

**Testimony  
of  
Michael Black  
Acting Assistant Secretary – Indian Affairs  
United States Department of the Interior  
Before the  
Senate Committee on Indian Affairs  
On  
“Safeguarding to the Seventh Generation: Protection and Justice for Indian Children and  
the Implementation of the Native American Children’s Safety Act of 2016.”**

**April 21, 2017**

Chairman Hoeven, my name is Michael Black and I am the Acting Assistant Secretary for Indian Affairs at the Department of the Interior. Thank you for the opportunity to present testimony for the Department of the Interior (Department) on, “Safeguarding to the Seventh Generation: Protection and Justice for Indian Children and the Implementation of the Native American Children’s Safety Act of 2016.”

The safety of Native children is a Departmental priority. The Bureau of Indian Affairs’ (BIA) Human Services and BIA Public Safety and Justice programs support Native American families and communities and address the significant challenges faced by children throughout Indian Country.

The Native American Children’s Safety Act of 2016 (NACSA) addresses the need for tribal social services agencies to conduct comprehensive background checks of residents in foster homes and employees of foster care institutions before placing children in foster care. In this way, the Act expands the Indian Child Protection and Family Violence Prevention Act of 1990, which required character investigations of federal and tribal employees who had regular contact with or control over Indian children.

The NACSA requires that, prior to finalizing a foster care placement, the tribal social services agency must complete a criminal records check on every covered individual who resides in the household or is employed at the institution in which the foster care placement will be made. Additionally, the Act requires Tribes to establish standards of placement that include: a criminal records check, including fingerprint-based checks of national crime information databases; a check of any abuse registries maintained by the Tribe; and a check of any child abuse and neglect registry maintained by the State in which the covered individual resides or previously resided in the preceding five years. The NACSA also requires that the Department consult with Tribes and issue guidance regarding these procedures.

In preparation for developing this guidance, the BIA is currently in the process of identifying best practices of social service agencies in Indian Country, with a view toward how they can be adapted for use by tribal social services agencies. As an example, at the Fort Totten Agency serving the Spirit Lake Tribe, the BIA conducts background checks on all relative placements either prior to placement or in conjunction with emergency placements. There are three levels of checks conducted by BIA to ensure the safety of Indian children and we believe it is a best practices model that can be replicated nationwide.

The first check is a tribal name based check, which is completed immediately in the case of an emergency placement. The Fort Totten Agency then calls the BIA-Office of Justice Services to request a name-based background check on all individuals residing in a home prior to the emergency placement of a child. Within 24 hours prior to granting care and control of a child, the Agency conducts a background check of state criminal records through a search of the State of North Dakota website. Finally, all relative placements undergo a full federal background check in which the Fort Totten Agency takes the individuals' fingerprints and sends them to a third party vendor under contract with the BIA that carries out that review. The Agency typically receives the results of the background check within a week.

The BIA is also examining processes that will provide Tribes the ability to check child abuse and neglect registries maintained by States. Such processes will require the cooperation of State governments, and we look forward to continue developing those relationships. As mentioned above, the BIA is required to consult on the required guidance and we expect to begin consultations in the fall of 2017.

## **Conclusion**

Thank you for the opportunity to testify on the issue, "Protection and Justice for Indian Children and the Implementation of the Native American Children's Safety Act of 2016." The Department is committed to doing its part to ensure the safety and protection of children throughout Indian Country. I would be glad to answer any questions the Committee may have.