



*Protecting our Children's Mental Health: Preventing and Addressing Childhood Trauma in Indian  
Country*

Written Testimony for the Senate Committee on Indian Affairs

United States Senate

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Chairman Tester and Vice Chairman Barrasso, we thank you for the opportunity to submit this statement for the record in response to the recent Committee hearing on “*Preventing and Addressing Childhood Trauma in Indian Country.*”

The First Focus Campaign for Children is a bipartisan advocacy organization dedicated to making children and families a priority in federal policy and budget decisions. Our organization is committed to promoting policies that serve the best interest and safety of children in the child welfare system. As you know, child abuse and neglect often contribute to long-lasting trauma in children and can impede child wellbeing and healthy development. We are concerned, as you are, by data and reports pointing to disproportionality in incidence of child abuse and neglect on Indian reservations and hope we can identify and promote effective and appropriate programs and services to address maltreatment for this vulnerable population.

A number of societal factors contribute to child abuse and neglect on Indian reservations. In 2009, 32.4 percent of American Indian children under the age of 18 lived in poverty. Unemployment rates for AI/AN adults are 14.6% - almost double that of White unemployment rates nationally.<sup>1 2</sup> Financial instability can often strain families and reduce a parent’s ability to manage stress and respond appropriately to a child. It can often mean that a parent feels unable to meet the needs of his or her child(ren). There is also a high propensity for sexual violence, substance abuse and trafficking on tribal lands due in part to a historic lack of law enforcement on Indian reservations.<sup>3</sup> AI/AN women are 2.5 times more likely to experience sexually violent crimes than other women.<sup>4</sup> These factors and others place AI/AN children at an increased risk for abuse and neglect and must be addressed.

A recent Department of Justice report, [\*Ending Violence so Children can Thrive\*](#), authored by the Attorney General’s Advisory Committee on American Indian/ Alaska Native Children Exposed to Violence, underscores the urgent need for additional resources and supports for this population of children. The Committee found that AI/AN children experience violence at higher rates than any other race in the United States and face significant issues due to trauma resulting from exposure to violence.

*“The immediate and long term effects of this exposure to violence includes increased rates of altered neurological development, poor physical and mental health, poor school performance, substance abuse, and overrepresentation in the juvenile justice system. This chronic exposure to violence often leads to toxic stress reactions and severe trauma; which is compounded by historical trauma.”<sup>5</sup>*

We fully support the Committee’s efforts and would like to highlight several key recommendations included in its report:



**1.3 Congress should restore the inherent authority of American Indian and Alaska Native (AI/AN) tribes to assert full criminal jurisdiction over all persons who commit crimes against AI/AN children in Indian country.**

Comment: Tribes must be given the authority to adjudicate crimes in their territories to deter violence from occurring and to impose penalties on those who commit crimes against children. The lack of enforcement by federal authorities to prosecute criminals in these areas and the powerlessness of the tribal courts to hold perpetrators responsible has historically attracted criminals to Indian country. Much of the trauma experienced by AI/AN children is the result of violence and empowering tribes to carry out justice on their lands will help reduce the incidence of violence, and therefore trauma and services needed.

**1.4 Congress and the executive branch shall direct sufficient funds to AI/AN tribes to bring funding for tribal criminal and civil justice systems and tribal child protection systems into parity with the rest of the United States and shall remove the barriers that currently impede the ability of AI/AN Nations to effectively address violence in their communities.**

Comment: Tribal programs are underfunded and many problems with the judicial and child protection programs cannot be solved until more money is invested in these programs. The United States, as a trustee of tribal lands and resources, has an obligation to ensure the wellbeing of AI/AN tribes. Specifically, increases in funding should be made for the Department of Interior: Welfare Assistance and Indian Child Welfare Act On-Reservation Programs and the Department of Health and Human Service's Promoting Safe and Stable Families and Child and Child Welfare Services programs.

**2.1 The legislative and executive branches of the federal government should ensure Indian Child Welfare Act (ICWA) compliance and encourage tribal-state ICWA collaborations.**

Comment: A [recent policy brief](#) authored by the National Indian Child Welfare Association identifies ICWA's key requirements as:

- 1) Encouraging more intensive examination of the efforts to prevent removals of AI/AN children and rehabilitate their parents,
- 2) Improving the identification of tribal and relative families who can serve as placement resources for AI/AN children,
- 3) Increasing access to culturally appropriate services,
- 4) Clarifying roles between states and tribes in child welfare matters,
- 5) Increasing sharing of funding and other resources between states and tribes, and
- 6) Stimulating the development of state policy to improve the effectiveness of services and supports for AI/AN children and families.



Unfortunately, implementation of these requirements has been varied and the purpose of these provisions is not being met. Lack of oversight by federal authorities as well as limited resources appropriated have made it difficult for ICWA to reach its potential.<sup>6</sup>

**2.6 The Secretary of Health and Human Services (HHS) should increase and support access to culturally appropriate behavioral health and substance abuse prevention and treatment services in all AI/AN communities, especially the use of traditional healers and helpers identified by tribal communities.**

Comment: Adults with substance abuse and behavioral health issues can endanger the lives of surrounding children in their communities as well as those in their care. Investments must be made in preventative services to strengthen families so that children are not exposed to violence, abuse, and neglect in the first place and to empower members of tribes through resources and culturally appropriate trainings so they can provide services to their peers. In addition, funding and access to mental health services by AI/AN children is essential. Investments should continue to be made in the Children’s Mental Health Initiative system of care grants and the Children and Family Programs circle of care grants.

Moving forward, we believe the swift and effective implementation of all of the Committee’s recommendations is vital to improving the lives of AI/AN children.

An all too common response to the violence and trauma AI/AN children experience is to place them in the foster care system. Yet there are practice concerns that need to be addressed. AI/AN children are three times more likely to be reported to child protective services and twice as likely to remain in foster care for more than two years than their non-AI/AN peers. For example, in North Dakota, AI/AN make up 9 percent of the population, but 30 percent of the state’s child abuse victims.<sup>7</sup> This overrepresentation of AI/AN children in foster care can be, in part, attributed to a bias in the system, leading child protective services to view certain cultural practices as child neglect or abuse, or view AI/AN families as less likely to benefit from family preservation or alternate response, services and supports that would keep them out of the foster care system, or even perhaps, that these families are inherently more likely to be abusive and criminal and removal of a child is almost always the right choice.

ICWA addresses some of these concerns by recognizing the important role of tribes in removal and placement decisions and by providing protections to keep AI/AN families safely together and children connected to their communities and cultures. However, widespread non-compliance with ICWA and a lack of adequate services and supports for American Indian families continues to place high numbers of American Indian children at risk of removal and entry into the foster care system.



We are encouraged by Attorney General Holder’s December 3<sup>rd</sup> [announcement](#) that the Department of Justice is launching a new initiative to promote compliance with ICWA. States are also working to implement pieces of ICWA into their state codes by incorporating new AI/AN specific definitions, ensuring notification to AI/AN parents and tribes of custody proceedings, and increasing collaborations between states and tribes. States are also issuing guidance to providers and relevant agencies to encourage compliance with ICWA.<sup>8</sup> We hope that Congress will do its part as well and make the necessary resources available to aid the Administration in this important effort.<sup>9</sup>

We thank you again for the opportunity to submit this statement for the record and look forward to working with you to ensure that the recommendations put forth by the Attorney General’s Advisory Committee are fully implemented. Should there be any questions regarding this statement, please contact Shadi Houshyar Vice President, Child Welfare at [shadih@firstfocus.net](mailto:shadih@firstfocus.net) or (202) 657-0678 or Rricha Mathur, Policy Research Associate & Program Manager at [rricham@firstfocus.net](mailto:rricham@firstfocus.net) or (202) 999-4852.

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<sup>1</sup> Aspen Institute, Fast Facts on Native American Youth and Indian Country (Sept. 2013), Available at <http://www.aspeninstitute.org/sites/default/files/content/images/Fast%20Facts.pdf>.

<sup>2</sup> Simmons, David, *Improving the Well-Being of American Indian and Alaska Native Children and Families through State-Level Efforts to Improve Indian Child Welfare Act Compliance* (Sept. 2014). Available at: [http://www.nicwa.org/government/documents/Improving%20the%20Well-being%20of%20American%20Indian%20and%20Alaska%20Native%20Children%20and%20Families\\_2014.pdf](http://www.nicwa.org/government/documents/Improving%20the%20Well-being%20of%20American%20Indian%20and%20Alaska%20Native%20Children%20and%20Families_2014.pdf)

<sup>3</sup> Substance Abuse among American Indian or Alaska Native Adults, June 24, 2010. Available at <http://www.samhsa.gov/data/2k10/182/AmericanIndian.htm>

<sup>4</sup> Patricia T jaden and Nancy Thoennes, *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women*, pg. 23. Available at <https://www.ncjrs.gov/pdffiles1/nij/183781.pdf>.

<sup>5</sup> U.S. Department of *Ending Violence So Children Can Thrive*, Attorney General’s Advisory Committee on American Indian and Alaska Native Children Exposed to Violence (Nov. 2014), Available at <http://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2014/11/18/finalaianreport.pdf>

<sup>6</sup> Simmons, David, *Improving the Well-Being of American Indian and Alaska Native Children and Families through State-Level Efforts to Improve Indian Child Welfare Act Compliance*, pg. 4 (Sept. 2014). Available at: [http://www.nicwa.org/government/documents/Improving%20the%20Well-being%20of%20American%20Indian%20and%20Alaska%20Native%20Children%20and%20Families\\_2014.pdf](http://www.nicwa.org/government/documents/Improving%20the%20Well-being%20of%20American%20Indian%20and%20Alaska%20Native%20Children%20and%20Families_2014.pdf)

<sup>7</sup> Tomothy Williams, Officials See Child Welfare Dangers on a North Dakota Indian Reservation (July 7, 2014), Available at [http://www.nytimes.com/2012/07/08/us/child-welfare-dangers-seen-on-spiritlakereservation.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2012/07/08/us/child-welfare-dangers-seen-on-spiritlakereservation.html?pagewanted=all&_r=0)

<sup>8</sup> Simmons, David, *Improving the Well-Being of American Indian and Alaska Native Children and Families through State-Level Efforts to Improve Indian Child Welfare Act Compliance*, pg. 9 and 10 (Sept. 2014). Available at: [http://www.nicwa.org/government/documents/Improving%20the%20Well-being%20of%20American%20Indian%20and%20Alaska%20Native%20Children%20and%20Families\\_2014.pdf](http://www.nicwa.org/government/documents/Improving%20the%20Well-being%20of%20American%20Indian%20and%20Alaska%20Native%20Children%20and%20Families_2014.pdf)

<sup>9</sup> Attorney General Eric Holder Delivers Remarks During the White House Tribal Nations Conference, Dec. 3 2014. Available at: <http://www.justice.gov/opa/speech/attorney-general-eric-holder-delivers-remarks-during-white-house-tribal-nations>