

# URGE CONGRESS TO PROTECT AND STRENGTHEN TRIBAL FAMILIES



Nationally, child welfare agencies remove Native American children from their families at a disproportionately higher rate than they do White children. For every 100 substantiated cases of child neglect and abuse involving Native American children, 64 children are removed from their families.<sup>1</sup> Whereas only 32 out of every 100 White children who are in substantiated cases of child neglect and abuse are removed from their families. In addition, **85 percent** of these removed Native children were placed outside of their extended families or Tribes irrespective of the availability of suitable caretakers. These disproportionate removals add to the deep wounds historically inflicted on the cultural identity and sovereignty of Native American Tribes and do great **harm** to the wellbeing of their children who suffer greater rates of depression, alcoholism, and suicide than those adopted by Indigenous foster parents.

The U.S. Government and private institutions have been traumatizing Native American children by forcibly removing them from their families and Tribes for hundreds of years. Since the early 1800's Indigenous boarding schools were designed to eliminate Native American culture, language, and ways of being. The "schools" held Native American children captive and forced them to perform manual labor and often subjected them to solitary confinement, starvation, flogging, whipping and other forms of abusive punishments.<sup>2</sup> In the 1960's Native American children were stolen from their families and adopted off to white families. Today's disproportionate rate of removal of Native American children is a continuation of the systemic disregard of the sanctity of Indigenous family and tribal integrity and perpetuates harm to children and a lack of understanding of the **social determinants** of health.

Native American grandmothers, mothers, aunts, uncles, fathers, and grandfathers successfully advocated for policy changes to preserve Indigenous children's cultural ties when the **Indian Child Welfare Act (ICWA)** was passed in 1978. The law required that the child welfare system provide notice to the Tribe when a Native American child was removed from their family. Additionally, ICWA ensured that active efforts were made to keep the child with their family before the child was adopted. It also created a ranked placement or adoptive preference for the Native American child that started with the child's family members, relatives, and Tribe. This approach prioritized the sovereignty of the Tribe as well as the future wellbeing of the child.

Many Tribes and allies have fought to protect ICWA over the years and thankfully the law was recently upheld by the Supreme Court. Having said that, more must be done. There are additional reforms that are needed to protect and strengthen Tribal family integrity. First Focus on Children has identified the following bills as important to this effort. This month we will be building support for the following pieces of legislation by asking our U.S. Representatives to cosponsor them.

## **Strengthening Tribal Families Act (H.R. 3461):**

This bipartisan bill was introduced by Representatives Bacon (R-NE), Rep. Schweikert (R-AZ), LaMalfa (R-CA), Davids (D-KS), Kildee (D-MI), Peltola (D-AK), Cole (R-OK), and Chu (D-CA). Once made law, it will require states to comply with federal ICWA standards and requires federal agencies to develop a process to assess state compliance and to report on it to Congress.

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You may check [here](#) to see if your Representative has already cosponsored this bill.

## **Tribal Family Fairness Act (H.R. 2762):**

This bipartisan bill that was introduced by Representatives Kamlager-Dove (D-CA), Bacon (R-NE), and Davids (D-KS) will provide tribal courts the infrastructure and funding they need to provide culturally competent services to the families in their jurisdictions. It also provides funding for tribal adoptions. You may check [here](#) to see if your Representative has already cosponsored this bill.

## **Native American Child Protection Act (H.R. 663):**

This bipartisan bill was introduced by Representative Gallego (D-AZ) and joined by Rep. Newhouse (R-WA). It amends the Indian Child Protection and Family Violence Prevention Act to empower the Indian Health Service to respond to reports of child abuse or neglect in culturally appropriate ways. The bill would also fund the establishment of National Indian Child Resource and Family Services Center and require the creation of an advisory board for the Center. The advisory board will help the Center develop tools for how to work across agencies to prevent, investigate, treat, and prosecute family violence, child abuse, and child neglect. You may check [here](#) to see if your Representative has already cosponsored this bill.

## **Take Action Now! Write to your U.S Representative asking for their support for the legislation above:**

1. Reflect on why you care about the wellbeing of all children.
2. Consider including information about yourself and that you are writing now because while the [recent](#) Supreme Court decision on the Indian Child Welfare Act (ICWA) was welcome, additional reforms are still needed to strengthen Tribal family integrity.
3. Write a rough draft of your email that includes your support for evidence-based child welfare systems that understand American Indian and Alaska Native children's mental and physical [health](#) is [best served](#) when placed with a family or tribal member.
4. Check if your member of Congress has cosponsored the three bills listed above. If they have not yet done so, please ask that they do. If they have already cosponsored them, please thank them.
5. When you are happy with your email, explore the website of your member of Congress for where to send it. Find your [Representative](#) here.
6. Share any responses you receive with the First Focus Team.

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## ENDNOTES

- 1 [https://www.nicwa.org/wp-content/uploads/2021/12/NICWA\\_11\\_2021-Disproportionality-Fact-Sheet.pdf](https://www.nicwa.org/wp-content/uploads/2021/12/NICWA_11_2021-Disproportionality-Fact-Sheet.pdf)
- 2 [https://www.bia.gov/sites/default/files/dup/inline-files/bsi\\_investigative\\_report\\_may\\_2022\\_508.pdf](https://www.bia.gov/sites/default/files/dup/inline-files/bsi_investigative_report_may_2022_508.pdf)