

**ALASKA STATE LEGISLATURE  
HOUSE SPECIAL COMMITTEE ON TRIBAL AFFAIRS**

April 11, 2019

8:03 a.m.

**MEMBERS PRESENT**

Representative Tiffany Zulkosky, Chair  
Representative Dan Ortiz  
Representative Chuck Kopp  
Representative Dave Talerico  
Representative Sarah Vance

**MEMBERS ABSENT**

Representative Bryce Edgmon, Vice Chair  
Representative John Lincoln

**COMMITTEE CALENDAR**

HOUSE RESOLUTION NO. 7

Urging the governor to continue to fully implement the Alaska Tribal Child Welfare Compact and build ongoing partnerships between the state and tribal governments.

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HR 7

SHORT TITLE: SUPPORT AK TRIBAL CHILD WELFARE COMPACT

SPONSOR(S): TRIBAL AFFAIRS

04/10/19	(H)	READ THE FIRST TIME - REFERRALS
04/10/19	(H)	TRB
04/11/19	(H)	TRB AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

GRACE SINGH, Staff  
Representative Tiffany Zulkosky  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced HR 7 on behalf of the House Special Committee on Tribal Affairs, the prime sponsor.

FRANCINE EDDY JONES, Director

Tribal Family & Youth Services  
Central Council of Tlingit and Haida Indian Tribes of Alaska  
Juneau, Alaska

**POSITION STATEMENT:** Testified during the hearing on HR 7.

ERIN DOUGHERTY LYNCH, Senior Staff Attorney  
Native American Rights Fund  
Anchorage, Alaska

**POSITION STATEMENT:** Provided clarification on a question about the Alaska Tribal Child Welfare Compact.

#### **ACTION NARRATIVE**

[8:03:25 AM](#)

**CHAIR TIFFANY ZULKOSKY** called the House Special Committee on Tribal Affairs meeting to order at 8:03 a.m. Representatives Talerico, Kopp, Ortiz, Vance, and Zulkosky were present at the call to order.

#### **HR 7-SUPPORT AK TRIBAL CHILD WELFARE COMPACT**

[8:03:57 AM](#)

CHAIR ZULKOSKY announced that the only order of business would be HOUSE RESOLUTION NO. 7, "Urging the governor to continue to fully implement the Alaska Tribal Child Welfare Compact and build ongoing partnerships between the state and tribal governments."

[8:04:15 AM](#)

GRACE SINGH, Staff, Representative Tiffany Zulkosky, Alaska State Legislature, said HR 7 encourages Governor Michael J. Dunleavy to fully implement the Alaska Tribal Child Welfare Compact. She said HR 7 recommends the continuation of partnerships between the State of Alaska (SOA) and tribal governments. She said these partnerships strengthen child welfare services in the best interests of Alaska's children. She remarked that the protection and wellbeing of the next generation of Alaskans is important to every community, family, and leader in Alaska. She referenced a previous presentation before the committee on the Alaska Tribal Child Welfare Compact. She called the compact "a historic agreement, the first of its kind between a state and tribal governments." She said that in times of decreased SOA spending, it is important to form partnerships based on mutual responsibility to a shared

constituency in order to strengthen program delivery across Alaska, and particularly in its most remote areas. She said all children deserve to be protected, loved, and nurtured, no matter where in Alaska they live.

MS. SINGH said the Alaska Tribal Child Welfare Compact formalizes a relationship intended to maximize resources that support child welfare services across Alaska. She stated that tribal involvement and intervention in child welfare cases has proven to be more effective and responsive to the needs of rural communities. She said SOA and tribal governments can work together to provide a holistic approach to serving families, foster parents, and children.

[8:06:42 AM](#)

FRANCINE EDDY JONES, Director, Tribal Family & Youth Services, Central Council of Tlingit and Haida Indian Tribes of Alaska, introduced herself in Tlingit and relayed her personal and professional background. She said she has served for 26 years in her current position with the Central Council of Tlingit and Haida Indian Tribes of Alaska (CCTHITA). She said she is partly testifying on behalf of her friend and colleague Nicole Borromeo. She said she has worked with the federal Indian Child Welfare Act (ICWA) since its inception in 1979 and shared that she is very passionate about it. She discussed the opportunities she has had to partner with SOA and its Office of Children's Services (OCS), as well as to correspond with tribes in other states and share experiences related to implementing ICWA. She said CCTHITA has been fortunate to partner for 19 years with Casey Family Programs, a private foundation that has provided guidance, technical assistance, opportunities for training, and opportunities to connect with other tribes across the nation.

MS. JONES referenced previous testimony by Valerie Davidson about the Alaska Tribal Child Welfare Compact. She extolled Ms. Davidson's leadership in helping to move the compact forward. She said many of the people who were part of compact negotiations have been in partnership with SOA for many years. She noted that CCTHITA has partnered with SOA since 1984 on child welfare and in efforts to improve services. She remarked that 72 percent of CCTHITA's caseload is in Juneau. She said the Alaska State Legislature honored the work of tribes in the mid-1980s. She continued, "We were written into the state budget as a [Budget Request Unit] BRU back then." She said the relationship between tribes and SOA evolved over the decades.

She again recognized Ms. Davidson for her work as then-Commissioner of the Department of Health and Social Services (DHSS) in taking the relationship "to the next level." She named other tribal organizations that have been in partnership with SOA since 1984: Maniilaq Association, the Association of Village Council Presidents (AVCP), and Tanana Chiefs Conference (TCC). She noted that larger organizations like CCTHITA have larger caseloads.

[8:11:48 AM](#)

MS. JONES referenced previous testimony heard before the committee on the Alaska Tribal Child Welfare Compact. She said she has worked on the compact since its inception and has had a significant role in participating in the process. She said the topic of what a successful tribal child welfare program would look like is a frequent piece of conversation in tribal caucus, especially in how it would compare to SOA's child welfare program. She stated that SOA's child welfare system is heavily focused on intervention. She said OCS intervenes when it receives notice that a child is being abused or neglected, and frequently removes children from their homes. She commented that often when it comes to Alaska Native children, the problem is neglect rather than abuse. She said that is important to remember. She remarked that tribes are often able to ascertain that a family is struggling before an official notice has been issued. She stated that tribes and tribal organizations are ready and available to deploy wraparound services to prevent family breakup. As an example, she compared the model used by CCTHITA as one which goes "further upstream" rather than one which waits for a child to be brought to the attention of SOA. She discussed the evidence-based "structured decision-making tool" used by CCTHITA to assess potentially at-risk families. She said the tool allows them to intervene early with families that may be dealing with substance abuse, trauma, or other issues. She noted that AVCP is rolling out a similar tool. She remarked that the child welfare systems of tribes involved with the compact are of varying levels of sophistication. She said some are in their infancy, some are developing, and some - like CCTHITA's - are complex.

[8:15:17 AM](#)

MS. JONES stated that SOA and tribal governments think differently and measure success differently. She said 161 of the 229 federally recognized tribes are directly or indirectly participating in the compact. She commented on the compact's

"incredible geographic reach." She said OCS has struggled historically to service the entire state. She stated that the ability to communicate in real-time with each region and sub-region would be beneficial to Alaska. She said meaningful collaboration and cooperation between SOA and the tribes will allow for participating tribes to leverage SOA resources associated with the Title IV-E program. She noted that 11 of the 18 tribes and tribal organizations participating in the compact are currently in a pass-through agreement with SOA under Title IV-E. She said this allows those tribes and tribal organizations to leverage SOA dollars that are federally reimbursed to SOA in order to build up tribal welfare structures. She said CCTHITA has been operated under that agreement for nearly 20 years. She remarked that this is another example of the long-term nature of SOA-tribal partnerships related to child welfare.

[8:17:27 AM](#)

MS. JONES stated that anecdotal evidence suggests that Alaska will meet the ICWA's placement preferences in higher percentages under the compact. She relayed that she had participated in a recent conference call with Natalie Norberg, Director of OCS, during which Ms. Norberg informed tribal representatives that Alaska is ranked highest in the nation for placing children with relatives. Ms. Jones said it is "pretty incredible" for Alaska to be a national leader, and that it is reflective of the hard work done to implement ICWA in Alaska and the priority placed on family.

MS. JONES relayed that she was one of 1,600 participants who attended the National Indian Child Welfare Association (NICWA) annual conference to celebrate 40 years of ICWA. She reflected on the work that has been done in that long stretch of time.

MS. JONES expressed that she is confident that the committee appreciates the compact and its potential for success. She extolled committee members for thinking up ways to move the compact forward. She remarked that working on the compact has been a highlight of her career. She praised the creative, innovative, and cost-effective approach laid out in the compact. She said it is important to note that the tribes and tribal organizations involved in the compact survive on ICWA funding, which has been stagnant for approximately 24 years. She discussed the small amounts of money doled out to tribes across the state and noted that the amount is not enough to pay a child welfare employee. She spoke to the importance of SOA resources

in supporting the compact. She noted that she had a PowerPoint presentation that is also available as a handout. At the recommendation of Chair Zulkosky, Ms. Jones forewent the presentation.

8:20:53 AM

REPRESENTATIVE KOPP asked a question about the timeline of the Alaska Tribal Child Welfare Compact.

MS. JONES said the compact was signed in October 2018. She stated that there is no end date unless it is rescinded or the administration elects to end it.

CHAIR ZULKOSKY recalled that the compact was signed in December 2017, and, to fully implement it, certain provisions need to be reconsidered this coming summer.

REPRESENTATIVE KOPP asked what parts of the compact need to be reconsidered.

CHAIR ZULKOSKY stated that an exact answer will be found and circulated to members of the committee.

MS. JONES said that Ms. Borromeo, who is general counsel for the Alaska Federation of Natives, would know the answer. She named "waiver of sovereign immunity" as one topic that "has come back." She noted that the tribes and tribal organizations that signed the compact agreed to "the terms of the limited waiver."

CHAIR ZULKOSKY referred the question to Erin Dougherty Lynch of the Native American Rights Fund.

8:23:11 AM

ERIN DOUGHERTY LYNCH, Senior Staff Attorney, Native American Rights Fund, said it is her understanding that nothing in the compact itself requires renegotiation. She noted that there is some language in the service support funding agreement (SSFA) that was revisited last fall. She said it is her understanding that the language was agreed to and documents were signed. She stated that SOA and the tribes get together a few times each year to negotiate and revisit the documents they have created. She said, "The documents are open in the sense that if something is not working, both sides can agree to revisit them." She reiterated her understanding that the items that were revisited have been agreed to and "everyone is moving forward."

[8:24:52 AM](#)

CHAIR ZULKOSKY thanked Ms. Lynch for her clarification. She referred to a "frequently asked questions document" [hard copy included in committee packet]. She stated that looking toward 2020, the framework "would be to revisit the capacity of tribes and possibly increasing scopes of work in partnership with the state."

MS. LYNCH answered, "Exactly." She said different scopes of work were developed during the negotiations between co-signers and SOA. She stated that every time the two sides come together to negotiate, there is frequent discussion about new scopes of work. She said part of that conversation is each co-signer deciding for itself whether it has the capacity to take on a scope of work. She clarified that the co-signers are all "in different places" with their child welfare programs, with varying capacities to take on responsibilities. She said the scopes of work are jointly developed and it is up to each co-signer to decide if it wants to take on the scope of work.

[8:26:37 AM](#)

CHAIR ZULKOSKY noted that the timeline for the compact is contained within the document provided by Ms. Jones. She said she would ensure each committee member has a copy. She thanked Ms. Jones for her testimony.

[8:27:13 AM](#)

CHAIR ZULKOSKY stated that due to time constraints, the committee would be unable to hold public testimony on HR 7 today. Testifiers were invited to rejoin the next committee at a future hearing.

[HR 7 was held over.]

[8:27:47 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the Special Committee on Tribal Affairs meeting was adjourned at 8:28 a.m.