



Statement by

**Joo Yeun Chang
Associate Commissioner
Children's Bureau
Administration for Children and Families
U.S. Department of Health and Human Services**

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**Subcommittee on Indian and Alaska Native Affairs
Committee on Natural Resources
United States House of Representatives**

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Chairman Young and members of the Subcommittee, thank you for inviting me to testify. The Administration is very concerned about child safety and well-being at the Spirit Lake Reservation. We are grateful to you for having this hearing and bringing more attention to the issues affecting the delivery of child welfare services at Spirit Lake Nation.

I am Joo Yeun Chang, Associate Commissioner of the Children's Bureau. I have worked as a national advocate on child welfare policies both as a senior staff attorney at the Children's Defense Fund and immediately prior to my appointment to the Bureau, I worked at Casey Family Programs Foundation where I worked closely with state and local child welfare agencies. In my current role, I oversee the federal foster care and adoption assistance programs as well as a range of prevention and post-permanency initiatives.

Today, I will speak about the Administration for Children and Families' (ACF) role in supporting child welfare services at Spirit Lake and our work to date. I will also discuss our observations from our most recent trip to Spirit Lake and finally, I will provide a summary of some recommendations.

ACF's role in supporting child welfare services at Spirit Lake and our work to date to address the numerous challenges facing Spirit Lake

The Administration for Children and Families provides financial support for social services on the reservation through funds from title IV-B and IV-E of the Social Security Act to eligible states, tribes, and territories for the provision of child welfare-related services to children and their families. The Spirit Lake Tribe of North Dakota is a title IV-B grantee and receives title IV-E dollars through an agreement with the State of North Dakota.

Title IV-B funds are available to promote the development and expansion of coordinated child and family services programs that use community-based agencies, family support services, family preservation services, adoption promotion and support services, and time-limited family reunification services. Title IV-B is a formula grant under which Spirit Lake has received approximately \$320,000 since 2011.

Title IV-E of the Social Security Act provides funds for states and tribes to provide foster care, transitional independent living programs for children, guardianship assistance, and adoption assistance for children with special needs. Only the public agency or tribe designated to provide a program of foster care is eligible to apply for and receive direct title IV-E funding. Individuals and private entities may apply to the title IV-E agency as sub-grantees or contracted providers. Spirit Lake has not applied and is therefore not eligible to receive direct title IV-E funding. They do, however, have an agreement with the State of North Dakota to administer foster care and adoption assistance payments for eligible children and youth at Spirit Lake.

ACF provides technical assistance and training on a range of child welfare issues from prevention to post-permanency. We have a dedicated National Resource Center for Tribes as well as subject matter resource centers who have worked with the Spirit Lake Tribal Social Services (SLTSS).

Findings from our most recent fact finding trip to Spirit Lake

In response to allegations of child abuse and neglect on the Spirit Lake Reservation, ACF has conducted a series of investigations and assessments, followed by recommendations on how to address issues facing the Spirit Lake Tribal Social Services.

Between 2007 and 2014, ACF was involved in the following four reviews of the Spirit Lake Tribal Social Services department:

1. National Resource Center for Organizational Improvement (NRCOI), April 30 to May 3, 2007
2. North Dakota IV-E file review, January 17-20, 2012
3. National Resource Center for Tribes, Organizational Assessment, November 2012 - February 2014; and
4. North Dakota IV-E file review, May 7-8, 2013

Most recently, on April 9 and 10, 2014 ACF leadership, including Lillian Sparks Robinson, Commissioner of the Administration on Native Americans, Marrienne McMullen, ACF's Deputy Assistant Secretary for External Affairs and I conducted listening sessions at Spirit Lake. The listening sessions included meetings with a range of stakeholders from the Spirit Lake tribal child welfare system, including current and former social workers, current and former juvenile judges, Bureau of Indian Affairs (BIA) staff, school district staff, North Dakota state and county human services staff, and law enforcement. The goal of the listening session was to better understand the current structure of social services at the Spirit Lake Reservation including the division of roles and responsibilities between the tribe and BIA to offer recommendations for improvement.

Many of the findings and related recommendations from ACF's most recent visit are similar to those contained in the previous assessments. A new recommendation focuses on the need to clarify roles and responsibilities between the tribe and BIA while maintaining consistent policies and practices to ensure seamless transfer of responsibilities back to the tribe. Following the return of the BIA funded programs from the tribe back to BIA, a process known as retrocession, BIA assumed responsibility for most child welfare activities including investigations of abuse and/or neglect as well as foster care services for children who are not eligible for title IV-E reimbursements. The tribe maintained responsibility for placement and care of children who, at the time of retrocession, were in foster care and receiving federal reimbursement for a portion of their out-of-home costs through a title IV-E agreement with the State of North Dakota. At the time of retrocession, this represented approximately one-third of the foster care population. In addition the tribe provides services and supports related to the Indian Child Welfare Act (ICWA).

Although there have been some improvements since the tribe retroceded many child welfare functions to BIA, a number of gaps remain. The most urgent issue facing child welfare practice at the Spirit Lake Reservation is the lack of adequate staff to meet minimum standards of practice in both child protection/investigation and foster care casework.

In addition, a common theme that emerged from the ACF listening session and the previous four reviews was the lack of specific protocols and procedures to direct and guide staff activities on a range of child welfare activities from child maltreatment investigations, assessment, placement, and foster care services to the delivery of services in the community. The lack of documentation extends from safety assessments and plans to services provided to families. This results in an inability to support active efforts to provide case management to families.

Previous reviews also noted the lack of comprehensive assessments for cases involving placement in out of home care. Comprehensive assessments lead to well thought-out and individualized case plans. Previous reviews found little evidence of case management, supportive services, or minimal, reasonable efforts to reunite families. In addition, the lack of available supportive services and foster home placements has led to fragmented cases with little to no direction. Of the homes that were licensed, many lacked the appropriate documentation of background checks, home studies, and licenses. BIA has addressed some of these issues for BIA social services, most notably the safety checks prior to placement. However, we recommend that BIA and the Tribe develop short term and long term staffing solutions and jointly develop a policies and procedures manual.

Summary of our recommendations

Based on information gathered to date, ACF has identified seven priority recommendations to be addressed through a coordinated action plan between SLTSS, BIA, and other stakeholders including the team at HHS, and state and county child welfare agencies.

The seven priority recommendations are:

1. Develop a comprehensive strategy to support the development of a short and long term workforce;
2. Create a uniform process for conducting and documenting investigations;
3. Develop a basic operations manual outlining policies and procedures for child welfare case services, including investigations;
4. Develop and implement a data tracking/information system that would enable the tribe to manage its caseload and understand who is being served, their needs and case goals and track case outcomes;
5. Develop and implement a plan for recruitment of foster/kinship homes;
6. Provide training for the Tribal Court on requirements of title IV-E funding; and
7. Increase community engagement and increase communication.

Although challenges remain, we want to acknowledge the strengths that exist at Spirit Lake that can be harnessed to transform its child welfare system. Perhaps the most important strength is the commitment of new leadership under Chairman McDonald and the work of the BIA. We also acknowledge the commitment of the community and its neighbors to persist in efforts to keep its children safe from harm and able to grow and thrive in adulthood. We recently shared our observations and recommendations with the Chairman and welcome an opportunity to work with the Spirit Lake Tribe, BIA, and community stakeholders to implement them.

The Administration also looks forward to working with you to address this crucial issue and improve services to Spirit Lake Tribal Social Services.

Again, thank you for the opportunity to speak with you today. I would be happy to answer any questions.