

United States Senate

WASHINGTON, DC 20510

December 13, 2024

The Honorable Gene L. Dodaro
Comptroller General
U.S. Government Accountability Office
441 G St., NW
Washington, DC 20226

Dear Mr. Dodaro:

We write to request that the Government Accountability Office (GAO) conduct a study of child abuse and neglect in American Indian (AI) and Alaska Native (AN) communities. This study would inform Congress of Tribes' best practices used in child welfare programs, and the funding, technical assistance, and data necessary to better support these programs.

The modern history of AI/AN children has been defined by generational trauma. In the 19th and 20th centuries, hundreds of thousands of children were displaced into over 500 boarding schools, where they experienced physical, sexual, and psychological abuse.¹ Then between the 1950s and 1970s, an estimated 25 to 35 percent of all AI/AN children were removed from their families and placed by child welfare agencies in foster care far from their tribal communities or were adopted, primarily by non-Indian families.² The GAO found that, during this period, "American Indian children were roughly six times more likely to be separated from their families and placed in state foster care than other children,"³ resulting in permanent physical and cultural removal from their Tribes.⁴ This large-scale dislocation ultimately led Congress to enact the Indian Child Welfare Act in 1978, which established minimum standards for services and placement of AI/AN children in state child welfare systems and prioritized placing AI/AN children with relatives and other Tribal members. The Indian Child Welfare Act also recognized inherent Tribal jurisdiction over child custody cases involving AI/AN children.⁵

¹ American Journal of Community Psychology, "A Systematic Review of Trauma Interventions in Native Communities," Julie Gameon and Monica Skewes, September 2019, pp. 223-241, <https://onlinelibrary.wiley.com/doi/10.1002/ajcp.12396>.

² PBS, "Native American History: Documentaries On American Indian Boarding Schools and Forced Adoptions," Beatrice Alvarez, November 15, 2023, <https://www.pbs.org/articles/native-american-history-documentaries-about-residential-schools-and-forced-adoptions#:~:text=The%20Bureau%20of%20Indian%20Affairs,program%20officially%20ended%20in%201967>.

³ U.S. Government Accountability Office, "Indian Child Welfare Act: Existing Information on Implementation Issues Could Be Used to Target Guidance and Assistance to States," p. 1, April 2005, <https://www.gao.gov/assets/gao-05-290.pdf>.

⁴ National Indian Child Welfare Association, "Disproportionality Table," 2019, <https://www.nicwa.org/wp-content/uploads/2019/08/Disproportionality-Table-2019.pdf>.

⁵ Politifact, "Understanding the battle over the Indian Child Welfare Act," Noah Y. Kim, November 2021, [https://www.politifact.com/article/2021/nov/01/understanding-battle-over-indian-child-welfare-act/#:~:text=Congress%20passed%20the%20Indian%20Child%20Welfare%20Act%20\(shorthanded%20as%20ICWA\);National%20Indian%20Child%20Welfare%20Association,%20The%20Indian%20Child%20Welfare%20Act%20of%201978,](https://www.politifact.com/article/2021/nov/01/understanding-battle-over-indian-child-welfare-act/#:~:text=Congress%20passed%20the%20Indian%20Child%20Welfare%20Act%20(shorthanded%20as%20ICWA);National%20Indian%20Child%20Welfare%20Association,%20The%20Indian%20Child%20Welfare%20Act%20of%201978,) p. 1,

Still today, AI/AN children are over-represented in the state foster care system.⁶ Even when the same number of child welfare cases are reported, authorities are more likely to take enforcement action against AI/AN families than white families at each step of the foster care process, from investigations, to substantiations, to foster placements.⁷

The U.S. government's record with AI/AN children has eroded Tribal communities' trust in the traditional child welfare system.⁸ Today, Tribes have developed their own programs for protecting children in their communities and to assist states that are working with their Tribal member children and families. Most Tribes operate child welfare services,⁹ many of which are culturally based and incorporate elements such as reconnecting to traditional culture and language, mentorship by Tribal elders, or healing from historic trauma.¹⁰

However, Tribes' child welfare programs are systematically underfunded.¹¹ Researchers have identified "a paucity of culturally relevant services available for AI parents."¹² In August 2016, GAO published a report in which it found that over half of the Tribes interviewed lacked adequate resources for their foster care programs.¹³ Funding gaps have contributed to a lack of trained child welfare professionals, poor infrastructure, inadequate technology for maintaining child case records, a lack of emergency intervention services, and more.¹⁴

To best support Tribal child welfare programs, we need to better understand the common barriers Tribes face in accessing federal and state child welfare funding and technical assistance, the best

<https://www.nicwa.org/wp-content/uploads/2016/11/Indian-Child-Welfare-Act-of-1978.pdf>.

⁶ South Dakota Searchlight, "The Lost Children: Overrepresentation of Native American Children in the SD foster care system," Makenzie Huber and Annie Todd, November 6, 2023, <https://southdakotasearchlight.com/2023/11/06/lost-children-overrepresentation-native-american-sd-foster-care-system/>.

⁷ National Indian Child Welfare Association, "Disproportionality in Child Welfare Fact Sheet," November 2021, https://www.nicwa.org/wp-content/uploads/2021/12/NICWA_11_2021-Disproportionality-Fact-Sheet.pdf; National Indian Child Welfare Association, "Disproportionality Table," 2019, <https://www.nicwa.org/wp-content/uploads/2019/08/Disproportionality-Table-2019.pdf>.

⁸ *Id.*

⁹ Child Welfare Information Gateway, "The Indian Child Welfare Act: A Primer for Child Welfare Professionals," April, 2021, <https://cwig-prod-prod-drupal-s3fs-us-east-1.s3.amazonaws.com/public/documents/icwa.pdf?VersionId=7yuNb.FbjYhQIyZp2QWJ768uU0UEzank>.

¹⁰ Journal of Racial and Ethnic Health Disparities, "A Call for Culturally-Relevant Interventions to Address Child Abuse and Neglect in American Indian Communities," Apryl Joe et al., June 2019, p. 452, <https://www.jstor.org/stable/48706989>; National Crimes Against Children Investigators Association, "The Overlooked Epidemic: Child Abuse in Indigenous and Native American Populations," March 20, 2024, Michael Lee, <https://www.ncacia.org/post/the-overlooked-epidemic-child-abuse-in-indigenous-and-native-american-populations>.

¹¹ Journal of Racial and Ethnic Health Disparities, "A Call for Culturally-Relevant Interventions to Address Child Abuse and Neglect in American Indian Communities," Apryl Joe et al., June 2019, pp. 447-456, <https://www.jstor.org/stable/48706989>.

¹² *Id.* at p. 447.

¹³ U.S. Government Accountability Office, "Foster Care: Most Tribes Do Not Anticipate Challenges with Case Goal Changes, but HHS Could Further Promote Guardianship Assistance," p. 28, August 2016, <https://www.gao.gov/assets/680/678922.pdf>.

¹⁴ National Crimes Against Children Investigators Association, "The Overlooked Epidemic: Child Abuse in Indigenous and Native American Populations," Michael Lee, March, 20, 2024, <https://www.ncacia.org/post/the-overlooked-epidemic-child-abuse-in-indigenous-and-native-american-populations>.

practices that Tribal child welfare programs employ, and the gaps in federal data on AI/AN child abuse.

We request that GAO conduct a study to fill this information gap. Building on past GAO reports on child abuse and neglect in Indian Tribal communities,¹⁵ GAO should consult with Tribes to examine Tribes' existing child abuse and neglect prevention programming and the resources they need to strengthen existing programming and to develop other necessary prevention programs. Specifically, we request that GAO report on the following topics:

- (1) the number or estimated percentage of Indian Tribes providing primary child abuse and neglect prevention activities;
- (2) the number or estimated percentage of Indian Tribes providing secondary child abuse and neglect prevention activities;
- (3) promising practices of Indian Tribes with respect to child abuse and neglect prevention that are culturally-based or culturally-adapted, disaggregated to describe example practices of Indian Tribes of various sizes, geographies, federal funding levels, and other criteria selected by GAO through consultation with Indian Tribes;
- (4) information and recommendations on how the federal government could support Indian Tribes in conducting evidence-based studies to bolster Tribal practices in child abuse and neglect prevention;
- (5) the number of Indian Tribes that have directly accessed Federal child abuse and neglect prevention programs;
- (6) challenges faced by selected Indian Tribes in accessing and implementing child abuse and neglect prevention activities;
- (7) child abuse and neglect prevention activities that selected Indian Tribes provide using State funds;
- (8) child abuse and neglect prevention activities that selected Indian Tribes provide using Tribal funds;
- (9) Tribal access to State children's trust fund resources;
- (10) how the children's trust fund model could be used to support prevention efforts regarding child abuse and neglect of American Indian and Alaska Native children;

¹⁵ U.S. Government Accountability Office, "Indian Child Welfare Act: Existing Information on Implementation Issues Could Be Used to Target Guidance and Assistance to States," April 2005, <https://www.gao.gov/assets/gao-05-290.pdf>; U.S. Government Accountability Office, "Foster Care: Most Tribes Do Not Anticipate Challenges with Case Goal Changes, but HHS Could Further Promote Guardianship Assistance," August 2016, <https://www.gao.gov/assets/680/678922.pdf>.

- (11) Federal agency technical assistance efforts to address child abuse and neglect prevention and treatment of American Indian and Alaska Native children;
- (12) Federal agency cross-system collaboration to address child abuse and neglect prevention and treatment of American Indian and Alaska Native children;
- (13) Tribal access to child abuse and neglect prevention research and demonstration grants under the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.);
- (14) an examination of Federal child abuse and neglect data systems to identify what Tribal data is being submitted and barriers to submitting data; and
- (15) an examination of Federal child abuse and neglect data systems to identify recommendations on improving the collection of data from Indian Tribes.

This report will help Congress analyze the challenges Tribes face in obtaining child abuse funding and identify the most effective and culturally appropriate current practices. The federal government has a responsibility to invest in Tribal child welfare programs and to not repeat the harms of the past. This research is critical to better understanding those programs' urgent needs.

Sincerely,



Elizabeth Warren
United States Senator



Lisa Murkowski
United States Senator
Vice Chairman, Committee
on Indian Affairs