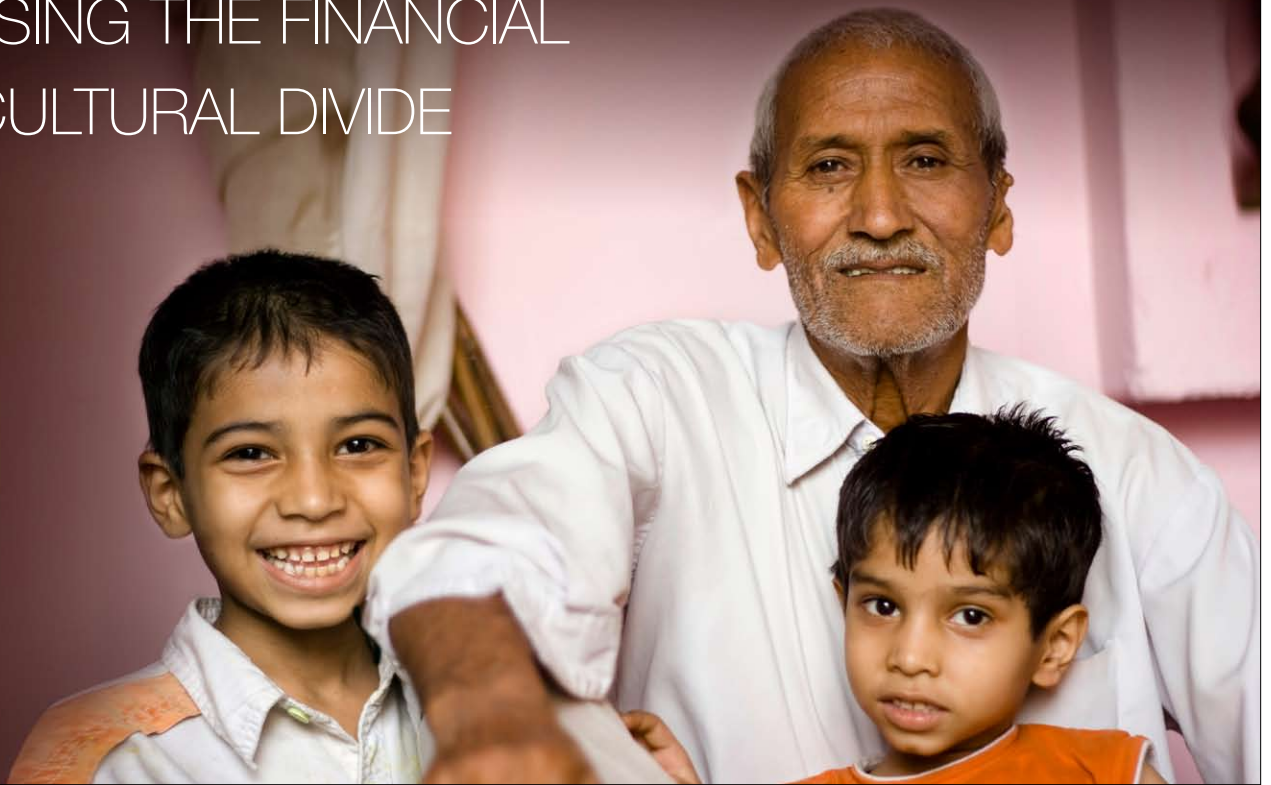


AMERICAN INDIAN CHILD WELFARE: CROSSING THE FINANCIAL AND CULTURAL DIVIDE



Daryle Conquering Bear, a former foster youth and Oglala Sioux tribal member, describes his experience in foster care. “I wasn’t able to participate in the cultural events that I had looked so forward to because I was placed in state foster care, far away from my community. As a result, I often feel like an outsider in my own tribe. During my time in foster care, I read books about ceremonies and events that I should have been experiencing first hand. Today, at events like pow wows, I feel like a spectator, not a participant.”

American Indian and Alaskan Native children, such as Daryle, are overrepresented in the nation’s foster care system at more than 1.6 times the expected level, and they are more likely than children of other races/ethnicities to be identified as victims of neglect.

The key to solving these enormous challenges is two-fold – providing appropriate financial support to strengthen current child welfare programs in tribal communities, and making sure non-American Indian child welfare professionals have the cultural knowledge and understanding to provide

appropriate support and services for this community.

The financial problem

Federal funding for child welfare services in tribal communities has been a patchwork of financing streams, most of which were discretionary and provided little support. As a result, tribal governments have been significantly limited in their ability to provide services, often forced to react to immediate crises rather than respond to core issues that put children at risk in the first place.

There is, therefore, the need for a greater balance between programs that fund services after children have been removed from their families, and programs that fund family preservation services, to help reduce the disproportionate number of tribal children in foster care, according to David Simmons, director of government affairs and advocacy for the National Indian Child Welfare Association (NICWA).

Recent data reveal that approximately two-thirds of American Indian and Alaskan Native children in foster care are placed by

state child welfare agencies, while one-third to 40 percent are placed in foster care by tribal authorities.

With two-thirds of the 563 tribes in America having less than 1,500 members, these small, interconnected communities have the social network and the desire to provide foster care for their children who need help, Simmons also points out. Almost every one of the federally recognized tribes in the United States offers basic child welfare services.

But with a preponderance of low-income households in these communities, willing families often can’t manage the financial burden of foster care, and governing tribes don’t have enough resources for needed social services to support foster families. All too often, Indian children are pulled into the state welfare system where they not only face unknown family circumstances but cultural mores that are far different from their own.

The cultural problem

In addition to inadequate federal funding,



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cultural misunderstanding and miscommunications exacerbate the problems. Tribes, for example, may be unable to deal effectively with an Indian child welfare case when a state sends official notice. Confusion may result when state social workers fail to get a timely response, contributing to a misunderstanding about the tribe's desire or willingness to take action.

In addition, when a non-Indian social worker interacts with a client from the Indian community, both may misjudge the other's actions based on learned expectations.

The challenges for Indian children in the welfare systems are also usually different than other children in similar circumstances. According to a reference guide published by NICWA entitled "Cross Cultural Skills in Indian Child Welfare: A Guide for the Non-Indian," "Indian children must learn how to fit into a bicultural world and how to deal with racism and prejudice within the dominant society. They must balance the teachings of their elders with the negative stereotypes and materialistic messages present in the media. They must cope with an educational system that often does not match their cultural values. And they must overcome serious economic and social problems on their reservation."

NICWA urges a thorough Indian-focused assessment of child welfare cases. If non-Indian norms or values are used to judge the family's economic, social, and psychological situation, the assessment will be inaccurate and lead to inappropriate interventions.

Emerging opportunities

Efforts today to support Indian child welfare programs follow decades of financially inadequate and culturally insensitive pro-

grams, dating back to the nineteenth century. Even in the late 1970s, for example, 85 percent of American Indian and Alaskan Native children placed in out-of-home care were placed in non-Indian homes or institutions.

In response to overwhelming evidence from Indian communities that the loss of their children meant the destruction of Indian culture, Congress passed the Indian Child Welfare Act of 1978, which was designed to protect Indian families and the integrity of Indian culture, while enabling tribes to reassume jurisdiction over child welfare matters. The first federal legislation on permanency planning, the Act was financially insufficient to be effective.

"PROVIDING MORE SERVICES WITHIN TRIBAL COMMUNITIES WILL ENSURE THAT OUR CHILDREN HAVE SAFE, PERMANENT HOMES AND STAY CONNECTED TO THEIR CULTURE." – TERRY CROSS

Tribes in most states are the only government that has authority to provide services to their children and families and to adjudicate child welfare proceedings. This is part of inherent tribal sovereignty, which was explicitly recognized in the Indian Child Welfare Act of 1978. Tribes have done their very best to provide these services and exercise their authority despite inadequate federal resources for tribal programs.

"Giving tribes direct access to federal child welfare resources is the most important

thing the federal government can do to help American Indian and Alaskan Native children and families in crisis," said Terry L. Cross, executive director of NICWA and member of the Seneca Nation of Indians. "Providing more services within tribal communities will ensure that our children have safe, permanent homes and stay connected to their culture."

On October 7, 2008, President Bush signed into law groundbreaking child welfare legislation, the Fostering Connections to Success and Increasing Adoptions Act of 2008. For American Indian and Alaskan Native children under tribal care, the law allows, for the first time since enactment of the Title IV-E Foster Care and Adoption Assistance Program in 1981, the authority for tribal governments to directly apply for and operate the program in their communities.

For children who have to be removed from their homes because of child abuse and neglect, access to Title IV-E, the federal government's largest source of child welfare funding, is critical to their being able to find a permanent home.

The ultimate benefit of this legislation, therefore, is to give American Indian and Alaskan Native children the opportunity to attain the permanence and support that all children in this country are entitled to and need.

"Implementation of this law will transform child welfare services for thousands of American Indian and Alaskan Native children. Tribes will be able to pay for foster and kinship care, recruit and train caregivers, and most important, ensure the safety, sense of belonging, and well-being of their children," says Cross.