

Testimony of
Garland Brunoe, Chairman
Confederated Tribes of the Warm Springs Reservation of Oregon,
Before the Senate Committee on Indian Affairs
On S. 1601,
The Indian Child Protection and Family Violence Prevention
Reauthorization Act of 2003,
September 24, 2003

Mr. Chairman, Members of the Committee, I am Garland Brunoe, 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. 1601, the Indian Child Protection and Family Violence Prevention Reauthorization Act of 2003.

In presenting this testimony, I would like to acknowledge Warm Springs Tribal Judge Lola Sohappy, who is very involved in child welfare on our Reservation, an active member of the National Indian Child Welfare Association, and who has been communicating with your staff regarding this legislation.

The 650,000 acre Warm Springs Reservation in north Central Oregon is the home of about 3,287 of our 4,160 Tribal members. Additionally we estimate about 950 non-members also reside on our Reservation. Within our residential population, 1,617 of our tribal members, or close to 40%, are younger than 18 years old.

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.

Unfortunately, this applies at Warm Springs. In 2002, 402 Warm Springs children were placed in custody of Warm Springs Child Protection Services (CPS) by Tribal Court order. This is 25% of all our children. For 2003, we project 460 children will be in the custody of CPS, a 14% increase from 2002.

Our Tribe is doing all we can to address this 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 for Public Law 280 and our Reservation is almost a solid block of tribal 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 the 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 of Oregon 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 tribal 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 strongly support Section 4 of S. 1601, which would require tribes to report non-Indians to state law enforcement agencies in abuse or family violence occurrences where a criminal violation is indicated.

For similar reasons, we also support Section 5, directing a study of impediments to the reduction of child abuse, including intergovernmental and jurisdictional impediments.

We strongly support the various ways in which the Act is expanded. Section 3 extends the “child abuse” definition to children subjected to family violence. Section 6 includes federal and tribal contract and volunteer personnel in background checks, and makes those investigations tougher. Section 7 extends applicability of IHS treatment grants to all child abuse victims, not just sexual abuse victims. And the addition of the Department of Justice in the staffing and operation of the Regional Resource Centers, as provided in Section 8, will advance communication, cooperation, and successful prosecution of child abuse matters.

The clarification and extension of responsibilities are also applied to tribes, which we agree is essential. Section 9 requires that tribes operating their own Child Protection and Family Violence Prevention program under a contract from the BIA must clearly designate responsibility for child abuse case coordination and reporting, and for the treatment and prevention of child abuse. The Section further helps tribally operated programs by authorizing tribes to provide training for any required child protection certifications, to help ensure the safety of child protection workers while on the job, and

to improve data systems for case and program monitoring and evaluation. Annual tribal program reports to the Interior Secretary would also have to include information on training, threats to worker safety, and community outreach and awareness efforts.

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

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. At Warm Springs, as I noted earlier, children in custody of our Child Protection Services this year are projected to increase by 14% from 2002. For last year, 2002, our Police Department reported 338 child abuse and 50 family violence cases opened for investigation for criminal charges, an increase of 29% from 2001 for these two types of violence. I should note that some of this increase should be attributable to improved data collection started in 2002. But in any event, whether the real increase might have been 10% or 15% or more, the fact remains we experienced a significant jump in the level of child abuse and family violence. At least at Warm Springs, and most probably nationwide, child protection and family violence prevention absolutely requires increased attention and assistance.

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 Protective Services agency, child protective activities significantly involve the Tribal Police, the Tribal Court, tribal prosecution, community services, and medical personnel including mental health practitioners and physicians experienced in child abuse forensics.

But the leading agency that ties these diverse function together is Child Protective Services. CPS has a multi-faceted and complicated task. It must investigate child abuse charges, it must remove children, it must temporarily shelter abused children, and find short term and long term foster residences, which must be monitored. Currently, Warm Springs CPS maintains 40 foster homes. CPS must provide for the direct needs of the child, including medical, counseling, and treatment needs, the child's clothing and education, and even, if needed, transportation to appointments. And CPS is also responsible for working to reunite the family, including all family counseling activities. CPS must be engaged with the prosecution of child abuse-related criminal charges. And throughout all this, they must meet rigorous reporting requirements. At Warm Springs, where CPS will have a projected 460 children under its custody this year, the regular CPS staff totals about 15 personnel, including 4 case workers, each of whom must handle more than 110 cases a year. We also engage seven full time Protective Care Providers to operate our 24 hour Emergency Shelter.

Clearly, our child protection capacity at Warm Springs desperately needs attention and assistance, almost across the board. But based on our own circumstance, areas of particular need include an additional Warm Springs police investigator and tribal prosecutor to develop and try solid child abuse cases against adults. We need improved access to examinations and forensic interviewing in sexual abuse cases, and because of the traumatic nature of child abuse, mental health and follow-on care need to be significantly expanded. Juvenile Services needs support. And we need training for our CPS staff. We also need a means of capturing and interpreting data.

Mr. Chairman, this is a long list just from our Tribe. But it serves to highlight the level of attention that Indian child protection and family violence prevention needs nationwide. S. 1601 is an essential step in meeting that challenge, and the Warm Springs Tribes support it and urge the Committee to approve it.

Thank you. That concludes my testimony. I shall be pleased to respond to any questions.