

THE ALASKA TRIBAL CHILD WELFARE COMPACT

**Alaska House Tribal Affairs Committee
Hearing, March 21, 2019**

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INDIAN CHILD WELFARE ACT OF 1978

- Sets minimum standards for removal of 'Indian children' from their families, and the placement of these children in foster and adoptive homes
- Provides a framework for tribes to exercise their sovereignty over their member children or children eligible for membership

ACTIVE EFFORTS (ICWA cont'd)

- If a child's tribal status is unknown, active efforts must be provided while waiting to verify whether the child is an 'Indian child'
- Services must be designed to prevent the breakup of an Indian family
- Services must be provided to the parent(s), primary caregiver(s), and extended family
- Services should be provided in a manner that is consistent with the prevailing social and cultural conditions and way of life of the child's Tribe

PLACEMENT PREFERENCES (ICWA cont'd)

Foster Care or Pre-Adoptive – §1915(c)

1. A member of the Indian child's extended family;
2. A foster home, licensed, approved, or specified by the child's Tribe;
3. An Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
4. An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs

Adoptive – §1915(a)

1. A member of the child's extended family;
2. Other members of the Indian child's tribe; or
3. Other Indian families

WHY DID THE WORK BEGIN?

- **Significant *General* Disparities by Race**
 - 3,000 Alaska children are in State custody
 - 1,900 of which are Alaska Native/American Indian
 - Disproportionality rate of 64%
- **Significant *Specific* Disparity by Race (Repeat Maltreatment)**
 - 17% of Alaska Native/American Indian children experienced repeated maltreatment in 2018
 - Compared to 9% for non-Native children

HOW DID THE WORK BEGIN?

- **Tribal State Collaboration Group** (Almost 25-Year Partnership)
 - Composed of state and tribal representatives, as well as invited private stakeholders.
 - Goals are to: (1) strengthen Indian Child Welfare Act compliance; (2) reduce Alaska Native/American Indian disproportionality; and (3) build and strengthen working relationships.

- **Tribal Title IV-E Agreements**
 - Provides federal funds for states and tribes to provide foster care, transitional independent living programs, guardianship assistance, and adoption assistance.
 - Tribes can access the funds through (1) state-tribal 'pass through' agreements or (2) direct federal agreements.
 - 11 Tribes/Tribal Organizations currently have Administrative and Short-Term Training Agreements with the State.
 - Two of the 11 also have Maintenance Agreements with the State.
 - Tribes receive a **higher** reimbursement rate than the State for covered services, resulting in General Fund savings.

ALASKA TRIBAL CHILD WELFARE COMPACT

- **What is the Compact?**

- A intergovernmental agreement between the State of Alaska and certain Alaska tribes and tribal organizations to improve the well-being of Alaskan children and families.
 - Recognizes the inherent authority of Alaska tribes to serve their members and/or individuals eligible for membership.

- **How does the Compact Accomplish its Purpose?**

- ‘... by encouraging and providing for collaboration and cooperation in the administration of child welfare and the protection of Alaska’s children.’
 - Specifically, by defining the services and supports to be carried out by the tribal cosigners in their respective service delivery areas for their respective populations through ‘Scopes of Work.’

COMPACT SECTIONS

- **Article One:** Purpose and Scope
- **Article Two:** Definitions
- **Article Three:** Authority
- **Article Four:** Signatories
- **Article Five:** Effective Date, Term, Amendment & Termination
- **Article Six:** Non-Financial Program Support & Operation
Shared Services
- **Article Seven:** Services Provided Under a Co-Signer's SSFA
- **Article Eight:** Funding, Payment Process & Conditions
- **Article Nine:** Confidentiality and Privacy
- **Article Ten:** Sovereign Immunity, Insurance & Other Risk
Management
- **Article Eleven:** Other Provisions

18 TRIBAL COSIGNERS (161 TRIBES)

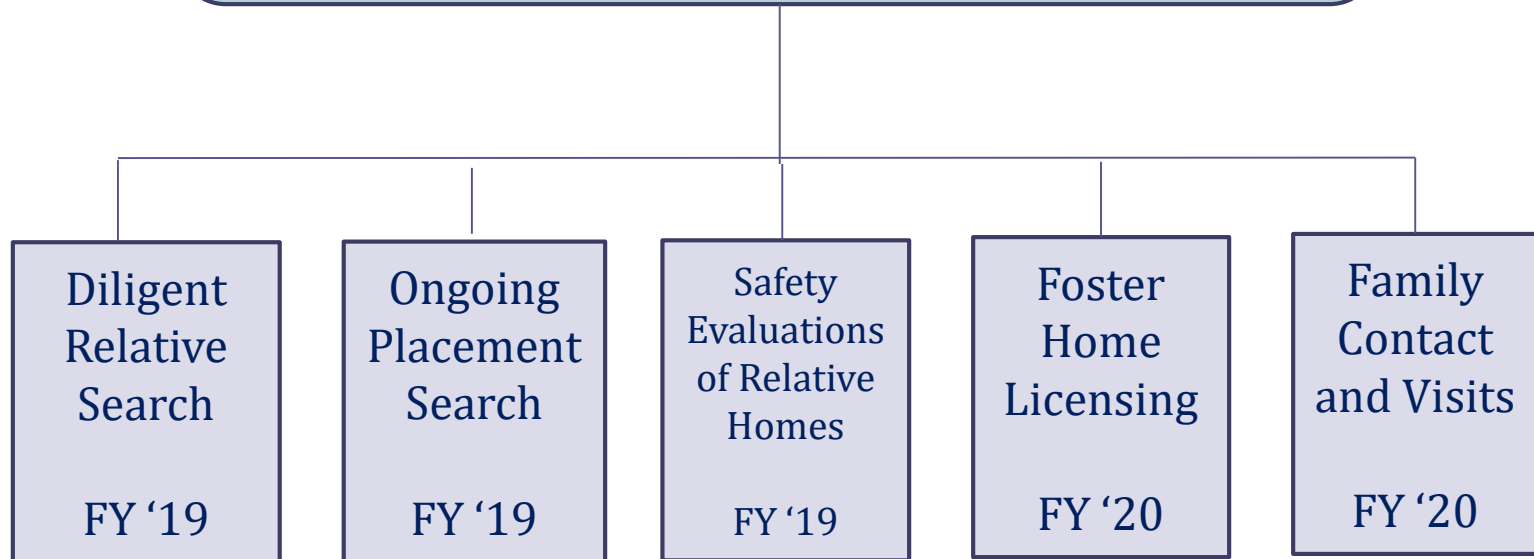
- Aleutian Pribilof Islands Association
- Arctic Slope Native Association*
- Association of Village Council Presidents
- Bristol Bay Native Association
- Central Council Tlingit and Haida Indian Tribes of Alaska
- Cheesh'na Tribal Council*
- Chugachmiut
- Cook Inlet Tribal Council
- Copper River Native Association
- Native Village of Eyak
- Kawerak, Inc.
- Kenaitze Indian Tribe
- Maniilaq Association
- Mentasta Traditional Council*
- Nome Eskimo Community
- Aleut Community of St. Paul Island
- Sun'aq Tribe of Kodiak
- Tanana Chiefs Conference

TIMELINE OF IMPLEMENTATION

- Fiscal Year (FY) 2018
 - Program development or restructuring; capacity and infrastructure building; training and technical support.
- FY 2019
 - Sharing Protective Services Reports (screen in/screen out); performing Initial Diligent Relative Searches Scope of Work; and negotiating new scopes of work.
- FY 2020
 - Implement new scopes of work for: (1) initial diligent relatives searches; (2) ongoing relatives searches; (3) family contact; (4) licensing assist; and (5) safety evaluations; and performing those scopes, as well as preventatives services.

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(Effective Date December 15, 2017)



PUBLIC-PRIVATE PARTNERSHIPS

- **Casey Family Programs**

- National organization focused on child welfare and foster care.
- Provide financial and technical assistance to state and tribal child welfare programs to incorporate national best practices related to addressing: (1) disparate outcomes; (2) well-being of children in foster care; (3) decreasing length of time for children in foster care; and (4) Assisting older youth transition from foster care.
- Consistent state presence since 2000.

LONG TERM VISION

- Alaska children and families will be served locally, as close to 'home' as possible.
- Services provided will be more cost effective and efficient.
- Children and families will be more receptive to changing abusive or neglectful behavior(s), which will mean the number of children in state custody will decrease—as will the rate of maltreatment.
- Outcomes for Alaska children and families will be improved, particularly Alaska Native children and families.

QUYANA
(THANK YOU)