—will NOW be without the supportive services offered by our program, due to lack of funding, and limited funding cycle.

3. Establish a non-competitive, "entitlement" method of funding. This method would allow tribes and urban programs to re-focus on entitled quality program components and would increase the incentive to foster cooperation as colleagues within the field of Indian Child Welfare, RATHER than focus on competition and, therefore, producing rivalry between program opponents.

We concur with the Native American Rehabilitation Association, Portland, Oregon, that the Act, without allocating adequate funding to Indian organizations and tribes, that complications will continue to result in inadequate social service delivery and inappropriate judicial decisions.

During FY 83, our ICW Program has developed and provided both treatment and preventative services to the tri-county area. Major accomplishments are the development of increased awareness of the Act by the community, and counseling provided to 60 families experiencing potential disruption and/or are in the process of regaining their family. We provided advocacy to juvenile and tribal court systems. Ten child abuse cases were investigated and documented and identified as high priority. Within the Preventative Education, 35 clients participated in women's crisis education, 20 participated in child abuse information classes, 15 adolescents participated in skills for emergency situations and 5 participated in teen parenting support groups. In addition, our Youth component offered alternatives and information to 200 youth and their families through cultural and recreational activities (i.e. basketball, softball) and the opportunity to participate actively in perspectives of Native American philosophy and spirituality, beadwork, drumming and dancing from Indian Elders and Teachers from the Indian Community.

OTHER CONCERNS

It is relevant to suggest that because more than half of all Indians do live in urban areas, that cities be given the opportunity to serve Indian Children and their families—not just those on or near the reservation.

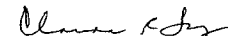
We share concerns faced by other ICW programs that both public and private agencies are unaware of the intent of the law and most caseworkers (and their supervisors) are unfamiliar with procedures set forth by the law. Information and training must be provided on the Act in order to be in contract compliance—including enforcement by penalty for non-compliance.

SUMMARY

Again, inadequate funding, limited yearly cycle, and competitive status restrict implementation by programs in providing services (in support of the Act.)

I respectfully submit this testimony in behalf of the Urban Indian Council Indian Child Welfare Program which has been terminated because of lack of funding; and in response to the Portland community—both Indian and non-Indian who are concerned for the welfare of Indian Children. Copies of support letters are attached and high-lighted for further insight of the tragedy the Indian families may experience because of present funding restrictions.

Very Respectfully Yours,
URBAN INDIAN COUNCIL, INC.



Claudia R. Long, M.S.W.
Indian Child Welfare Program Coordinator
1200 S.E. Morrison
Portland, Oregon 97214
(503) 230-0861



Native American Program
OREGON LEGAL SERVICES CORPORATION

2328 N.W. Everett
Portland, Oregon 97210
(503) 223-9483

January 11, 1984

Nelson Witt
Bureau of Indian Affairs
Social Services
Portland, Oregon

Dear Mr. Witt:

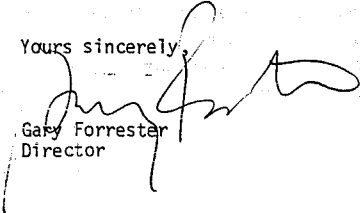
This letter is in support of the Indian Child Welfare Program of the Urban Indian Council.

Our office provides legal training and information on the Indian Child Welfare Act. We have conducted training on the legal aspects of the ICWA for the staff of the Indian Child Welfare Program. We also are available to consult with them on any legal matters that arise.

We have been happy to respond to the Program's requests for our assistance, and we have been impressed with their dedication to the needs of Portland's Indian children.

We fully support the Program, and hope that it will be given the necessary resources to continue its vital work, perhaps even to expand the services it now is able to offer.

Yours sincerely,


Gary Forrester
Director

GF:sjr



PORTLAND PUBLIC SCHOOLS

531 S.E. 14th Avenue / Portland, Oregon 97214
Phone: (503) 232-4424, Exts. 46-50

INDIAN EDUCATION ACT PROJECT

10 January 1984


TO WHOM IT MAY CONCERN:

I am writing this letter in support of the Urban Indian Council Indian Child Welfare Act Projects' application for funding from the Bureau of Indian Affairs.

We strongly support their prevention and treatment activities and view them as an integral part of the social service network that serves Portland's Indian Community. We have been working closely with ICW staff to develop a cooperative package of social services and activities.

The school drop out rate among American Indian Students in our district is nearly fifty percent. We know that social factors such as broken families and cultural breakdown have a significant and detrimental effect on the progress of many Indian students in school.

Again, I would like to urge your serious consideration in funding this important program. Thank you for your time and consideration.

Sincerely,

Robey J. Clark
Project Coordinator



A United Way Agency

FOSTER PARENTS ASSOCIATION

109 NE. 50 Portland, Oregon 97213 (503) 232-8383

January 12, 1984

Bureau of Indian Affairs
Social Services
* Urban Indian Health Clinic
1200 S.E. Morrison
Portland, OR 97214

Subject: Letter of Support

To whom it may concern:

The Foster Parents Association serves approximately 1400 foster families in the metropolitan Portland area, those families providing care for about 1500 children each day. As an agency with a strong focus on the areas of training, peer support activities, and advocacy for children in foster care, we work with numerous agencies, both private and public, to assure appropriate service delivery to children needing substitute care.

Indian Child Welfare programs that include both prevention and treatment aspects have been instituted locally and now seem to have a broad base upon which to build within the Indian community in the area of developing foster homes specifically trained and especially able to care for native American children. Cooperating with the Oregon Children's Services Division and the Indian Child Welfare Program, the Foster Parents Association encourages efforts aimed at recruiting and training such foster families as well as of support groups that evolve out of common needs and experiences in providing care to foster children.

Additional program proposed by the Indian Child Welfare Program that should have long-term beneficial results in helping youngsters includes the Big Brother/Big Sister program.

Sincerely,

Ginny White
Training/Volunteer Coordinator



Department of Human Resources

CHILDREN'S SERVICES DIVISION

Child Protective Services Branch

1031 E. BURNSIDE, PORTLAND, OREGON 97214-1380 PHONE (503) 238-7555

January 11, 1983

Bureau of Indian Affairs
Social Services Department
c/o Urban Indian Council
Indian Child Welfare

To Whom It May Concern:

I am a caseworker with the State of Oregon's Children's Services Division and have worked with the staff at the Urban Indian Council for a number of years in regard to Indian children in my caseload. I have found the Urban Indian Council and the Indian Child Welfare to be an invaluable resource for Indian families. They have provided free health care, psychological evaluations and ongoing counseling, parenting and self-esteem classes, foster home recruitment, home visits, supervision of parent-child visits, assistance in developing a workable service plan for families, etc., etc. They have worked well with my clients, establishing trust and rapport with them and easing the often-felt strain between Indian families and C.S.D. The Urban Indian Council has encouraged inter-agency cooperation and strives to improve the quality of it's services. I am in strong support of any attempt on their part to broaden the scope of the services they provide and hope that funds will be made available to them for further program development into areas such as a homemaker program, Big brother program, and Indian grandparent recruitment and support.

Sincerely,

Bart Wilson, Manager
Child Protective Services

Elizabeth Pierson, Caseworker

EP/mk



WAVERLY
CHILDRENS
HOME

January 10, 1984

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3550 S.E. WOODWARD ST.
PORTLAND, OR 97202
(503) 234-7532

Bureau of Indian Affairs
P.O. Box 3785
Portland, Oregon 97201

Dear Sir:

This is a letter of support on behalf of the Indian Child Welfare Program. They have been supportive in helping us with a Warm Springs Indian child in long-term residential treatment, by providing consultation, play therapy and Big Brother resources. We have found their expertise essential in our understanding of cultural and ethical concerns affecting treatment directions in our interactions with the Warm Springs Reservation Tribal Court.

Their services of prevention, treatment and referral are greatly needed in this community. Their highly professional staff of therapists, psychologists, psychiatrists and youth workers will require your continued support and endorsement if they are to carry on this good work.

Most cordially yours,

Donald R. Ebert

Donald R. Ebert
Family Therapist, B.S., M.Ed.

DE:aw

January 12, 1984



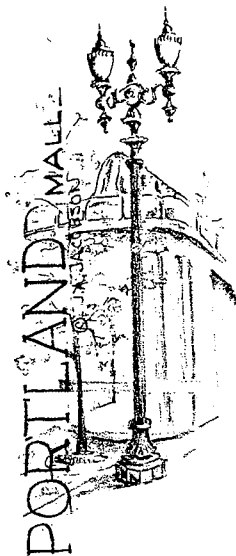
To Whom It May Concern,

The Urban Indian Council fills a very important need in our community. They help raise the consciousness of Indian people living in an urban environment by making them aware that there is a tradition and a culture that each "Urban Indian" is a part of. This is extremely important for people who have been displaced from their homeland for whatever reason. The Council also puts Indian people in contact with each other by having special programs and activities.

The Urban Indian Council is working to upgrade their services all the time. They are working on a Big Brother-Big Sister program and a Grandparents program at the time. They also sponsor activities for our young people so they will have social activities that are positive. The people of the Urban Indian Council become personally involved with their clients while keeping a professional attitude. They care about the people of the Indian community.

We, as a licensed foster family, have worked with the Urban Indian Council as a support group for our Indian foster children. They work very hard to uphold the law of placing Indian children with Indian foster families. They also help with the nutrition of the child and visitation. We appreciate their work in these areas. The Council is in the process of recruiting more Indian foster families by hosting monthly workshops. We need more Indian foster homes to help the children of families in trouble.

The Urban Indian Council helps foster public



awareness of the existence of an indian population in their midst. This often goes unnoticed. The Council is a positive step in our country to help the indian people. For their work with indian people and the public as a whole we support the Urban Indian Council and their application for a grant.

(ICW INDIAN FOSTER FAMILY)



Jan 11/1984

Urban Indian Council
I.C.W. Program

to whom it may concern.
I'm writing this letter
of support for the I.C.W.
It is really needed in
our community for the
needs of our Indian children.
It has helped me in a
matter of a few hours.
With the work of our
staff on the I.C.W. to
If not for I.C.W. I
would not have my
grandson today.

(ICW CLIENT)

JOHN SPELLMAN
GovernorSTATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

RECEIVED 1984 2 1 1984

Mr. Pete Taylor
Senate Select Committee on Indian Affairs
United States Senate
Hart Senate Office Building
Washington, D.C. 20510

Dear Pete:

Please find attached a complete packet of testimony materials reflecting preparation and discussions involving tribal governments, Indian organizations, and the Washington State Department of Social and Health Services from December 1983 to April 1984.

I believe the attached material contains significant details from both the Indian and state agency perspectives here in Washington and should be made part of the record. It is my understanding that the complete packet may have been already submitted during the hearings. However, I am also sending the material directly to the Committee just in case.

Please feel free to contact me at (206) 754-1698 if I can be of further assistance.

Sincerely,

Don Milligan, MSW
DSHS Indian Affairs Section
OB 14
Olympia, WA 98504

Attachment

KAREN RAHM
SecretarySTATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
MEMORANDUMTO: Don Milligan, Chief
Office of Indian Affairs
M.S. OB-44G
DATE: January 12, 1984FROM: Winifred Wiatrak, Regional Administrator
Region 6, KR-23
SUBJECT: INDIAN CHILD WELFARE ACT

In response to Bob Lolcama's communication of January 3, 1984, I have asked all CSO's in Region 6 to respond per his request. Several offices have responded with positive aspects of the current act as well as recommendations for enhancements. These are summarized below:

- The single most important aspect of the current Indian Child Welfare Act has been the creation of Local Indian Child Welfare Advisory Committees. Offices with active committees find that communications and planning for Indian children has been greatly enhanced through committee activity.
- Placement and custodial requirements set forth in the act have brought about greater awareness on the part of non-Indian DSHS staff of the special needs of Indian children entering the social service system. Through information and committee activity the department is better equipped to address those needs.
- The current act supplies no funding or inadequate funding to allow committees to implement programs within the Indian Child Welfare Act. Examples include extensive coverage responsibility for existing Indian social service staff, gaps in due process because of lack of attorney resources to Indian tribal courts and transportation problems effecting return of Indian children to proper jurisdiction.
- The act does not address the needs of Canadian Indian children. The state act addresses Canadian Indian children but other border states may also benefit from recognition at the federal level of these special circumstances.
- The lack of specific procedural information lends itself to confusion regarding the role of DSHS when the child's tribe assumes jurisdiction and the child remains in a DSHS foster home.
- Delays in tribal court action or council action sometimes cause problems in meeting the rigid deadlines of P.L. 96-272.
- The requirement to research enrollment eligibility for Indian children when potential tribal affiliation is with tribes outside the State of Washington causes delays and staff frustrations. The Bureau of Indian Affairs is notably lacking in timely response to research requests.

Thank you for the opportunity for input.

MW:1kb
cc: Don Gamble
Bob UtterKAREN RAHM
Secretary

JOHN SPELLMAN
Governor



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Olympia, Washington 98504

April 12, 1984

INDIAN CHILD WELFARE ACT HEARINGS ALERT

HEARINGS

Our most recent information indicates that the Senate Select Committee on Indian Affairs will hold a hearing on the Indian Child Welfare Act:

Date and Time --- April 25 at 10:30 a.m.
Place --- 124 Dirkson Senate Office Building
Washington, D.C.

TESTIMONY

Please find attached a complete packet of material covering testimony preparation carried out by representatives of tribes and Indian organizations in Washington State.

Attachment #1 is the final draft of recommendations covering eastern and western Washington Indian discussions summarized by Betsy Redbear, Michelle Aguilar, and Ramona Bennett (plus comments by Nancy Tuthill, American Indian Law Center).

You are requested to review this material and submit tribal and organizational resolutions in support of attachment #1. One copy of your resolutions plus attachment #1 should go directly to:

Senate Select Committee on Indian Affairs
U.S. Senate
Hart Senate Office Building
Washington, D.C. 20510
Attention: Pete Tayler

A second copy of your resolution should be mailed to:

Betsy Redbear
Nak-Nu-We-Sha
P.O. Box 151
Toppenish, WA 98948 Phone: (509) 865-5121

Betsy will attach your resolutions to testimony that will be presented by a member of the Yakima Tribal Council at the hearing.

Attachments #2 through #5 will be attached to the Yakima Tribe's testimony for the hearing. These attachments are attached here to provide you with supplemental support data for any additional testimony your tribe or organization may wish to submit for the hearing. You are encouraged to submit your recommendations directly to the Committee.

Don Milligan
DSHS Indian Affairs
Mailstop OB 14
Olympia, Washington 98504
(206) 754-1698

WASHINGTON STATE TRIBES INDIAN CHILD WELFARE ACT RECOMMENDATIONS

- # 1. Definition of Indian - Washington State Definition preferred
- A. Include Indian Children who are acknowledge by an Indian Tribe or Indian community organization
 - B. Include Canadian Indian People, as authorized by the Jay Treaty or at least notify tribe of court action
- # 2. Include Indian children in juvenil justice system
- A. Tribal-state agreement to allow for Tribal court jurisdiction and utilization of state resources
 - B. Include process in Act for Tribes to reassume jurisdiction in juvenile justice issues (particularly in 280 states)
- # 3. Funding.
- A. Establish separate funding authorization (current authorization is pursuant to the Snyder Act.)
 - B. Establish an authorization level of 54 Million.
 - C. Consistency in funding from year to year on a 3 year cycle.
 - D. Minimum of 54 million per year for fiscal year 1985, 1986 & 1987.
 1. 30 million entitlement to Tribes and organizations.
 2. 24 Million merit Tribes and organizations
- A. Eliminate grant process and accept work plan as developed by Tribes & organizations consistent with P.L. 95-608.
 - B. Evaluation based on individual program merit.
 1. Evaluation guidelines will be established and consistent
 2. Evaluators will be qualified, trained and representative of the service area population.

Attachment #1

#4.

NOTIFICATION/BOTH VOLUNTARY & INVOLUNTARY PLACEMENT PROCEEDINGS

1. IDENTIFYING WHOS INDIAN
2. ENROLLMENT PROCEDURES
3. CONTROLS FOR COMPLIANCE ON PRIVATE AGENCIES
4. NOTIFICATION STATE-TO-TRIBE, TRIBE -TO -TRIBE
5. TIGHTEN UP ON BIA MONITORING IN THIS AREA
6. PRIOR TO GOING INTO COURT/AT THE TIME OF INTAKE
MANDATE THAT BOTH PUBLIC & PRIVATE AGENCIES GIVE NOTICE AT THE POINT OF INTAKE:
ALSO OTHER SYSTEMS/INDIVIDUALS WHO ARE INVOLVED

A. Upon notification of contact, the tribes shall have access to the following information:

1. Child's birth name and any AKA's, birthdate, tribal affiliation(s)
Birth parents.
2. Social history
3. case plan

B. The tribe will abide by the ethical and professional standards of confidentiality

#5.

In title II, Sec. 201 (a) (3), include cultural and family-enriching activities

- A. Continue to serve and preserve the rights of unrollable indians

#6.

Inheritance issues - all aspects,

- A. terminations
- B. enrollment
- C. Trust accounts
- D. tribal constitutions
- E. land holdings

#7. Appendix A (iv) pg. 2 (to read)

.... parents unless such placement terminates a child's rights of inheritance enrollment, or cultural reinforcements

#8. Add defintion of qualified expert witness

- A. An individual with experience in Indian Child development, psychology, child rearing, with the additional qualifications of knowing Indian customs, traditions and laws, and appointed by the child's tribe, Indian child welfare program, or other Indian organization (i.e. LICWAC)

#9

Transfer of jurisdiction

1. State to tribal court
 - A. Problems with the definition of good cause to the contrary
 - B. The burden of proof shall rest with the parent(s) objecting to the transfer to show good cause
2. Secondary back up by off-reservation programs when jurisdiction is denied by a Tribe, when notice goes out to the child's tribe(s) names and location of Indian child welfare services and tribes will be included.

#10

PL 96272 or any other federal or state laws governing child placement must never be used contrary to the best interest of the Indian Child as defined by 95-608

#11

Act mandate B.I.A. in conjunction with tribal and Indian organization establish a State-by-State monitoring committee to ensure compliance of provision of Act

- A. Public agencies
- B. Private agencies
- C. State courts
- D. Establishment of Tribal and Off-Reservation committee's to oversee the monitoring procedures of the Bureau and assist with the operational monitoring plan

1. Individual state regulations reviewed (annually)
2. State court/Agency reporting system (annually)

#12

When guardians ad litem are appointed for Indian Children, they shall meet the criteria described for expert witnesses (see number11)

#13

Adoption/Penalties (new section to be added to "Definitions")

- A. Failed Adoptions

1. Any out of home placement of an Indian child who has been adopted including consent to place, a criminal incarceration, a relinquishment, termination deprivation, any court ordered (Tribal or State) out of home placement requires:

- A. notice to biological parents
- B. notice to the tribes of origin.
- C. notice to the B.I.A.
- D. notice to local Indian child welfare adoptive services.

- B. Upon relinquishment or termination of an Indian Child as defined by PL 95-608 the supervision/Custody must be transferred to a Local Indian Child Welfare agency managed by a tribe or an Indian organization.

- C. Establish Penalties and compliance regulations.

AMERICAN INDIAN LAW CENTER, INC.
 P.O. BOX 4458 - STATION A
 1117 STANFORD, N.E.
 ALBUQUERQUE, NEW MEXICO 87198
 PHONE (505) 277-5462

MEMORANDUM

TO: Roger Jim, Chairman
 Yakima Tribal Council

FROM: Nancy M. Tuthill, Deputy Director

RE: ICWA Oversight Hearing

DATE: April 2, 1984

Pursuant to the request of Ms. Elizabeth RedBear, Yakima Nak-Nu-We-Sha Program, and other Committee members who met March 26-27, 1984, to discuss the ICWA Oversight Hearing, I have prepared comments on their consolidated recommendations as well as comments on other areas of concern. My comments address the thirteen tribal recommendations.

1. Definition of Indian - The expanded definition is commendable in that it seeks to fill the gap wherein some Indian children fall through the cracks of ICWA. I do not, however, think that Congress will expand the definition to include Indians that fall outside the federal definition of member or eligible for membership in a federally recognized tribe and the biological child of a member. I would recommend that the definition be expanded to include children who are members or eligible for membership and the biological child of a member or parent who is eligible for membership. I am aware of one controversial case in Washington that could have been more easily resolved had the ICWA applied to the child whose parent was eligible for membership. But the child was not eligible until the parent changed tribal membership after the case was litigated.
2. Juvenile Justice Issues - I wholeheartedly recommend that 2.b. of the recommendation on the reassumption of jurisdiction in P.L. 83-280 states be expanded to include juvenile offenders/juvenile delinquents and status offenders. When Congress authorized reassuming exclusive jurisdiction over child custody matters, they ended up giving only half of the pie to tribes. Children are a valuable resource of tribes and as such, all Indian children could benefit from returning to their tribe's reservation. The arguments against such an expansion of ICWA are that the ICWA was not intended

to include those other children and that it will cost a lot to improve tribal juvenile justice systems to accommodate exclusive jurisdiction over such cases. Some tribes do not have juvenile detention facilities; nor do they have shelter care facilities; therefore, such an addition may not be feasible for some tribes without additional time to plan and additional money to develop resources. The types of cases would probably be necessarily limited to misdemeanors, as the U.S. Attorney's offices would frown on exclusive jurisdiction over a case involving a major crime because they would have to prosecute the cases in federal court. In spite of the potential arguments against reassumption of exclusive jurisdiction over juvenile offenders, it would be left up to the individual tribe to determine whether they have the resources to accommodate such cases.

The other issue under juvenile justice suggests that tribes be allowed to enter into tribal-state agreements on juvenile offenders and that they be allowed to access state resources. The ICWA authorized agreements regarding issues of jurisdiction primarily because the Indian Civil Rights Act's amendment to P.L. 83-280 prohibits the giving up of tribal jurisdiction without certain conditions being met. The ICWA, in effect, supercedes those conditions or prohibitions in child custody matters only. Tribal-state agreements were not invented under ICWA, they have been entered into for many years and on many subjects; therefore, tribes can negotiate agreements on juvenile offenders provided that they do not violate the Indian Civil Rights Act's amendment to P.L. 83-280. Many tribes use state resources and it may be by an agreement on reimbursement of cost for use of such resource, e.g., juvenile detention center or juvenile diagnostic facility. The issues of accepting a tribal court order for placement in the state facility and the subsequent payment for placement by the state are hard issues. It is unlikely that Congress would require full faith and credit of tribal court orders in such placements unless the tribe agreed to pay for the placement. Such action would be analogous to the federal courts or other state courts ordering a state to accept a placement and having a state pay for the placement.

3. Funding - One primary criticism that I have had of ICWA since its enactment has been the statutory funding authorization under the Snyder Act. The BIA has continually robbed Peter to pay Paul under ICWA Title II because ICWA's funding

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INDIAN SERVICES

authorization is the same authorization as the entire BIA. Congress should have authorized separate funding, which would have partially eliminated the problem with ICWA funding level. The recommended CBO funding level of ICWA was \$125 million spread over a five-fiscal-year period, with approximately \$80,000,000 for construction. Rep. Udall amended the bill, HR 12533, to eliminate the construction costs and projected expenditures of \$44 million spread over five fiscal years. See Congressional Record H12854, October 14, 1978.

Congress sometimes puts the cart before the horse and in the case of ICWA, they did just that. They should have authorized and appropriated dollars for tribal program development before mandating transfers to tribal court under ICWA. The jurisdictional mandates of ICWA placed the tribes in a precarious situation of deciding whether they should accept or request transfer from state court. Also, this decision should be based upon an assessment of available resources, e.g., availability of foster homes, money for foster care payments, willingness of extended family members, etc. A higher funding level, consistency of funding and a three-year funding cycle would greatly assist tribes in making the decision of accepting or requesting transfer.

The tribes' requested funding appropriation level of \$54 million per year would be nice but is unrealistic, especially since the recommended funding request was \$15 million from the western tribes. A funding level of \$54 million would cost approximately \$38.00 per Indian person who was counted under the 1980 census. But what percentage of those persons counted or uncounted in the 1980 census would be served under ICWA by tribal or Indian organizations? There should be a clear justification for requesting \$54 million, e.g., according to AAIA's 1976 statistics Indian children have 200-1 odds of being placed out of home as compared to other children; therefore, because of this risk, a higher level of dollar funding is necessary to prevent the removal or to reunify the family. I don't know what the odds are, how many families will come into contact with the state system, or how much money is realistic as to cost per person, but to provide Congress with better data at the oversight hearing examples, cases or statistics should be used. A general statement may not be good enough for Congress. They need to hear the horror story, the real, live here-and-now

of how ICWA hasn't worked and how it can be improved by expended more dollars to save the most valuable resource the tribes have - their children. Rep. Udall projected costs of \$44 million over a five-year period will be hard to overcome but examples are a must.

The evaluation process of ICWA, Title II grant applications has been a critical concern of many tribes. There needs to be a more consistent method of evaluation. But again, examples should be used to bolster the argument of how to improve the application process.

Notice - The issue of adequacy and proper notice to tribes of ICWA has caused many debates across Indian country. One clear issue on notice is the requirement or non-requirement of notice to tribes in a voluntary placement. Congress apparently felt that notice to tribes in voluntary placements was not necessary, as the statutory language does not appear to mandate such notice. This omission of notice to tribes apparently was based upon the issue of rights of parents to request of anonymity, etc. The Act does not prohibit intervention by the tribe in voluntary placements nor does it encourage intervention. If a tribe finds out about a voluntary placement through the moccasin telegraph, they could request transfer and intervention but I suspect that the parent would object to transfer and the state court might refuse the right of intervention. I am aware of at least one state court allowing such intervention but that state court should not have been adjudicating the case because it was a clear case of exclusive tribal jurisdiction.

One major gap of ICWA is that notice to tribes is not mandated until an action is initiated in the state court. This prohibits consultation and assistance by a tribal agency or Indian organization in prevention or reunification activities. If a state CPS caseworker could utilize tribal agencies or Indian organizations to prevent removal or reunify the family prior to the filing of a petition, it would be in the best interest of the child. Congress has identified the need for permanency planning by its enactment of P.L. 96-272, Adoption Assistance and Child Welfare Act of 1980, since its requirements suggests that prevention and reunification are priorities. ICWA should provide for notice to tribes upon first contact with an Indian family, as waiting until the petition is filed creates problems for the child, family and tribe.

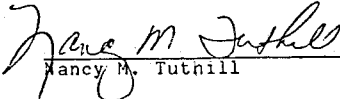
Whether or not notice is properly and timely provided to tribes should be monitored by the BIA or another identified agency or group. If notice is not properly provided, the case could later be invalidated in an appellate court.

5. Title II Activities - Including cultural and family-enriching activities in Title II grant programs is appropriate but it is doubtful that Congress would authorize expenditures on non-federally recognized families.
6. Inheritance Issues - Inheritance issues are of utmost importance in ICWA adoption cases. Without proper notice to tribes and BIA, a child could lose money and their rights to property. This is very critical if a tribe requires membership verification and the tribe did not receive the required membership information on an adopted child.
7. Adoption Placement - I'm not sure that adding "parents unless such placement terminates a child's rights of inheritance, enrollment or cultural reinforcements" to Sec. 4(1) iv. will accomplish its apparent intent. The proposed language needs to be reworded and its intent clarified by example.
8. Qualified Expert Witness - Adding a definition of "qualified expert witness" would assist state courts. But I think it's unlikely that Congress would tell state courts who an expert witness must be in an ICWA case.
9. Transfer of Jurisdiction - The legislative history on "good cause" for denying transfer to tribal courts indicates that state courts are to use a modified doctrine of forum non conveniens. The state court guidelines, F.R. November 26, 1979, set forth good examples for the state courts to use when finding good cause, but many state courts are not following those "guidelines." It would be nice if there were some way to force all state courts to use the same standard for finding good cause.

The issue of requiring a parent show good cause when they object to transfer to tribal court is not open to much debate. It is highly unlikely that Congress would require that a parent show good cause; their objection to such transfer would be enough to prevent the transfer. Even though ICWA recognizes the importance of tribes having a say in the future of their children, Congress also recognized the rights of parents.

I'm not sure of the purpose of notifying an off-reservation Indian program if a tribe refuses to accept transfer of an ICWA case. This issue should be more clearly stated.

10. Federal and State Child Placement Statutes - The issue of federal or state laws that are or appear to be contrary to ICWA may not be a valid concern. ICWA would clearly oust any contrary state law under the Supremacy Clause of the U.S. Constitution. Federal statutes that expressly contradict ICWA is a harder issue to resolve. Although P.L. 96-272 appears to contradict ICWA, I would argue that it enhances ICWA because of the focus on prevention and reunification. The one major issue under P.L. 96-262 is its affect on TPR petitions after the child has been in placement 18 months. Even though a TPR petition is filed, the standard of proof under ICWA of "proof beyond a reasonable doubt" will still be the required proof.
11. Monitoring Committee - As stated under Number 4 of these comments, there needs to be some sort of monitoring system. Establishing such a system outside of the government, e.g., BIA or IHS would be unwieldy and costly. It might be difficult to persuade Congress to set up such a system.
12. Guardian ad Litem - It would be extremely difficult to convince Congress that a non-legal trained person should always serve as a guardian ad litem in ICWA cases.
13. Adoption/Penalties - There needs to be a method of prohibiting doctor and lawyer adoption placements. In particular, these placements should not be made without home studies or without following ICWA. Establishing civil or criminal sanctions might prevent such placements but how will the sanctions be enforced, if the lawyer intentionally fails to advise the state court that the child is an Indian child? A great deal of thought needs to be given to enforcement of sanctions.


Nancy M. Tutnill

NMT/bj

cc: Elizabeth RedBear

JOHN SPELLMAN
Governor

STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Olympia, Washington 98504

December 27, 1983

TO: Indian Child Welfare Programs

FROM: Don Milligan *DM*

SUBJECT: PREPARATION FOR SENATE HEARINGS ON AMENDMENT OF THE INDIAN CHILD WELFARE ACT

As most of you know, we have been told that the Senate will be holding hearings regarding the possible amendment of the Indian Child Welfare Act and its regulations possibly some time in late February or March, 1984. The specific focus of the hearings has not been set yet, but we should probably proceed looking at all aspects of the act.

At the request of Roger Jim Sr., Yakima Tribal Council, I have scheduled a work session for January 19 and 20 to provide tribal and off-reservation Indian Child Welfare Program staff the opportunity to share their ideas, concerns, recommendations and strategies to prepare for the hearings. See map for location.

First, we are asking that each of you review your own experiences and concerns with the act since 1978 in such areas as funding level, grant application process, state court issues, state and private agency issues, tribal court issues, federal agency issues, etc. Second, we are asking that each of you obtain a tribal or board resolution containing recommendations for amending the Indian Child Welfare Act based upon your own program experiences. Please bring extra copies to the work session.

During the work session we will ask participants to share their concerns and recommendations.

All participant recommendations will be compiled with summary commentary into one document. This document will be distributed to all Indian Child Welfare Programs with the request that you work with your tribal council or board of directors to pass a resolution in support of the combined document. In addition to each tribe/organization sending your resolution and the combined document to the Senate hearings and to your legislators, we are asking that each of you send a copy of your resolution to me. I will see to it that it is attached to a combined document with all resolutions from Washington State tribes and organizations and presented by a tribal leader during the hearings in Washington D.C. in February.

Those of you who cannot attend the work session please send a copy of your resolution and recommendations to me and it will be distributed there. You will also receive a combined document.

For your convenience, I have attached some material related to possible amendments.

Attachments

Karen Rahm
~~XXXXXXXXXX~~
SecretaryINDIAN CHILD WELFARE ACT
WORK SESSION AGENDA

January 19 & 20, 1984

January 19, ThursdayPresentations:

- 9:30 - Evelyn Blanchard, Association of American Indian and Alaska Native Social Workers
- 10:00 - Goldie Todd, Quinault Tribe, and Panel *Ellen Ider Makah, Jennifer Clark Nooksack, Mary Stephenon Skokomish*
- 11:00 - Debbie VanBrunt, Lummi Tribe
Larry Lamebull, Puyallup Tribe
Marie Starr/Karen Hausrath, Muckleshoot Tribe, and Panel
- 12:00 - Lunch
- 1:30 - Gwen Gua, Colville Tribe
Georgia Peone, Spokane Tribe
Betsy Red Bear, Yakima Tribe
- 2:30 - Esther Crawford, United Indians Of All Tribes, and Panel
- 3:30 - Additional Participant Presentations
- 4:30 - Adjournment

January 20, Friday

- 9:00 - Discussion of Recommendations
- 11:00 - Strategy Discussion
- 12:00 - Adjournment

Rough Notes
January 19 and 20, 1984

Quinault Tribe

1. Need access to DSHS files prior to tribal intervention (documentation of effort).
2. Court and DSHS notification of tribe untimely in several instances.
3. Need adequate definition of expert witness, e.g., must be Indian or designated by a tribal government.
4. Unwed parents/transfer issue.
 - Fathers (non-Indian) who have not declared paternity have frustrated transfers from state to tribal courts.
5. Divorce.
 - Non-Indian mothers obtaining custody in state courts.
6. Refusal of tribal courts to accept jurisdiction in some instances.
 - Training of tribal judges.
 - Protection of unenrollable Indian children.
 - Handling of children from other tribes.
7. Conflicts among various children's codes, e.g., Indian Child Welfare Act, WAC, PL 272, HB 2768, tribal codes, etc.
8. Lack of understanding by some tribal courts regarding higher standard of care provision, e.g., WAC.
9. Failure of some tribes to notify other tribes related to intervention.
10. "Good Cause to the Contrary" provision.
 - Objection of the non-Indian parent should not result in automatic non-transfer to tribal court.
11. P.L. 272 vs. Indian Child Welfare Act (Group Care).
 - Tribe must turn custody over to DSHS to receive benefits.
12. Under P.L. 272 if tribal courts do not do a timely review foster parents licensed by state-certified Indian programs do not receive state payments.
13. Clarification of roles of tribal court and social worker (program).
14. Variation of DSHS implementation of WAC from office to office.

15. Voluntary agencies:

- Some ignoring the ICW Act.
- Some not giving notice to tribes.

Swinomish-Nooksack-Upper Skagit Tribes

1. Conflicts develop when more than one tribe involved (need for inter-tribal agreements).
2. Unawareness of Courts and DSHS workers:
 - Need to share information prior to intervention.
 - Notification when CPS case is opened.
3. Courts not meeting standards of evidence.
4. Tribal access to court documents and DSHS.
5. Court orders should specify cooperative effort between DSHS, state court worker, tribal/off-reservation Indian programs.
6. State dumping responsibility on tribes, e.g., CPS investigation.
7. State refusal to investigate Indian cases.
8. Placement preference:
 - Inconsistency of federal AFDC regulations regarding "definition of relatives," tribal definitions, state implementation, and intent of ICW Act, i.e., no payment to relatives if they do not meet AFDC definition.
 - Clarification of extended family needed.
9. Placement preference not always being followed by DSHS, nor is consultation with tribes always obtained by DSHS.
10. Placement in tribally approved homes should be a requirement.
11. Hidden placements in AFDC.
12. Paternity problems:
 - No paternity established.
 - Removal from paternal relatives.
 - Threats of removal.
13. Recognition of tribal standards for establishing paternity - inconsistency from DSHS office to office.

Makah Tribe

1. Funding for services.
 - Relative payment and other services.
2. P.L. 272.
 - DSHS dictating to tribal court regarding content of order in order to get DSHS payment.
3. No provision in tribal court or code for Canadian Indian children.
4. Funding:
 - Recognition for success of funded programs.
5. Competitiveness for funding jeopardizes on-going programs.

Skokomish Tribe

1. Failure of BIA to take leadership regarding implementation of ICW Act.
2. Absence of a reporting system that accurately reflects activities of tribal programs.
3. State court failure to give notice to tribes.
4. Services to people who live off-reservation.
 - Not receiving service.
5. Expert witness credentials.
6. Voluntary placements.
 - No information being given to tribe and relatives.
 - Parents not receiving counseling regarding tribal resources.

Lummi Tribe

1. Funding.
 - Need for three year funding cycle.
2. ICW Act education needed for tribal governments.

3. Jurisdictional problems:

- Problems with tribal, state, federal courts accepting jurisdiction: rape, incest, physical abuse, geographic location of offense.
4. Broaden definition of "domicile" to avoid jurisdictional problems.
 5. Dependent ward of court placed off reservation.
 - Problem with county court system honoring tribal court order regarding child pick up.
 6. Education of state court system (Judicial Qualifications Committee).
 7. Whatcom County:
 - Court and Prosecutor's office fail to respond to requests for assistance unless processed through the county court.
 8. Legal assistance for child in voluntary relinquishment.

Puyallup Tribe

1. Jurisdiction - problem with state courts regarding transfer.
2. Training of state court judges and attorneys general needed.
3. More adequate funding cycle.
4. Need for legal assistance.
5. Tribal delegation of expert witness:
 - Indian
 - Tribal specific
6. Use state Inter-Local Cooperation Act regarding transfer of protective service investigation.
7. Requirement that all tribal judges have special training on ICW Act and sexual abuse.
8. Act should include sanction of courts and agencies who do not notify tribes.
9. Need for Inter-Tribal Agreements.
10. Legal Assistance (federal, state).

Muckleshoot Tribe

1. Funding.
 - Restrictions on population figures used.
2. Competition causes friction between programs.
 - 3 year cycle
 - set aside for on-going programs
3. Grant application process.
4. State Court:
 - Trouble with youth perpetrators. Forced to use state courts for resources.
5. Notice:
 - Review hearings/kids who have been in care for a long time.
6. Teeth in guidelines to get courts to comply.
7. Monitoring of private agency needed.
8. Confidentiality - what assistance given to parents to learn resources of tribes.
 - Tribe - confidentiality.
9. Need for broadening of tribal/state agreements in cases of group home services.
10. State custody of children in group care.
 - State law - no alternative to public agency (P.L. 272 undoing parts of ICW Act).
11. BIA should be monitoring public and private agencies and state courts.
12. Tribal courts - getting other tribal courts to recognize tribal membership.
13. CPS workers cannot directly file petitions in tribal courts.
14. Identify notification problem in Pierce County (tribal and state courts).

15. Notification of tribes is a problem.
16. Requirement of inter-tribal agreements.

Colville Tribe

1. \$1 million should be reinstated.
2. Include "voluntary" removals.
3. Monitoring for compliance to the ICW Act - establish committee.

Yakima Tribe

1. Training on P.L. 272 (Court-State-Tribal Program).
2. Emphasis on cultural relevance in program and courts.
3. Custody issues between relatives.
4. State forcing tribe to adhere to state standards.
 - Beyond licensing standards.
5. Clarification of tribal enrollment in adoption.

Spokane Tribe

1. Funding - ADC.
2. When state court places Indian child within the jurisdiction of a tribal court does the tribal court assume jurisdiction? Clarification of tribal right to assume jurisdiction needed.
3. Divorce proceedings in tribal courts - custody matters. Amend Act to address custody issues.

United Indians of All Tribes Foundation

1. Guardian Ad Litem: Judges place a lot of weight on the recommendations of unknowledgeable non-Indian GALs.
2. Private agencies are not in compliance with the ICW Act. Notification of tribes is a problem.
3. Training of state judges and attorneys.

4. Increase funding.
5. Monitoring of state courts and private agencies.
6. Provision for intervention by urban programs on behalf of tribes.
7. Transfer of jurisdiction to urban programs and tribal council.
8. Private agency compliance should be identified in the ICW Act. Minimal monitoring by DSHS for compliance.

Suquamish Tribe

1. Funding.
2. Juvenile Court cases held off reservation.
 - Intervention prevented.
3. Definition of Indian should include unenrollable Indians.
4. Some tribal court orders not being accepted by state courts and agencies - tribes have to pay for some services.
5. Canadian Indian issues of transfer and services.

Lower Elwha Tribe (via Jan Goslin)

1. Funding.
2. Alternative funding sources - pay for work done by tribal program for DSHS.
3. LICWAC seen as arm of the tribe. There is a need for tribal committee to work with DSHS in instances where parents refuse staffing.
4. Notification to tribes within 72 hours of involuntary placement.
5. Lack of Indian foster homes.
6. DSHS notify by telephone and follow-up with registered letter.

Miscellaneous

1. Designation of a tribe as a public agency would provide tribe with access to confidential information.
2. Monies for children with special needs in P.L. 280 states.
3. Problem of late identification of some Indian children due to appearance.
4. Definition of Indian.

DSHS

See attachment of DSHS comments.

JOHN SPELLMAN
Governor



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Olympia, Washington 98504

February 15, 1984

Karen Rahm
ALXN 98504
Secretary

TO: Participants - February 10, 1984. Indian Child Welfare Work Session, Yakima Indian Nation

FROM: Don Milligan *Don Milligan*
DSHS Indian Affairs

Please find attached the following items:

1. Outline notes prepared by Barb Nenema, Kalispel Tribe, based upon the work session discussion.
2. Resolution submitted by the Colville Tribe.
3. Attendance list for the work session.

Evelyn Blanchard, Association of American Indian and Alaska Native Social Workers, and Betsy Red Bear, Coordinator of the Eastern Washington work session, strongly encourage tribal governments, tribal child welfare programs, and offreservation Indian organizations/programs to do the following:

1. Prepare your separate testimony to submit to the oversight hearing and appropriate legislators using the outline notes as a basis.
2. Submit letters of support and tribal resolutions supporting the attached work session recommendations as soon as possible to Betsy Red Bear.
3. Review and support the work session recommendations developed by tribes and Indian organizations in Western Washington on February 24, 1984. Plans are to consolidate the Eastern and Western Washington work session recommendations into one package for the oversight hearings. It is my understanding that Betsy Red Bear and Goldie Todd will be coordinating the consolidation.

However, it is important that each tribe, program, and organization submit their own testimony to the hearing in order to show widespread interest and support to the U.S. Congress.

Attachments

Attachment # 3

EASTERN WASHINGTON TRIBES MEETING FEBRUARY 10, 1984A.) REVIEW OF CURRENT FINDINGS FROM SEATTLE 19 & 20 MEETING:

1. Funding
2. Voluntary proceedings/Notice
 - A. Both Private & State Agencies
 - confidentiality
 - B. Tribal Children's Codes to specify guidelines
 - coordination effort for all Tribes
 1. Domicile
 2. Enforcement within the Act, "Model" guidelines
 3. Enforcement & Monitoring by the Bureau
 - C. Custody Issues, considering the rights of both parent & child
3. Monitoring/compliance
4. Role of the Local Indian Child Welfare Advisory Committee (LICWAC), within the Act the only reference made in this area is as a Higher Standard of Protection.
 - A. There is a need for the issue of an advisory committee to be specifically addressed in the Act.
 - B. Stress the need for Indian participation on off-reservation LICWAC's
5. P.L. 96-272 contradicts the Act on maintaining jurisdiction of Indian children
 - A. State & Federal money
 - B. If Tribes had appropriate funding!
6. Enrollment Issues
 - A. Relinquishment/set requirements for enrollment and/or verification of Indian blood.
7. Placements/State guidelines encourage foster care placements over extended family by giving more money for that type of placement
 - A. Can be addressed in P.L. 96-272
 - B. Standards for foster care, to compare with State
8. Clarification of State Court Transfer (s): to Tribes
 - A. Expand Notice procedure (definition) to also include cases that do not get into Court

9. Domestic Relations/Divorce Proceedings
 - A. Custody to non-Indian parent
10. State-Tribal Agreements
 - Need for extended definition/clarification
 - A. Open for both concurrent & exclusive jurisdiction Tribes
 - B. Open for Urban/Rural Indian programs and organizations
11. Urban/Rural (Off-Reservation Indian Issues)
 - A. Secondary protection procedure i.e. when jurisdiction is denied by a Tribe, the Off-Reservation program can assume the jurisdiction over the Indian child as an added safeguard

B.) SUMMARY/RECOMMENDATIONS:

1. Funding
 - A. Current: competitive
 - appropriated amount
 - 638 Social Service Funds
 - Tribal
 - Administration for Children, Youth & Families (ACYF)
 - IHS
 - ANA
 - State Grants
 - Local funds
 - B. Need guaranteed funding
 - based on our proposed level
 - entitlement monies
 - adequate funding based on need
 - C. A procedure be developed for distribution of funds pursuant to needs
 - BIA/HHS coordinate funding (a mandated allocation plan)
2. Court-Related Issues
 - A. Notification/Both voluntary & involuntary proceedings
 1. Identifying whos Indian

2. Enrollment procedures
 3. Controls for compliance on Private Agencies
 4. Notification State-to-Tribe, Tribe-to-Tribe
 5. Tighten up on BIA monitoring in this area
 6. Prior to going into Court/at the time of intake
 7. Mandate that both Public & Private agencies give notice at the point of intake; also other systems/individuals who are involved in the placement process.
- B. Transfers
1. Problems with the definition of Good Cause to the Contrary
 2. Expert witness definition included
 3. Secondary backup by Off-Reservation programs when jurisdiction is denied by a Tribe
 4. Based on Tribal Sovereignty, a child who falls within the definition of "Indian" will automatically be eligible for transfer and/or one parent is Indian, that child/case will be eligible for transfer/Notices included
- C. Legal representation for/by Tribes
3. State/Tribal/Urban/Off-Reservation
 - A. Establishment of (independent) LICWAC systems/consultants
 1. Uniform guidelines, Tribal first, Off-Res. second
 2. Indian membership
 3. Assist with monitoring responsibilities
 - B. State-Tribal Agreements
 1. Need for extended definition/clarification
 - open for both concurrent & exclusive jurisdiction Tribes
 - open for Urban/Rural Indian programs and organizations
 - establish uniform guidelines/standards
 4. Compliance Regulation (use supplement)
 - A. Mandatory operational & monitoring procedures
 - B. Definite line of authority
 - C. Establishment of Tribal and Off-Reservation committee's to oversee the monitoring procedures of the Bureau and assist with the operational monitoring plan
 1. Individual State regulations reviewed (annually)
 2. State Court/Agency reporting system (annually)

SUPPLEMENT/COMPLIANCE STRUCTURE
(MONITORING & IMPLEMENTATION RESPONSIBILITIES)

CONGRESS (TWO OVERSITE COMMITTEES)

BIA ≡ CENTRAL
AREA
AGENCY

HEW (HHS)

-IHS

-CHILDREN'S BUREAU

STATE COURTS (SYSTEM)/ Private Attorneys

PUBLIC AGENCY (DSHS)

LICWAC

PRIVATE AGENCY

URBAN INDIAN ORGANIZATIONS

TRIBAL COUNCIL ≡ ADVISORY COMMITTEES
TRIBAL PROGRAMS

TRIBAL COURT

CHILDREN'S COURT

PROSECUTORS

PRIVATE ATTORNEYS

LAY COUNSEL

PUBLIC DEFENDERS

PARENTS/EXTENDED FAMILY/RELATIVES

INDIAN CHILDREN

R E S O L U T I O N

WHEREAS, the Colville Business Council is the governing body of the Confederated Tribes of the Colville Indian Reservation, Washington, by authority of the Constitution and By-laws of the Tribes as approved on February 26, 1938, by the Commissioner of Indian Affairs; and

WHEREAS, "The Indian Child Welfare Act of 1978 (PL 95-608) was enacted by the U.S. Congress to establish standards for the placement of Indian children in foster or adoptive homes and to prevent the breakup of Indian families;"

WHEREAS, "the U.S. Congress has declared that it is the policy of the Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture;"

WHEREAS, "the states, exercising Jurisdiction over Indian child custody proceedings through administrative and judicial bodies, have often failed to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families;"

WHEREAS, in order to accomplish the above goals Indian tribal governments, Indian organizations, and the Bureau of Indian Affairs must develop and implement a system for monitoring and technical assistance to state courts, state agencies, and private agencies;

WHEREAS, the Colville Confederated Tribes obtained Exclusive Jurisdiction of Child Welfare matters on February 14, 1980.

THEREFORE, BE IT RESOLVED, that we the Colville Business Council meeting in Session this th day of January, 1984, at the Colville Indian Agency, Nespelem, Washington, acting for and in behalf of the Colville Confederated Tribes, do hereby authorize a committee to develop methods of monitoring State Courts on Child Welfare proceedings on a State by State basis.

The foregoing was duly enacted by the Colville Business Council by a vote of FOR AGAINST, under authority contained in Article V, Section 1(a) of the Constitution of the Confederated Tribes of the Colville Reservation, ratified by the Colville Indians on February 26, 1938, and approved by the Commissioner of Indian Affairs on April 19, 1938.

ATTEST:

Al Aubertin, Chairman
Colville Business Council

Affiliated Tribes of Northwest Indians

RESOLUTION NO. 21

WHEREAS: "The Indian Child Welfare Act of 1978 (PL 95-608) was enacted by the U.S. Congress to establish standards for the placement of Indian children in foster or adoptive homes and to prevent the breakup of Indian families;"

WHEREAS: "the U.S. Congress has declared that it is the policy of the Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian Culture;"

WHEREAS: "the states, exercising Jurisdiction over Indian child custody proceedings through administrative and judicial bodies, have often failed to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families;"

WHEREAS: in order to accomplish the above goals Indian tribal governments, Indian organizations, and The Bureau of Indian Affairs must develop and implement a system for monitoring and technical assistance to state courts, state agencies, and private agencies;

THEREFORE, BE IT RESOLVED, that the Affiliated Tribes of Northwest Indians authorizes a working committee of tribal and Indian organization representatives to meet with the BIA Area Director to develop a joint monitoring committee to provide monitoring of and technical assistance to state courts, state agencies, and private agencies on a state-by-state basis.

CERTIFICATION

The foregoing resolution was duly adopted by the Executive Council of the Northwest Indians Spring meeting held in Tacoma, Washington, May 17-19, 1983, with a quorum present and voting.

Delbert Frank, Sr.
Delbert Frank, Sr., President

Virginia Ryan
Virginia Ryan, Executive Director

Attachment # 4

MUCKLESHOOT INDIAN TRIBE

38015 172ND AVENUE S.E. - AUBURN, WASHINGTON 98002 - (206) 939-3311

INDIAN CHILD WELFARE ACT ISSUES

1. Funding level: We would hope that the BIA would allow the Tribe to use population figures based on populations we serve to enable us to obtain funding which would allow for true preventative work with families. Our funding level at this time is more of a "holding" level. *It adds for bigger funding level to lead to more positive relationships between tribes!*
2. Grant application process: The Tribe would support a grant application process involving a three year cycle, rather than yearly as is the current process. We find that much time and energy is devoted to the annual application for ICWA funds that could be more profitably spent serving youth and families.
3. State Court issues: We are concerned about the possibility of not be notified for review hearing of children who have been in the system for many years. We are also concerned about the lack of Court rules standardizing and including ICWA requirements for State Court proceedings.
4. Private agencies: Who monitors these agencies for compliance with ICWA? Confidentiality issues are becoming more and more evident when parents request that Tribes not be notified, yet with a private agency/state agency, has there been proper attempt to work with the families concerning Tribal notification of the proceeding?
5. State agency/DSHS: Tribal-State agreements seem to be set up by the State as Tribal-Regional agreements; CPS portions of agreements fit into regional arrangements for Muckleshoot, foster care and group care issues cover larger areas. We are concerned about custody issues, especially group care. As per Substitute House Bill No. 848, RCW 74.13.080. and WAC 388-70-013, the State of Washington, DSHS must have custody of all children in Group care in order for the group care facility to receive payment. The Muckleshoot Youth Home, a group care facility, must give DSHS custody of Muckleshoot children who need group care at the Muckleshoot Youth Home. To give DSHS custody of our children in order to be eligible for group care payments seems to contradict the language and intent of the ICWA.
6. Federal agency/BIA: Is it the BIA's responsibility to monitor private agencies, state Courts? How does the regulation concerning the use of attorneys and 638 funds affect ICWA work needing attorneys?
7. Tribal Court: Our main concern here is the inability for the Tribal Court to order services for families, children, and teenage offenders. Tribal Court may request services. Tribal Court may not order a teenage offender into a State facility for juvenile offenders, which then leads to the need for the Tribe to use the state system for these offenses.

Tribal Courts transferring - to other tribal court when child is involved - Refusing to transfer & question enrollment

Exclusive jurisdiction and the state prohibition of state CPS workers filing petitions in Tribal Court

THE SUQUAMISH TRIBE PORT MADISON INDIAN RESERVATION RESOLUTION #84-002

WHEREAS, the Suquamish Tribal Council is the duly constituted governing body of the Port Madison Indian Reservation by authority of the Constitution and Bylaws for the Suquamish Tribe of the Port Madison Indian Reservation as approved July 2, 1965, by the Under-Secretary of the Interior; and,

WHEREAS, under the Constitution and Bylaws of the Tribe, the Suquamish Tribal Council is charged with the duty of protecting the health, security, and general welfare of the Suquamish Tribe and all Reservation Residents; and,

WHEREAS, the Indian Child Welfare Act of 1978 (PL 95-608) was enacted by the U.S. Congress to establish standards for the placement of Indian children in foster or adoptive homes and to prevent the break-up of Indian families; and

WHEREAS, the U.S. Congress has declared that it is the policy of the Nation to protect the best interests of Indian children and to promote the stability and security of Indian Tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which reflect the unique values of Indian culture; and,

WHEREAS, the current funding levels provided for this purpose are wholly inadequate, and further proposed reductions seriously imperil the ability of Indian Child Welfare Act programs to provide the basic services required in pursuit of the above policy goals;

THEREFORE BE IT RESOLVED, that the Suquamish Tribe requests that Governor Spellman communicate with the Washington Congressional delegation regarding the need for:

1. Restoration of the \$1 million cut from the Indian Child Welfare Act program appropriations for Fiscal Year 1984;
2. An appropriation of \$15 million for Indian Child Welfare Act programs for Fiscal Year 1985; and
3. Regional hearings to provide Congress with information necessary to ensure equitable and knowledgeable decisions regarding the future of these programs.