



NICWA

National Indian Child Welfare Association
Protecting Our Children • Preserving Our Culture

Testimony from the National Indian Child Welfare Association
Senate Committee on Indian Affairs

November 19, 2014

Protecting Our Children's Mental Health:
Preventing and Addressing Childhood Trauma in Indian Country

The National Indian Child Welfare Association (NICWA) is a national American Indian and Alaska Native (AI/AN) nonprofit organization located in Portland, Oregon. NICWA has provided technical assistance and training to tribes, states, and federal agencies on issues pertaining to child maltreatment, Indian child welfare, children's mental health, and juvenile justice for over 30 years. NICWA is a leader in the development of public policy that supports tribal self-determination in child welfare, children's mental health, and juvenile justice systems, as well as compliance with the Indian Child Welfare Act (ICWA). NICWA also engages in research to support and inform services and policy for AI/AN children and families. NICWA is the nation's most comprehensive source of information on AI/AN child maltreatment, child welfare, and children's mental health issues.

We would first like to thank the committee members for their interest in the well-being of AI/AN children and families. There is no effort more important than the protection of AI/AN children, the prevention of childhood exposure to violence, and the treatment of trauma. This hearing was called in response to the Department of Justice (DOJ) Report issued by the Attorney General's Advisory Committee on AI/AN Children Exposed to Violence titled *Ending Violence So That Children Can Thrive*. This testimony will review critical areas where AI/AN children are exposed to violence and highlight the most important related recommendations in the report.

It is our sincere hope that this hearing is the beginning, and not the end, of this crucial conversation. Tribes work tirelessly to keep their children safe but there is still much that the federal government can do to support these efforts.

Child Protection

Civil Cases

The prevention of, and response to, child abuse and neglect in Indian Country involves many different governments, service providers, and governmental systems. Without coordination at each step, families' needs can go unmet and children can be left in danger (Cross, 2005). At the heart of the problem are jurisdiction and funding.

In P.L. 280 states, tribes face unique jurisdiction and service responsibility challenges when child protection systems respond to reports of child abuse and neglect. The issue of whether states have concurrent jurisdiction with tribes on tribal lands in P.L. 280 areas has not been fully resolved. Further, many states believe they have concurrent jurisdiction on tribal lands—a troubling position that some courts have affirmed. Where concurrent jurisdiction has been asserted, jurisdictional authority and service responsibility can be uncertain. This often results in delays in civil (child protection/child welfare) responses to reports of child abuse involving AI/AN children on tribal lands.

Some tribes in P.L. 280 states have been able to develop intergovernmental agreements to address these jurisdictional and service responsibility challenges. Due to some states' reluctance or unwillingness to negotiate agreements, many tribes have not been able to develop agreements and confusion continues. Although ICWA provides for the re-assumption of civil child welfare and child protection jurisdiction (25 USC § 1918), the current process is very burdensome and can take two or more years to complete.

Although all tribes recognize the importance of prevention, and many provide programs that incorporate child abuse prevention activities, they do so with little or no federal support. Furthermore, the prevention work they do is in communities with families that are at a higher-than-average risk for child abuse and neglect. Tribes do have access to some funds that are flexible and can be used to prevent and intervene in child maltreatment cases. Due to the limited funding available for tribal child welfare generally, available flexible funding sources are often used to support non-prevention, non-child protection crisis management services.

Key Taskforce Recommendations

- **Recommendation 1.4.B.** Congress shall appropriate, not simply authorize, sufficient substantially increased funding to provide reliable tribal base funding for all tribal programs that

impact AI/AN children exposed to violence. This includes tribal criminal and civil justice systems and tribal child protection systems. At a minimum, and as a helpful starting point, Congress shall enact the relevant funding level requested in the National Congress of American Indians (NCAI) *Indian Country Budget Request for FY2015*.

- *Comment:* Funding must provide flexible opportunities that allow tribes to design their child welfare services to meet the needs of their children and families. Priority programs include:
 - Department of the Interior (DOI): Indian Child Protection and Family Violence Prevention child abuse prevention and treatment grant programs (\$43 million in authority)
 - Department of Health and Human Service (DHHS): Community-Based Child Abuse Prevention (\$60 million); Child Abuse Discretionary Activities (\$35 million)
- The grant provisions of the Indian Child Protection and Family Violence Prevention Act (P.L. 101-630) must be fully funded. Since this law’s passage in 1991, no federal agency has requested funding for its three authorized grant programs. Consequently, Congress has never appropriated funds for these critical programs. These grant programs are the only funds dedicated for tribal governments to support (1) child abuse treatment; (2) child abuse prevention and investigation of child abuse reports; (3) family violence prevention and treatment services; and (4) the establishment of Indian child resource and family service centers to assist tribes with the investigation and prevention of, as well as treatment for, victims of child abuse and domestic violence.
- The Child Abuse Prevention and Treatment Act contains funding for states to provide community-based child abuse prevention and other child abuse discretionary activities. Tribal governments, however, are only eligible for a minuscule amount of these funds. Tribal child abuse prevention funds come through a 1% set-aside that tribes share with migrant populations that amounts to two tribal grants every three years of approximately \$300,000.
- **Recommendation 1.7.** The legislative and executive branches of the federal government should encourage tribal-state collaborations to meet the needs of AI/AN children exposed to violence.
 - *Comment:* The Bureau of Indian Affairs (BIA), in consultation with tribes, must reform the process for tribal re-assumption of civil child welfare/child protection jurisdiction in P.L. 280 states under ICWA 25 U.S.C. § 1918.
 - *Comment:* Congress must establish a mandate for P.L. 280 states to negotiate the development of intergovernmental agreements that address jurisdictional and service responsibility challenges in child welfare “in good faith” with tribes.

Criminal Cases

An important part of protecting children from violence and preventing trauma includes the ability to prosecute all individuals who perpetrate crimes of sexual and physical abuse against children. These individuals pose a serious risk to the safety to the community and its children. The complicated scheme that governs jurisdiction in criminal cases committed in Indian Country can be summarized as follows:

Not “Major” Crimes Non-P.L. 280

Persons Involved	Jurisdiction non-P.L. 280 state
Indian accused, Indian victim	Tribal government
Indian accused, non-Indian victim	Tribal government and federal government
Non-Indian accused, Indian victim	Federal government ¹
Non-Indian accused, non-Indian victim	State government

“Major” Crimes Non-P.L. 280

Persons Involved	Jurisdiction non-P.L. 280 state
Indian accused, Indian victim	Tribal government and federal government
Indian accused, non-Indian victim	Tribal government and federal government
Non-Indian accused, Indian victim	Federal government ¹
Non-Indian accused, non-Indian victim	State government

All crimes P.L. 280

Persons Involved	Jurisdiction P.L. 280 State
Indian accused, Indian victim	State government and tribal government
Indian accused, non-Indian victim	State government and tribal government
Non-Indian accused, Indian victim	State government ¹
Non-Indian accused, non-Indian victim	State government

In general, the complexity of this scheme is often cause for prosecutions to fall through the cracks. The most significant gap in this jurisdictional scheme is that any crime committed by a non-Indian against an Indian cannot be prosecuted under tribal jurisdiction. Unfortunately, when it comes to non-P.L. 280 states, the federal government declines to prosecute the majority of these crimes. According to figures compiled by the Transactional Records Access Clearinghouse at Syracuse University, prosecutors declined 52% of cases involving serious crimes in Indian Country. Specifically, the government rejected 61% of cases involving charges of sexual abuse of children. In contrast, the Justice Department declined 20% of drug trafficking cases nationwide (Williams, 2012). Although the Violence Against Women Act (VAWA) Reauthorization Act of 2013 corrected for this problem in situations of domestic violence, it did not include provisions for child abuse, and does not recognize the jurisdiction of Alaska Native villages. This means that currently, cases of sexual abuse by a non-Indian offender against an AI/AN children often go unprosecuted.

Key Taskforce Recommendations

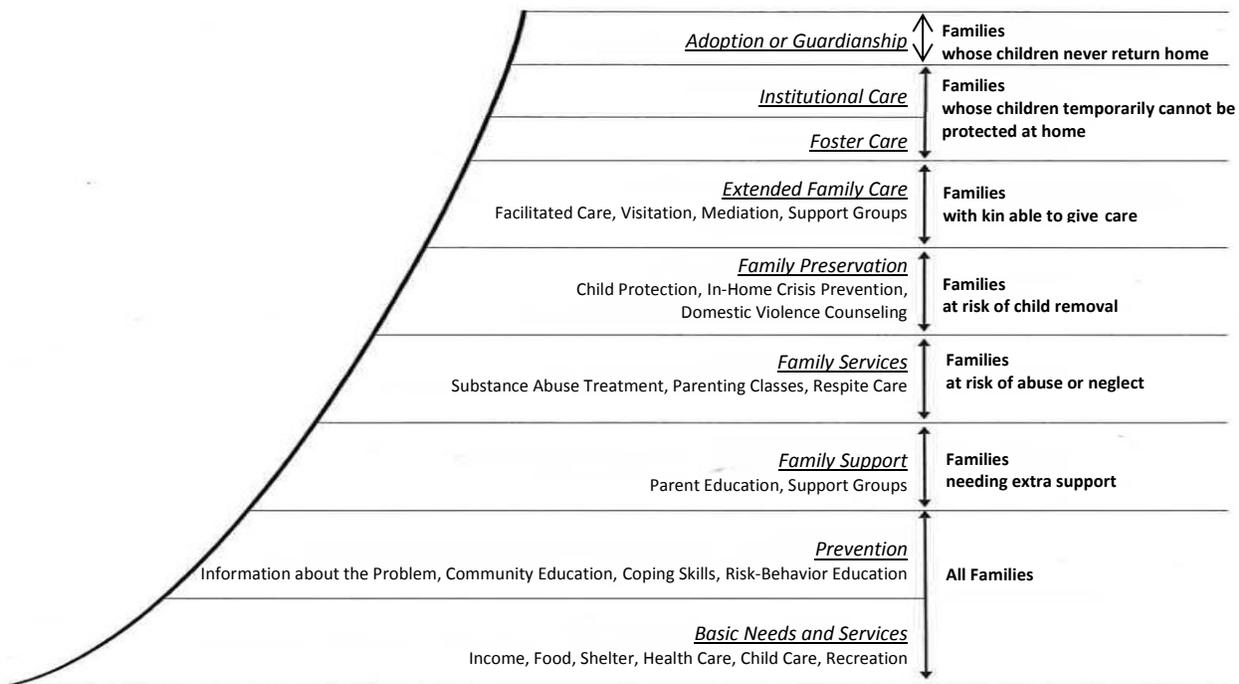
- **Recommendation 1.3.** Congress should restore the inherent authority of AI/AN tribes to assert full criminal jurisdiction over all persons who commit crimes against AI/AN children in Indian Country.
- **Recommendation 5.1.D.** Congress should repeal Section 910 of Title IX of the VAWA Reauthorization Act of 2013, and thereby permit Alaska Native communities and their courts to address domestic violence and sexual assault committed by tribal members and non-Natives just as in the lower 48 states.
- **Recommendation 5.1.E.** Congress should affirm the inherent criminal jurisdiction of Alaska Native tribal governments over their members within the external boundaries of their villages.

Child Welfare Intervention

Tribes have an important relationship with their children and families: they are experts in the needs of AI/AN children, best suited to effectively serve those needs, and most able to improve child welfare outcomes for these children (National Indian Child Welfare Association & Pew Charitable Trust, 2007). Self-determination is necessary to good outcomes for AI/AN children and families.

Essential to successful tribal child welfare is law that provides tribes the freedom to design and implement programs that meet their community's needs, culturally competent support and technical assistance from federal agencies, and a budget that avoids unnecessary restraint to tribal decision making. Best practice in tribal child welfare is shown in the following diagram where the sloping line signifies the amount of time and resources necessary for a given intervention.

¹ In 2013, the Violence Against Women Act extended criminal jurisdiction to tribes to ensure that non-Indian perpetrators of interpersonal violence could be prosecuted in tribal courts.



Currently tribal child welfare is grossly underfunded and the funds that are available are heavily biased toward foster care and permanency outside the home. Unfortunately, funding for tribal child welfare resembles an inverse configuration of the diagram above where more of the resources are located at the end of the child welfare process (removal from home and permanent placements outside the home) instead of where services can be useful in preventing maltreatment and removal from the home.

Key Taskforce Recommendations

- **Recommendation 1.4.B.** Congress shall appropriate, not simply authorize, sufficient substantially increased funding to provide reliable tribal base-funding for all tribal programs that impact AI/AN children exposed to violence. This includes tribal criminal and civil justice systems and tribal child protection systems. At a minimum, and as a helpful starting point, Congress shall enact the relevant funding level requested in the NCAI *Indian Country Budget Request for FY2015*.
 - *Comment:* Funding must provide flexible opportunities that allow tribes to design their child welfare services to meet the needs of their children and families. Priority programs include
 - DOI: Welfare Assistance (\$80 million), Indian Child Welfare Act On-Reservation Program (Tribal Priority Allocation—\$15.6 million; Self-Governance—\$16.5 million)
 - DHHS: Promoting Safe and Stable Families (\$75 million discretionary; \$345 million mandatory), Child Welfare Services (\$280 million)
 - *Comment:* Congress should reform federal child welfare financing. The new funding measures should create a balanced and sustainable base of funding for tribes and states. Reform should focus on supporting the prevention of child maltreatment and in-home services that strengthen families to reduce the need for out-of-home placements. Additional resources should be provided specifically to tribal communities for treatment services that address childhood trauma, parental substance abuse, and historical and present day trauma experienced by many parents.

- **Recommendation 2.2.** The BIA in the DOI, the Administration for Children and Families (ACF), and tribes, within one year of the publication of this report should develop and submit a written plan to the White House Domestic Policy Council, to work collaboratively and efficiently to provide trauma-informed, culturally appropriate tribal child welfare services.
- **Recommendation 2.3.** The ACF of the DHHS, BIA in the DOI, and tribes should collectively identify child welfare best practices and produce an annual report on child welfare best practices in AI/AN communities that is easily accessible in tribal communities.

Indian Child Welfare Act Compliance

Family “is the single most important survival mechanism of [AI/AN] culture; it follows that Indian child welfare practice should focus on the home and family as its most important point of intervention” (Cross, 1995a, p. 3). Yet AI/AN children continue to be removed from their homes at alarming rates, even though “formal foster care services are still foreign to Indian culture” (Cross, 1995b, p. 3). This culturally inappropriate intervention is extremely traumatic for AI/AN children and families. Removal and foster care should be “the last line of defense after all attempts have been made to strengthen the family so that a child can remain in his or her own home” (Cross, 1995b, p. 5).² This, however, is not how state systems work with AI/AN children and families, in spite of the requirements present in ICWA that mandate this practice.

ICWA requires state child welfare agencies to provide active efforts to support Native families so that children can safely remain in their homes. When removal is necessary, ICWA mandates that states place Native children in family and tribal foster care. ICWA also provides tribes, like states, the opportunity to participate in child welfare decisions involving their citizen children and families. Where ICWA is followed, AI/AN child welfare goals are met. These successes include safety, permanency, child well-being, and family well-being (Limb, Chance, & Brown, 2004). State child welfare systems and private adoption systems, however, are straying from the requirements of the law. There is recent research documenting non-compliance with most of the key provisions of ICWA.

Non-compliance is likely due to the fact that there is minimal oversight of ICWA implementation. ICWA was enacted without providing sanctions for non-compliance, incentives for effective compliance, a data collection requirement, or a mandate for an oversight committee or authority to monitor compliance.

Key Taskforce Recommendations

- **Recommendation 1.4.B.** Congress shall appropriate, not simply authorize, sufficient substantially increased funding to provide reliable tribal base funding for all tribal programs that impact AI/AN child welfare systems. At a minimum, and as a helpful starting point, Congress shall enact the relevant funding level requested in the NCAI *Indian Country Budget Request for FY2015*.
 - *Comment:* Priority programs:
 - DOI: Indian Child Welfare Act On-Reservation Program (Tribal Priority Allocation—\$15.6 million; Self-Governance—\$16.5 million); Indian Child Welfare Act Off-Reservation Program (\$5 million)
- **Recommendation 2.1.** The legislative and executive branches of the federal government should ensure ICWA compliance and encourage tribal-state ICWA collaborations.
 - *Comment:* The executive branch must follow up in states where there is knowledge of ICWA non-compliance. When ACF becomes aware of ICWA non-compliance via Child and Family Service Reviews or other sources, it should take action to assess the source

² Added to this equation is the legacy of removal that AI/AN children have faced. For nearly a century, AI/AN children were removed from their homes and placed in residential schools where formal education was used as an assimilation tactic (Jones, Tilden, & Gaines-Stoner, 2008). For decades in the 1900s, AI/AN children were systemically removed from their homes and placed in white homes without good cause or due process in an effort to assimilate (Jones, Tilden, & Gaines-Stoner, 2008). Each removal of an AI/AN child from her home, family, and community is an act of violence. Unfortunately, AI/AN children are often subjected to this violence: AI/AN children are overrepresented in foster care at rates that exceed all other populations in the United States (Summers, Woods, & Donovan, 2013).

- and scope of non-compliance and provide assistance to states to improve ICWA compliance.
- *Comment:* The executive branch must improve monitoring of tribal-state relations in child welfare, and increase efforts to educate states about the benefits of tribal-state collaboration and best practice models that are working. Incentivizing state participation in these efforts to improve service coordination and collaboration is also necessary.
 - **Recommendation 2.1.A.** Within two years of the publication of this report, the ACF in the DHHS, BIA in the DOI, and tribes should develop a modernized, unified data-collection system designed to collect Adoption and Foster Care Analysis Reporting Systems and ICWA and dependency data on AI/AN children who are placed in foster care by their agency and share that data quarterly with tribes to allow tribes and the BIA to make informed decisions regarding AI/AN children.
 - *Comment:* Initially, states must be required to collect ICWA data. This may be done as part of existing data collection measures, but can also be done in separate data collection activities (Adoption and Foster Care Analysis and Reporting System and National Child Abuse and Neglect Data System). States are already required to report a variety of measures on the children in their care. Requirements pertaining to ICWA, including a determination of ICWA eligibility, tribal notification, active efforts provided, placement according to placement preference, and other concerns related to AI/AN child welfare, should be added to these requirements. Including ICWA information in state reporting requirements would provide the information necessary to improve federal oversight and evaluate national ICWA compliance. These data will ultimately help target resource allocation and areas needing further policy development.
 - **Recommendation 2.1.B.** The Secretaries of the DOI and DHHS should compel BIA and ACF to work together collaboratively to collect data regarding compliance with ICWA in state court systems. The ACF and BIA should work collaboratively to ensure state court compliance with ICWA.
 - *Comment:* ACF should contract with ICWA experts to perform a thorough review of the ICWA compliance measures states are currently using. The results of this review should be compiled into comprehensive best practice documents and a toolkit for states to use to increase nationwide ICWA compliance. There is currently no national source of comprehensive information on the innovative ICWA compliance measures states are taking and the creative tribal-state collaborations occurring. Collecting and disseminating this information will help states think creatively about what they could do to ensure ICWA compliance.
 - **Recommendation 2.1.C.** The BIA should issue regulations (not simply guidelines) and create an oversight board to review ICWA implementation and designate consequences of non-compliance and/or incentives for compliance with ICWA to ensure the effective implementation of ICWA.
 - *Comment:* We commend the BIA's efforts to review and revise the ICWA *Guidelines for State Courts* originally created in 1979. The goal of the review should be to include requirements in the form of regulations to the extent legally defensible. The guidelines are designed to help state courts effectively implement ICWA. Nonetheless, there are numerous case law examples of courts disregarding the best practices, definitions, and interpretation delineated in the guidelines. Regulations, which carry different legal authority, cannot be so readily ignored. Translating the guidelines, to the extent possible, into regulations will improve ICWA compliance.
 - **Recommendation 2.1.D.** The DOJ should create a position of ICWA specialist to provide advice to the Attorney General and DOJ staff on matters relative to AI/AN child welfare cases, to provide support in cases before federal, tribal, and state courts, and to coordinate ICWA training for federal, tribal, and state judges, prosecutors, and other court personnel.
 - *Comment:* Currently, the DOJ engages in ICWA litigation via amicus curiae briefs which are written and filed by the Environment and Natural Resources Division of the Department of Justice. This department, however, lacks necessary expertise in family law and in ICWA specifically. For these reasons, the DOJ should create a special counsel position for Indian child welfare. Furthermore, because ICWA violations are themselves civil rights violations, as well as intricately entwined with larger issues of bias in the child welfare system. This position, therefore, should be placed in the Civil Rights Division

where they can monitor and engage in on-going litigation as well as affirmatively investigation, litigate, and remedy ICWA non-compliance.

- *Comment:* The DOJ should conduct an ICWA compliance investigation. The levels of disproportionality, particularly in states with high AI/AN populations, and the studies that show bias treatment of AI/AN families in state child welfare and private adoption systems allude to systemic civil rights violations of AI/AN children and families. DOJ's Civil Rights division must look into these troubling practices.

Children's Mental Health Services

Today, AI/AN children and communities grapple with complex behavioral health issues at higher rates than any other community. Mental health issues are not only the product of childhood violence and trauma, they are also often the impetus for adults perpetrating violence on or in the presence of AI/AN children. When children's mental health is not addressed directly it only perpetuates the cycles of violence.

To understand the behavioral health needs of AI/AN children and youth, the legacy of trauma that has been visited upon this population must be recognized. Past treatment has left AI/AN people with unresolved historical trauma (Yellow Horse Brave Heart and DeBruyn, 1998) and in socially and geographically isolated communities that rank at the bottom of a number of socioeconomic indicators (NCAI, 2012)—all risk factors for mental and behavioral health issues. Resources to address mental health needs in tribal communities are currently insufficient. Inadequate funding, uncoordinated health systems, and a shortage of mental health professionals are key barriers to the development of successful interventions (Novins & Bess, 2011).

Some tribes have begun to create integrated family- and youth-driven, culturally and linguistically competent, strength-based child welfare programs that are successfully meeting the mental health needs of youth. These models take years to create and substantial infrastructure to support.

Key Taskforce Recommendations

- **Recommendation 1.4.B.** Congress shall appropriate, not simply authorize, sufficient substantially increased funding to provide reliable tribal base funding for all tribal programs that impact AI/AN children exposed to violence. This includes tribal criminal and civil justice systems and tribal child protection systems. At a minimum, and as a helpful starting point, Congress shall enact the relevant funding level requested in the NCAI *Indian Country Budget Request for FY2015*.
 - *Comment:* Funding must provide flexible opportunities that allow tribes to design their children's mental health services to meet the needs of their community. Priority programs include:
 - DHHS: Programs of Regional and National Significance: Children and Family Programs (\$6.5 million), and Children's Mental Health Services Program: Children's Mental Health Initiative (\$117 million); Tribal Behavioral Health Grants (\$5 Million)
- **Recommendations 2.6** The Secretary of Health and Human Services should increase and support access to culturally appropriate behavioral health services in all AI/AN communities, especially the use of traditional healers and helpers identified by tribal communities.
 - *Comment:* Tribal system of care (system of care and circle of care) initiatives are essential children's mental health programs that should be supported to the fullest extent and specifically authorized.
 - Children's Mental Health Initiative system of care grants support a community's efforts to plan and implement strategic approaches to mental health services and supports that are family-driven; youth-guided; strengths-based; culturally and linguistically competent; and meet the intellectual, emotional, cultural, and social needs of children and youth. Since 1993, 173 total projects have been funded, dozens of which have been in tribal communities. Currently, 17 tribal communities are currently funded.

- The Children and Family Programs circle of care grants provide funding for the same work as the system of care program. This grant program, however, is the only SAMHSA grant program that is focused specifically on AI/AN children's mental health needs. It is also the only SAHMSA program that allows tribes and tribal organizations to apply without competing for funding with other governmental entities such as states, counties, or cities. There are currently seven communities receiving circle of care funding. This grant program must be specifically authorized to ensure tribal access to these important funds.

Juvenile Justice

AI/AN youth are over-represented in state and federal juvenile justice systems and secure confinement (Arya & Rolnick, n.d.). In fact, disproportionality is present for AI/AN youth at each stage of the delinquency process nationwide, with the exception of arrests (Arya & Rolnick, n.d.). Anecdotal evidence suggests that incarcerated AI/AN youth in general are much more likely to be subjected to the harshest treatment in the most restrictive environments and are less likely to have received the help they need from other systems.

Treatment of Indian youth is complicated by the multi-jurisdictional framework applicable to AI/AN juveniles involved with the justice system. Depending on where activity occurs and the nature of the activity, an Indian youth can be subject to federal, state, or tribal law. ICWA recognizes that tribes have unique rights that must be preserved regarding the placement of their children and the continuity of their families. Currently, in the case of status offenses, ICWA applies to AI/AN youth who may be removed from their families through the state court system. The act provides safeguards for AI/AN youth who may be placed outside of their home by mandating tribal notification in those proceedings and the possibility for transfer to tribal court. The well-known failure of state courts to apply ICWA's protections to AI/AN juvenile status offenders who have been removed or are at risk of being removed from their homes undermines the rights of tribes as sovereign nations. Where the juvenile act constitutes a crime, however, the safeguards of ICWA do not come into effect.

Key Taskforce Recommendations

- **Recommendation 4.1.** Congress should authorize additional and adequate funding for tribal juvenile justice programs, a grossly underfunded area, in the form of block grants and self-governance compacts that would support the restructuring and maintenance of tribal juvenile justice systems.
- **Recommendation 4.1.B.** Federal funding for state juvenile justice programs should require that states engage in and support meaningful and consensual consultation with tribes on the design, content, and operation of juvenile justice programs to ensure that the programming is imbued with cultural integrity to meet the needs of tribal youth.
- **Recommendation 4.4.** Federal, tribal, and state justice systems should only use detention of AI/AN youth when the youth is a danger to themselves or community. It should be close to the child's community and provide trauma-informed, culturally appropriate, and individually tailored services, including reentry services. Alternatives to detention such as "safe houses" should be significantly developed in AI/AN urban and rural communities.
- **Recommendation 4.6.** Congress should amend ICWA to provide that when a state court initiates any delinquency proceeding involving an Indian child for acts that took place on the reservation, all of the notice, intervention, and transfer provisions of ICWA apply. For all other children involved in state delinquency proceedings, ICWA should be amended to require notice to the tribe and the right to intervene. At first step, the Department of Justice should establish a pilot project that would provide funding for three states to provide ICWA-type notification to tribes within their state whenever the state court initiates a delinquency proceeding against a child from that tribe which includes a plan to evaluate the results with an eye toward scaling it up for all AI/AN communities.
 - *Comment:* ICWA should be amended to ensure that states recognize tribes' jurisdictional authority over delinquency proceedings involving an Indian child for acts that took place on the reservation. It should also be amended to provide that where a state court has obtained jurisdiction over such acts, pursuant to federal law, and the state court initiates any delinquency proceeding involving an Indian child for acts that took place on the

reservation, all of the notice, intervention, and transfer provisions of ICWA will apply. For all other Indian children involved in state delinquency proceedings, ICWA should be amended to require notice to the tribe, a right to intervene, and transfer provisions. The act shall also provide for a set of preferences. The first preference shall be release of the child to his or her parents, relatives, or another placement that does not involve confinement. Where that is not possible, the preferences should provide for a placement that is rehabilitative with a preference for tribal facilities, followed by a program approved by the child's tribe near the child's family and tribe.

- *Comment:* DOJ, BIA, and ACF should develop an initiative to improve state education and compliance with current provisions in ICWA that provide for the protections of notice, intervention, transfer, and to the extent applicable, placement provisions for Indian children who are in state juvenile justice systems for status offenses. The Office of Juvenile Justice and Delinquency Prevention should increase education efforts and create a data collection/oversight mechanism to ensure compliance with this already existing, but underutilized juvenile justice protection.

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