

# American Indian and Alaska Native Child Abuse Prevention and Treatment Act

For decades, the Child Abuse Prevention and Treatment Act (CAPTA) has been the primary federal law addressing child abuse and neglect in the United States. Although it has been a crucial measure in protecting our nation's children, it has not gone far enough to address the needs of American Indian and Alaska Native (AI/AN) children. Despite specific provisions in CAPTA regarding tribal eligibility for federal grants and emphasis on AI/AN child maltreatment issues, tribal nations still receive very little federal CAPTA funding. Additionally, research projects that focus specifically on unique tribal community issues go largely unfunded.

*The American Indian and Alaska Native Child Abuse Prevention and Treatment Act (AI/AN CAPTA)* helps fill that gap. The legislation:

- amends CAPTA to require that tribal nations be included in the criteria for achieving equitable distribution of CAPTA funding;
- increases the percentage of funds set aside for tribal nations and organizations after the overall CAPTA funding levels increase by more than \$1 million, and separates it from the set-aside for migrant programs; and
- requires a Government Accountability Office report on child abuse and neglect prevention efforts in tribal communities.

AI/AN CAPTA would do the following:

**1. Include tribal communities in equitable distribution of aid.** CAPTA currently requires that there be criteria to achieve equitable distribution of CAPTA assistance among the states, among geographic areas of the country, and among rural and urban areas. AI/AN CAPTA would clarify that tribal nations should be part of the assessment of whether CAPTA assistance is being distributed equitably.

**2. Increase to 5% the tribal set-aside for funding.** Since the inception of CAPTA, just 1% of the community-based grant funds have been set aside for tribal communities, and even that set-aside was shared with migrant programs. This has typically resulted in only two tribal grants each three-year grant period at less than \$400,000 per tribe. Tribal governments have a unique political status that includes a government-to-government relationship with the federal government, and as such, Congress routinely provides larger tribal set-asides in other federal social service programming. In addition, the lack of funding has hampered the development of innovative child abuse and neglect prevention program models and has left tribal communities with little to no funding to prevent child abuse and neglect effectively, which is a key intervention to reducing out of home placement in foster care. Because the increased tribal set-aside is linked to an overall funding increase, AI/AN CAPTA seeks to provide this funding in a way that is not zero-sum for other populations. The bill also separates the tribal set-aside from that for migrant programs.

**3. Provide for a GAO study.** This study—conducted in consultation with tribal nations from all parts of the United States—will help gather information on child abuse and neglect prevention activities in tribal communities, including tribal nations' promising practices that are culturally-based or culturally-adapted, and tribal access to existing funds for child abuse prevention and treatment.