

Written Testimony

Anita Fineday, Managing Director, Casey Family Programs
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Good afternoon Chairman Young, Ranking Member Hanabusa. Thank you for inviting me to join you today.

I am Anita Fineday, Managing Director of Indian Child Welfare at Casey Family Programs, the national's largest operating foundation focused on safely reducing, and ultimately preventing, the need for foster care by building communities of hope. Headquartered in Seattle, Washington, we operate nine field offices throughout the nation and engage in partnerships with child welfare leaders in all 50 U.S. States, including leaders in Indian Country. We believe that the goals of our nation around securing well-being for all children should be to: 1) Keep children who have been abused and neglected safe from further harm; 2) Prevent abuse and neglect and decrease the possibility of child deaths; and 3) Reduce the need for foster care in the first place by strengthening vulnerable families and their communities.

In my testimony today, I'll briefly describe Casey Family Program's strong history in Indian Country and the principles that guide how we engage with these communities. I'll describe our work with the Spirit Lake tribe and conclude with thoughts on opportunities and areas for focus to help support both Spirit Lake and tribes throughout this nation in their efforts to protect their children and strengthen their families.

A Legacy of Investment to Benefit Children in Indian Country

Casey Family Programs has worked deeply in Indian Country for more than 30 years. Early on we established partnerships with the Oglala Sioux Tribe in South Dakota, the Rosebud Sioux Tribe in South Dakota, the Mandan, Hidatsa, & Arikara Nation in North Dakota, the Confederated Salish and Kootenai Tribe in Montana, the Tlingit Haida Tribe in Alaska and other tribes throughout the country. These partnerships included establishing child welfare offices on the Pine Ridge and Rosebud Reservations, caring for tribal youth in Montana and providing extensive technical assistance in Alaska. These efforts focused largely on direct services for youth residing on or near the reservation.

Efforts were made to integrate the efforts of child welfare, juvenile justice, state social services, housing, employment, tribal government, and reservation leaders to increase safety and improve outcomes for children residing there. This work was founded on the following guiding principles:

- Children belong with their families and community;
- All children deserve to be safe;
- All families should be provided the comprehensive supports they need to become self-sufficient and interdependent;
- All children and families should have access to their culture and traditions;
- Work should focus on preserving and strengthening families;
- An emphasis on the importance of extended families in tribal communities to keep children safe and families strong;
- Every family should have a home with all basic amenities such as running water, heat, electricity and adequate food; and
- An emphasis on ensuring full respect for the sovereignty of each Tribal Nation.

Through our work in Indian County, Casey Family Programs provided an array of services to children in their care which went above and beyond child welfare services. In addition to foster care and respite care, these included:

- Alternative services to prevent removal from their home and placement in foster care where possible;
- Medical services not covered by Indian Health Services (IHS) or the tribe including orthodontia, vision, and substance abuse disorder treatment;
- Case planning that involved culturally-appropriate approaches and services designed to fit the needs of the family. This planning involved the family, through family group decision making and crisis intervention staffing. Input by the youth occurred where appropriate;
- Psychological Services when needed, including mental health assessments, counseling, psychotherapy, intensive care placements, chemical dependency evaluations and treatment; and
- Educational Services including tutoring, educational enrichment activities, Ansell-Casey Life Skills Assessments, funds for high school graduation costs, college preparation services, college tuition, and funds to defray costs while in college.

Our work has always recognized and supported the development and capacity building efforts necessary to embed and sustain strong practice and services for families. Since the beginning of Casey Family Program's partnerships in Indian Country, we have consistently invested in staff educational development and training to ensure that children received high quality, culturally-responsive services. Foster families also receive an array of services designed to help them nurture the children they care for and help them prepare youth for participation in the adult world. We have always made and prioritized efforts to recruit American Indian staff to work with Native youth and to recruit American Indian families. Tribal members were hired as family developers to recruit, license, train and provide on-going support to American Indian families. These developers were supported to attain their Bachelors and Masters degrees in Social Work

and, over time, were exposed to a broad and culturally-appropriate array of training opportunities.

As our work has evolved over the years, Casey Family Programs has moved away from focusing largely on direct services to broader strategies involving systems improvement and the demonstration and sharing of best practices. The foundation's work in Indian Country is no exception. The work has evolved, however the guiding principles remain the same – safely reducing the number of children in foster care, reducing disparities, preserving families and communities, and improving outcomes for children.

The Indian Child Welfare Program within Casey focuses on providing technical assistance to tribes on a wide variety of topics. Casey Family Programs works to provide training to both states and tribes regarding the requirements of ICWA. We also work to build collaboration and cooperation between tribes and states regarding best practices, capacity building and improving well-being outcomes for children, and have convened a National Indian Child Welfare Practice Group to draw together tribal leaders from across the country. Our foundation also convenes judicial roundtables bringing tribal and state court judges together to develop partnerships, improve communication and develop partnerships between judges to improve the systems.

Casey Family Programs work at Spirit Lake

We join the Members of this Subcommittee, the Administration, and other national partners in expressing concern over ongoing cases and allegations impacting the children and families at Spirit Lake. There is nothing we take more seriously than working to ensure every child and family in this country resides in a safe, supportive familial environment that will foster their well-being.

On April 25 of this year, Casey Family Programs received a letter from Spirit Lake's Tribal Chairman Leander R. McDonald requesting our assistance to address issues in their child welfare system.

Since that time, Casey has worked with the tribe to gather information, create an action plan, and initiate collaboration between the tribe, state, and federal entities. The overarching vision for our work with the Spirit Lake Tribe is to ensure that Spirit Lake children are safe in their own homes or in tribally-approved foster homes.

This vision also included ensuring that the Tribe would have the resources and capacity to effectively reassume control over all child welfare cases and matters involving Spirit Lake children, and Spirit Lake culture and traditions will be embodied in the Spirit Lake child welfare system.

This vision was developed in conversations with Spirit Lake's chairman and director of tribal social services during an initial visit by Casey staff to the reservation in May. Because child

safety is an urgent concern at Spirit Lake, we are initially focusing on the completion of all outstanding BIA investigations and background checks. Also, clarity is needed among all stakeholders about their roles and responsibilities in providing child welfare services to Spirit Lake children.

We are currently consulting with the State of North Dakota to explore options for their support in reducing the current backlog of investigations and background checks to enhance child safety. Casey Family Programs is providing technical assistance in the development of a searchable database to support the intake process of cases. We are also arranging trainings for local BIA workers on intake and safety assessment, as well as culturally-relevant practice models and safety tools.

In terms of initiating collaboration between the various responsible entities, Casey Family Programs is convening a leadership engagement meeting in two weeks for principal decision makers from the tribe, BIA, ACF, and North Dakota to review plans for the improvement of child welfare at Spirit Lake. The goal of this meeting is secure a commitment to cooperative collaboration on defined goals, and to agree on a shared vision for the work.

Immediately following the leadership meeting, Casey is facilitating a working session for representatives from these entities who are involved hands-on with child welfare work at Spirit Lake. The working session will kick off a multi-part mapping and planning process to define the ideal case flow sequence, clarify roles and responsibilities, identify root causes of barriers to implementation, and create a prioritized list of proposed short-term actions.

One meeting will not solve all the issues, so additional sessions over the next several months will refine the vision, add detail, and identify and remove causes of delays or other issues that affect child safety and well-being.

A vital aspect of these mapping and planning processes will be the active solicitation of guidance from tribal members on how to improve tribal child welfare. This will be accomplished through community meetings when information will be shared about progress and challenges. Tribal members will be engaged both in implementation of strategic plans and in dialogue about how cultural values, attitudes, and experiences impact the safety and well-being of Spirit Lake children. These conversations should address attitudes toward accountability and consequences, and practices leading to political stability. It will be critical to address historical trauma impacting parenting skills and the cycle of abuse.

Casey will continually provide technical assistance to the tribe:

- To sustain the process of continuous improvement over time,
- To incorporate community input in creating a comprehensive strategic plan for achieving its vision for the welfare of tribal youth and families,
- To increase tribal case management and child welfare related service provision capacity,
- To gather and analyze data for enhanced decision making and improved practice,
- To access available resources.

Casey will also facilitate peer to peer assistance from other tribes and to encourage an exchange of ideas about currently used best practices in tribal child welfare.

Casey's long term goal is that the tribe will have the full capacity to deliver child welfare services through more effective recruitment and retention of child welfare workers, increased access to funding, and improved policies and procedures.

A New Model for Serving Children and Families in Indian Country

1. Casey Family Programs always promotes safety and child well-being. Research and the strong voices of children in care clearly indicate that long term stays in foster care do not promote child well-being. Therefore, more must be done to provide culturally-appropriate services that allow the child to safely remain with their family.
2. Developing the necessary infrastructure to support a robust child protective services system is essential to reach these goals. From investigation, to supporting the family, to maintaining an ongoing engagement to promote well-being, Spirit Lake and all tribes need quality professional staff and adequate resources.
3. Best practice in child welfare shares the priority and values of Indian Country in keeping children with their families and within their communities. But safety is always paramount and it is often necessary to have a continuum of services to be available nearby to meet this standard of practice.

Change to this new model will require oversight and targeted resources:

Federal oversight and accountability: Our work in child welfare often brings together public and private partners, federal, state and tribal communities and national partners committed to better outcomes for families and children. In these discussions, it is apparent the ownership and accountability at the federal level of oversight for tribal child welfare is lacking. Various federal agendas provide a range of funding streams in a manner that is not streamlined or well-coordinated. However, there is no federal agency responsible for the oversight of the Indian Child Welfare Act of 1978, creating challenges in implementation. We believe this type of leadership is critical at the federal level, much as the leadership is critical at the tribal level.

Allowing Federal resources to support best practice on safety and child well-being: The issue of resources is certainly one to explore further. We have brought the financial resources of our foundation to Spirit Lake and other tribes throughout this country to try to fill the gaps and leverage current funding. But tribes continue to struggle. The majority of tribes who receive child welfare funding from Title IV-E do so through agreements with states, and effectiveness ranges widely.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 provided tribes, for the first time, with direct access to these funds so tribes are no longer required to go through their state. However, since 2008, only four tribes have been successful in gaining direct access. Even with such access, those tribes have significant infrastructure challenges. We are actively working to increase this number given the importance of these resources. We are also enhancing the partnerships among states and tribes who have agreements to ensure they further collaborate towards shared goals.

At the same time, it is important to highlight that these federal Title IV-E resources only fund foster care once a child is removed from their family. They do not fund prevention services or support services that can safely avoid removal and foster care placement.

Tribes – and states – need a new model for financing child welfare that protects a child’s safety and serves families. It is time to shift federal resources to services and supports that are known to promote child well-being. In 2011, Congress passed legislation to give states and tribes the opportunity to seek a waiver to use federal foster care funding more effectively. Over 20 states are using this authority to redirect federal funding to support a broader array of services that are targeted to safety and child well-being. Further discussion is needed on how every state and every tribe can make such strategic investments in better practice.

In closing, we thank the subcommittee for its oversight on the specific issues of Spirit Lake. However, being honest, this issue is more than just Spirit Lake, or even Indian Country. Congress realized this when it created the Commission to Eliminate Child Abuse and Neglect Fatalities. At a different House hearing about the commission, Dr. David Sanders, our Casey Family Programs Executive Vice President for Systems Improvement and commission chair, acknowledged the challenge our country faces on child fatalities. Extrapolating from federal government statistics, every 24 hours in America, on average about four children die as a result of child abuse and neglect, most of them before they reach their fifth birthday.

We would encourage this subcommittee to explore how to engage with the commission to be sure the issues within Spirit Lake and Indian Country are an important consideration in their work.

Thank you again for the opportunity to testify and I’d be happy to answer any questions.