



**Statement of**

**Nikki Hatch  
Administration for Children and Families  
U.S. Department of Health and Human Services**

**Before the**

**Committee on Indian Affairs  
United States Senate**

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Chairman Hoeven, Vice Chairman Udall, and members of the Committee, it is my honor to appear before this Committee on behalf of the Department of Health and Human Services (HHS). I am Nikki Hatch, Regional Administrator for the Administration for Children and Families (ACF), Region 8, which serves Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. As Regional Administrator, I partner with state, local, community-based organizations, and tribes within the region to promote economic and social well-being of children, families, individuals, and communities.

ACF is a committed partner with agencies across the federal family, including with the Department of Interior's Bureau of Indian Affairs (BIA), and with tribes. We work with partners to protect the best interests of Indian youth and children, and promote the stability and security of Indian tribes and families.

My testimony today will focus on ACF programs that support Indian child welfare, our support of the child welfare community at the Spirit Lake Reservation, and our work related to the Native American Children's Safety Act of 2016.

### **Children's Bureau Grants to Tribes**

Within ACF, the Children's Bureau oversees funding related to child abuse and neglect prevention and intervention which include addressing trauma, family preservation, foster care, adoption, and guardianship.

Today, many tribes operate some form of child protection services and many have tribal codes, court systems, and child welfare programs. Historically, tribes have accessed much of their child welfare funding through the states, or through the BIA. However, the Children's Bureau also offers direct funding opportunities for tribes through several grant programs.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 amended title IV-E of the Social Security Act, and provided federally-recognized Indian tribes, tribal organizations or consortia of Indian tribes with the option to apply to operate a title IV-E program and seek federal reimbursement for a share of allowable expenditures made pursuant to an approved title IV-E plan for foster care, guardianship assistance, and adoption assistance for children with special needs. Since passage of the law, nine tribes have been approved to operate a title IV-E program. These are:

- Port Gamble S'Klallam Tribe of Kingston, Washington;
- Confederated Salish and Kootenai Tribes of Pablo, Montana;
- South Puget Intertribal Planning Agency of Shelton, Washington;
- Keweenaw Bay Indian Community, Baraga, Michigan;
- Navajo Nation, Window Rock, Arizona;
- Chickasaw Nation, Ada, Oklahoma;
- Eastern Band of Cherokee Indians, Cherokee, North Carolina;
- Pascua Yaqui Tribe, Tucson, Arizona; and
- Tolowa Dee-ni' Nation (formerly Smith River Rancheria) in California.

Seven of the tribes are moving forward with implementation of their title IV-E programs, while two have chosen not to move forward at this time.

The Fostering Connections Act also authorized one-time grants of up to \$300,000 to tribes, to assist in the development of a tribally operated title IV-E plan. Grant funds may be used for the cost of developing a title IV-E plan, including costs for the development of data collection systems, a cost allocation methodology, agency and tribal court procedures necessary to meet the case review system requirements, or any other costs attributable to meeting any other requirement necessary for approval of a title IV-E plan. Over the past seven years, 35 tribes or consortia of tribes have received title IV-E plan development grants.

The Fostering Connections Act also provided both tribes that operate a title IV-E program and tribes that have a title IV-E cooperative agreement or contract with the state title IV-E agency, the option to apply to receive funds directly from HHS to operate a John H. Chafee Foster Care Independence (CFCIP) and/or Educational Training Voucher Program (ETV). The CFCIP and ETV programs provide funds to help older youth in foster care and youth formerly in foster care acquire training and independent living skills and attend postsecondary education so they can become self-sufficient. In fiscal year (FY) 2016, four tribes received approximately \$100,000 in funds through the CFCIP and ETV programs.

Additional funds, under the Stephanie Tubbs Jones Child Welfare Services Program (Subpart 1 of title IV-B of the Social Security Act), are available to tribes to improve their child welfare services with the goal of keeping families together. Tribes provide services in support of five purposes which are: protecting and promoting the welfare of all children; preventing the neglect, abuse, or exploitation of children; supporting at-risk families through services which allow children, where appropriate, to remain safely with their families or return to their families in a

timely manner; promoting the safety, permanence, and well-being of children in foster care and adoptive families; and finally, providing training, professional development and support to ensure a well-qualified child welfare workforce. In FY 2016, 186 tribes received approximately \$6.4 million in funds through the program.

Funds are also available for certain eligible tribes under the Promoting Safe and Stable Families Program (Subpart 2 of title IV-B of the Social Security Act) to assist with family support, family preservation services, time-limited family reunification services, and services to support adoptions. In FY 2016, 130 tribes received approximately \$10.3 million in funds under title IV-B, subpart 2.

In 2011, the Child and Family Services Improvement and Innovation Act allocated \$1 million for the creation of new Tribal Court Improvement Program (CIP) grants. The purpose of the grants is to design and implement projects and/or activities to assess, expand, or enhance the effectiveness of tribal courts and/or legal representation in cases related to child welfare, family preservation, family reunification, guardianship, and adoption. Tribes and tribal consortia are eligible to compete for this grant if they: (1) operate a title IV-E program; or (2) plan to operate a title IV-E program and have received a title IV-E plan development grant; or (3) have a court responsible for proceedings related to foster care or adoption. There have been two rounds of grants under this program, with seven awards in the first round, and nine awards in the second. The second three-year grant began in FY 2015, with each grantee receiving up to \$150,000 for each of three years. Current grantees include:

- Confederated Salish and Kootenai Tribes;
- Muckleshoot Indian Tribe;

- Ponca Tribe of Nebraska;
- Citizen Potawatomi Nation;
- Mashpee Wampanoag;
- Taos Pueblo;
- Sitka Tribe of Alaska;
- Saint Regis Mohawk Tribe; and,
- Tolowa Dee-ni' Nation (formerly Smith River Rancheria).

### **ACF and the Spirit Lake Child Welfare Community**

The Spirit Lake Tribe is a title IV-B grantee and receives title IV-E dollars through an agreement with the State of North Dakota. As a title IV-B grantee, Spirit Lake has access to the ACF Capacity Building Collaborative, which is composed of three highly integrated centers to serve tribes, states territories, and courts. The Capacity Building Center for Tribes delivers services to tribal communities through coaching, peer networking, distance learning, consultation, dissemination, product development, and capacity-building assistance.

We have worked directly with child welfare stakeholders at the Spirit Lake Reservation to provide a foundation and framework to support practice improvement efforts within Spirit Lake's child welfare program. For example, in response to a number of concerns shared with us by the community, including concerns that children reported for abuse and neglect were placed and remained in unsafe conditions, ACF representatives held on-site listening sessions at the Spirit Lake Reservation in 2014. The sessions included interviews with a range of stakeholders from the Spirit Lake Tribal child welfare system, including current and former social workers, current and former juvenile judges, BIA staff, school district staff, North Dakota and county human services staff, and BIA law enforcement.

Based on those listening sessions, we developed seven priority recommendations to be addressed by child welfare stakeholders at the Spirit Lake Reservation. Included was a recommendation for the Spirit Lake Tribal Social Services Agency and BIA to jointly develop policies and procedures that encompass all aspects of child welfare services including that foster homes must comply with federal and state safety checks, including background checks on all adults residing in the home.

### **The Native American Children's Safety Act of 2016**

The Native American Children's Safety Act of 2016 set new standards and requirements for tribes operating programs under the Department of Interior to implement background checks for tribal foster family homes to ensure the safety of children. In addition, tribes that receive funding through titles IV-E and IV-B for child welfare programs are required to license foster family homes and child care institutions and conduct criminal and child abuse background checks. As the licensing and background check requirements for foster care placements are slightly different under both laws, we are working with tribes to ensure the title IV-E requirements are clear. We also continue to support the Department of Interior in its efforts to implement the licensing and background check requirements of the Native American Children's Safety Act.

Thank you for your commitment to the safety and well-being of Indian children. I look forward to working with you on continuing to find ways to improve services provided in tribal communities and to ensure the safety of Native American children. I would be happy to answer any questions.