

**Testimony of Ron Suppah, Chairman  
Confederated Tribes of the Warm Springs Reservation of Oregon  
Before the Senate Committee on Indian Affairs  
On S. 1899,  
The Indian Child Protection and Family Violence Prevention  
Reauthorization Act of 2005  
March 15, 2006**

Mr. Chairman, Members of the Committee, I am Ron Suppah, Chairman of the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon. Thank you for the opportunity to testify today in support of S. 1899, the Indian Child Protection and Family Violence Prevention Reauthorization Act of 2005.

In presenting this testimony, I would like to acknowledge former Warm Springs Chairman Garland Brunoe, who testified last Congress before this Committee, in September 2003, on very similar legislation, S. 1601. I would also particularly like to acknowledge Warm Springs Tribal Judge Lola Sohappy, who retired this past July after many years of dedicated service to our community and to our young people. Judge Sohappy was very active in the National Indian Child Welfare Association.

The 650,000 acre Warm Springs Reservation in north Central Oregon is the home of about 3,300 of our 4,400 Tribal members. Additionally, we estimate about 950 non-members reside on our Reservation. Within our residential population, about 1,600 of our Tribal members, or better than 40%, are 18 years old or younger.

Like many reservations, our communities are rural, and individual residences are often isolated. Economic opportunities are limited, and unemployment and poverty are well above national averages by almost any measure. So, too, are substance abuse and violence, including family violence. When much of your population is young, that violence all too often involves children.

As Chairman Brunoe testified last Congress, unfortunately this applies to Warm Springs. In 2002, 402 Warm Springs children were served by Warm Springs Child Protection Services (CPS). In 2005, the number of our children that received CPS services was 453. The trend appears to be increasing and, in any event, is persistently too high.

Our Tribe is doing all we can to address the very serious issue. While our basic capacity in this field is strained, we are trying to make use of our unique circumstances.

Our population is not large, and because Warm Springs is exempt from Public Law 280 and our Reservation is almost a solid block of trust land, we exercise exclusive jurisdiction over our tribal child welfare cases. We have our own Child Protective Services agency, and do not have to rely on the State for case management, investigations, and other services. Without competing demands of state regulation, we are able to craft our policies and actions in a manner that is sensitive to the needs of our own community.

While we exercise our own jurisdiction, we do try to work closely with the State of Oregon. Warm Springs is one of the few tribes nationwide that has developed a Tribal-State Title IV-e Foster Care Maintenance Payment agreement with the State that allows the Tribe to receive federal funds for maintenance payments for children placed in foster care. The agreement also allows the Tribe to receive an administrative match for services, training, and associated expenses for children qualifying for IV-e support. This allows the Tribe to participate on the same footing as a state in developing and maintaining a foster care program for children rather than placing them in the custody of the state for these services.

Warm Springs still has an array of jurisdictional issues with which we must deal. Criminal child abuse actions by non-Indians must be addressed by the State. When federal crimes are specifically identified, be they Indian or non-Indian related, the Federal Bureau of Investigation must be called in. And because Warm Springs children attend local public schools, any child abuse or neglect issues identified there are reported first to the County, and only thereafter to our Child Protective Services or the Warm Springs Police Department.

Jurisdictional issues are complicated and not easy to resolve, but improved communication and coordination can help. Accordingly, we support S. 1899, including Section 4 which will provide centralized gathering of data on Indian child abuse and annual reporting to Congress so a clearer picture of this often unreported or under-reported activity can be developed. We also understand the need for Section 5, to address due process and other central registry implementation issues. We particularly support Section 8, which clarifies the range of personnel who may be subject to background checks and specifies standards for those checks.

But more than anything else, the overall reauthorization of the Indian Child Protection and Family Violence Prevention Act, and its funding, is essential.

As Chairman Brunoe testified last Congress, child abuse and family violence continue to devastate Indian communities. Because these problems tend to occur in private and the victims are frightened and silent, they do not attract much public attention. But their consequences are far reaching and long lasting.

Because child abuse and family violence are often hidden from view and their consequences can be so personal and profound, child protection and the prevention of associated family violence is very labor intensive. Abused or neglected children require attentive and careful handling. Their family situations can often be explosive. At Warm Springs, in addition to our Child Protection Services agency, child protective activities significantly involve the Tribal Police, the Tribal Courts, tribal prosecution, community services, and medical personnel, including mental health practitioners and physicians experienced in child abuse forensics.

But Child Protection Services is the agency that ties all these functions together, and their task is multi-faceted and complicated. CPS must remove children from the home, temporarily house them, and find short term and long term foster homes, which must be monitored. CPS must provide for the direct needs of the child, including counseling and treatment, clothing and education, and transportation. And CPS seeks to reunite families and help their stability. They have to investigate and help prosecute child abuse charges. And throughout all this, they must

meet rigorous reporting requirements. At Warm Springs, our Child Protective Services staff totals nineteen full time personnel and three part time. Currently, we have three case workers, each of whom must handle well in excess of 100 cases a year. We also engage five full time and two part time Protective Care Providers to operate our 24 hour Emergency Shelter.

Clearly, our child protection capacity at Warm Springs desperately needs assistance, almost across the board. Based on our circumstances, we particularly need at least two additional case workers, and two additional CPS Assistants, who monitor and assist in-home situations. We also need a Supervisor to oversee personnel and help gather and process reporting requirements. We also need our own investigator, because the single investigator now on our Reservation can only devote a very insufficient portion of his time to child abuse cases. The need stretches out to other community service agencies, including Juvenile Services, police and medical services, and our Court system.

Mr. Chairman, this long list only serves to highlight that the Indian Child Protection and Family Violence Prevention Act needs to be reauthorized. But more importantly, it highlights that the basic promise of the Act needs the commitment of federal agencies - the Bureau of Indian Affairs and the Indian Health Service - to be realized. The BIA and the IHS must live up to their obligations to the Act and to our communities by budgeting and pursuing the appropriations that are vital to securing our children's future. As many tribes know, our children are our future, and our children all too often are hanging by a thread.

Mr. Chairman, that concludes my testimony. Thank you very much.