

Aberdeen:

FY-74 Contracts

Contractor	TYPE	NAME	SERVICE	DELIVERY	
				ON	OFF
S	S. D. State School for Retarded		Mental Retardation		X
S	S. D. State Welfare Department		Foster care and institutionalization		X
S	N. D. State Welfare Department		Group Care		X
P	Rosebud Mission		Group Care	X	
P	Charles Hall Youth Home		Group Care		X
P	Tribal Board Cheyenne River Youth Home		Group Care	X	
T	Fort Berthold Youth Home		Group Care	X	
T	Rosebud Youth Home		Group Care	X	
T	Standing Rock Youth Home		Group Care	X	
T	Turtle Mountain Youth Home		Group Care	X	

Including foster home care contracts, there are 19 off-reservation contracts and 17 on-reservation contracts excluding purchase order arrangements for service.

Current FY-74 Foster Care Placements

<u>Total</u>	<u>On Reservation</u>	<u>Off Reservation</u>
643	415	228

October 1972 study shows Bureau direct supervision foster family care program for 257 children.

Albuquerque:

FY-74 Contracts

Contractor	TYPE	NAME	SERVICE	CONTRACT AMOUNT	DELIVERY	
					OFF	ON
P	Inter Mountain		Delinquency behavior Mod.	106,092		X
S	N. Mex. Sch. for Deaf		Resident Training	5,840		X
S	N. Mex. Health and Social Services		Foster & Maternity Care	15,500		X
S	N. Mex. Dept. of Hospital and Institution		Mental Retardation	38,172		X
S	N. Mex. Sch. for Visually Handicapped		Residential Training	7,200		X
P	St. Anthony Child Care Center		Resident Treatment	7,574		X
P	Casa Angelica		Mental Retardation	9,000		X
P	Chayen Institute		Resident Treatment	23,275		X
P	Patterdell		Resident Treatment	5,400		X
S	Utah State Industrial School		Correctional and Rehabilitation	27,000		X

Current FY 74 Foster Care Placements

<u>Total</u>	<u>On Reservation</u>	<u>Off Reservation</u>
140	102	38

Current FY 74 Institutional Placements

<u>Total</u>	<u>On Reservation</u>	<u>Off Reservation</u>
83	0	83

Billings:

FY 74 Contracts

Contractor	CONTRACT AMOUNT	DELIVERY OFF ON
<u>PE</u> NAME SERVICE		
T Blackfeet Youth Home Adolest. group care		X
T Hope Ranch, Poplar, Mont. Adolest. group care		X
P-TB Mission Valley Receiv. Home Receiving		X
P Riverview Homes, Wolf Point, Montana Group care		X
P-TB St. Labre Mission, Mont. Group care		X
P-TB St. Michaels Youth Res. Residence, Wyo. Group care		X
P Bighorn Basin Children Cen. Mentally Spec. Ed. Handicapped		X
CITY Billings Children's Rec.Hm. Custodial care		X
P Cathedral Home for Child. Res. treatment		X
P St. Joseph's Orphanage, Wyo. Care & ed.		X
P St. Thomas Orphan Home, Mont. Care		X
P Yellowstone Boys Ranch Behavioral & Delinquent Res. treatment		X

Current Foster Care Program - FY 74

Reservation	No. of Children in Placement		
	On Res.	Off Res.	Total
Blackfeet	34	31	65
Crow	17	5	22
Flathead	27	7	34
Fort Belknap	1	7	8
Fort Peck	61	20	81
Northern Cheyenne	14	2	16
Wind River	50	16	66
Total	204	88	292

24 on reservation Foster Care contracts
11 off reservation Foster Care contracts

Number of Foster Care Homes = 165

On Reservation	Off Reservation	Indian Foster Parents	Non-Indian
111	54	102	63

Current FY 74 Institution Placements

On Reservation	Off Reservation	Total
60	38	98

Juneau:

FY-74 Contracts

Contractor	CONTRACT AMOUNT	DELIVERY OFF ON
<u>PE</u> NAME SERVICE		
P Henri House Day Care M. R.	66,000	
P Ketchikan Chu Receiving	6,500	X
P Kate School Cerebral palsy	6,500	X
P Jesuit Group Home Group care	13,800	X
P Presbyterian Hospi- tality House	51,000	X
P Nome Receiving Home Receiving	14,800	X
P Turning Point Boys Ranch Group Care	36,800	X
P Alaska Children's Service Group Care	35,200	X
P Alaskan Youth Village Group Care	27,000	X
P Tribal Board Bethel Day Care Foster Care	25,000	X
P Salvation Army Maternity	65,000	X
P Brown School	36,000	X
P Hope Cottage M. R.	83,500	X
P Juneau Teen Home Group	24,000	X
P Juneau Receiving Home Receiving	13,000	X
P St. Mary's Mission Boarding	2,500	X
P Utah School for Deaf and Blind Training	9,000	X

Current FY-74 Foster Care Placements

Total	In Indian Village	Urban Center
84	28	56

Current FY-74 Institutional Placements

Total	In Indian Village	Urban Center
73	6	67

There are 27 Indian/Eskimo foster homes.

In addition, there are ten tribal contracts for General Assistance programs which include child welfare components to handle emergency child care situations such as emergency receiving, day care and homemaker services. The largest such program is at Mekoryuk where the tribe runs its own foster care program.

Minneapolis Area

FY-74 Contracts

Type	Name	Service	Amount	On-R	Off-R
S	State Public Welfare Dept., Minnesota	Foster Care	\$200,000	X	X
S	Iowa Public Welfare Dept.	Foster Care	12,000	X	X
T	Michigan Inter-Tribal Council	Social Services	22,000	X	

Current FY - 74 Foster Care Placements

Total	On Reservation	Off Reservation
32	11 (Indian homes)	19 (Indian homes) 2 (Non-Indian homes)

On State of Minnesota Contract, 53 Indian foster homes for children from reservations (200 children) and 6 of these homes are on-reservation. Additionally, off reservation for off reservation homes, 29 Indian foster homes and 16 pending licensing.

Navajo:

Off Reservation

<u>NDIVID.</u>	<u>TYPE</u>	<u>NAME</u>	<u>SERVICE</u>
28	S	Ariz. State Dept. of Mental Retardation	Mental Retardation
26	S	Ariz. State Sch. for Deaf and Bl'nd	Training
1	P	Chayen Institute	Residential Treatment
2	P	Devereaux	Residential Treatment
9	P	Hozohni	Mental Retardation
58	P	Los Lunas Hosp. & Training School	Mental Retardation
7	P	McKinley Manor Nursing Home	Mental Retardation
17	S	N. Mex. School for the Deaf	Residential Training
8	S	N. Mex. School for Visually Handicapped	Residential Training
1	P	Patterdell	Delinquency Services
4	T	IDDA Southwest Indian Youth Center	Delinquency
51	P	Valley of the Sun School	Mental Retardation
9	P	San Juan Manor Nursing Home	Mental Retardation
4		Crippled Children School	Physically Handicapped

On Reservation

27	P	Tribal Board Chinle Valley School for Children	Physically Handicapped and M. R.
2	P	Monument Valley Hospital	Mental Retardation
20	P	Navajo Board Navajo Children Rehabilitation Center	Educable M. R.
82	P	Navajo Board St. Michaels Association for Professional Education	Physically Handicapped and M. R.

Current Foster Care Placements FY-74

<u>Total</u>	<u>On Reservation</u>	<u>Off Reservation</u>
124	76	48 (4 w/Indian foster parents)

Institutional Placements

<u>Total</u>	<u>On Reservation</u>	<u>Off Reservation</u>
366	131	235

Phoenix:

FY-74 Contracts

TYPE	NAME	SERVICE	CONTRACT AMOUNT	DELIVERY	
				OFF	ON
P	Alexander Home for Girls	M.R. Group Home	15,000	X	
P	Ariz. Baptist Children's Services	Youth Home	55,000		X
S	Ariz. Children's Home Association	Resident Treatment	10,000	X	
S	Ariz. State Dept. of Economic Security	Foster Care	280,000	X	
S	Ariz. State Dept. of Mental Retardation	M.R. Training		X	
S	Ariz. State Hospital	Resident Treatment		X	
S	Ariz. State School for Deaf and Blind	Resident Training		X	
P	Ariz. Ranch School	Resident Treatment	5,232	X	
P	Bureau of Catholic Missions	Day School Support Barbara Rockfeller Nursing Care		X	
P	Bethany Ranch Home Beverly Manor		6,000	X	
P	Bedell	Resident Treatment	11,400	X	
P	Brown Schools	Resident Treatment	3,500	X	
P	Carson Convalescent Center				
P	Chazen Institute	Resident Treatment	80,000	X	
P	Cocopah Tribe				
T	Colorado River Youth Home	Youth Home	19,800		X
P	Casa Linda Lodge	Maternity	8,157	X	
P	Circle S	Resident Treatment		X	
P	East Fork Luthern Nursery	Nursery	78,000		X
P	Eliza Boni				
P	Florence Crittenton Services, Inc.	Maternity	36,000	X	
T	Ft. McDowell Soc. Svcs.	Social Services	26,294		
T	Glen Acres Nursing Home				
T	Gila River Indian Community - Halfway House				
T	Gila River Tribal Youth Home	Youth Home	95,182	X	
T	Gila River Tribe				
T	Gila River Summer Youth Program	Recreation	9,000		X
P	Grand Oaks Health Care				
P	Hackberry Creek Ranch	Group Home	18,000	X	
P	Hacienda De Los Angeles	M. R.	13,000	X	
P	Happy Happy Rest Home				
P	Holly Acres	Resident Treatment		X	

Phoenix (continue)

TYPE	NAME	SERVICE	CONTRACT AMOUNT	DELIVERY	
				OFF	ON
P	Home of the Good Shepard	Resident Training	10,000		X
T	Hopi Tribe				
P	Hozhoni Foundation for the Handicapped	M. R.	24,000		X
T	Hualapai Tribal Work Experience Program				
T	Hualapai Tribal Children's Home	Youth Home	21,000		X
S	Idaho State School and Hospital	Treatment	11,500		X
P	Indian Trails Mission, Inc.	Resident Care	25,517		X
T	Inter-Tribal Council of Nevada	Delinquency	715,942		X
P	Jewish Family and Children's Services	Indian Adoption Proj.	28,000		X
P	Jane Wayland Child Guidance Center	Treatment and Day School	16,000		X
P	Laveen Indian Children's Home	Resident Care	106,000		X
	Mary Robinson				
	Mother Warfield Nursing Home, Inc.				
	Mountain View Nursing Home				
S	Nevada State Welf. Div.	Foster Care	104,237		
T	Papago Tribe				
P	Patterdell	Resident Treatment	14,000		X
	Royal Nursing Home				
	Ruby Mountain Manor				
T	Salt River Pima Maricopa Indian Community	Social Services	19,331		X
	Salt River Trader Contract (Smitty's Big Town and Jack's West End)				
T	Salt River Youth Home	Youth Home	25,000		X
T	San Carlos Apache Tribal Youth Home	Youth Home	18,543		X
	South Mountain Manor				
T	Southwest Indian Youth Center (IDDA)	Delinquency Behavior Modification	181,250		X
P	Sunny Dale Child. Home	Resident Treatment	19,471		X
	Tanner Chapel Manor Nursing Home				
	Trader's Term Contract for Subsistence Items				
	Fort Apache				
	Gila River				
	Hualapai				
	San Carlos				

Phoenix (continue)

TYPE	NAME	SERVICE	CONTRACT	DELIVERY	
			AMOUNT	OFF	ON
P	Tri-City Catholic Social Services Tri City-Nursing Center, Inc.	Foster Care	15,000		X
P	Youth Opportunities, Unlimited	Resident Treatment	35,000		X
P	Valley of the Sun Sch.	M. R.	230,894		X
P	Western Academy, Inc.	Resident Care	9,000		X
P	Western Valley Youth Ranch White Mountain Apache Tribe	Resident Care	15,000		X

Current FY-74 Foster Care Placements

<u>Total</u>	<u>On Reservation</u>	<u>Off Reservation</u>
375	121	254

FY 74 Institutional Placements

<u>Total</u>	<u>On Reservation</u>	<u>Off Reservation</u>
281	134	147

Portland:

The Bureau has a limited child welfare program. States of Idaho, Oregon, and Washington operate their own programs with Bureau staff providing coordination in an advisory capacity.

State	No. of Indian children in foster care
Idaho	34
Oregon	61
Washington	654*
Total	749

<u>On Reservation</u>	<u>Off Reservation</u>
170	579

*In Washington a case reading for Indian children is now underway. All 654 cases are being reviewed with Indian community involvement.

Trends: significant downward trend in the number of young children needing placement.

In Oregon and Washington the states provide subsidies to the counties to enable foster care placements in the counties where placements originate. The problem is that sufficient enough homes cannot be found for the increasing number of teenagers needing placement.

Southeast:

FY-74 Contracts

Contractor	NAME	SERVICE	CONTRACT AMOUNT	DELIVERY	
				OFF	ON
T	Cherokee Boys Club, Inc	Group Home	72,000		X
T	Mental Health Clinic, W. Carolina Univ.	Family and Child Therapy	23,407		X
T	Choctaw Grant Youth Devel. (HEW)	Cottage type	\$225/mo.		X

Current FY-74 Foster Care Placements

Total	<u>On Reservation</u>		<u>Off Reservation</u>	
	41	27 Cherokee	14 Cherokee	
73	66 Choctaw Indian Homes	7 Choctaw non-Ind		
114	93	21 9 shared supervisor c.		

Current FY-74 Institutional Placements

Total	<u>On Reservation</u>		<u>Off Reservation</u>	
	0	0	0	
30	24	6		

Senator ABOUREZK. There was a second charge that was developed throughout the day yesterday and partially this morning, that welfare workers and social workers who are handling child welfare caseloads use any means available, whether legal or illegal, coercive or con-joling or whatever, to get the children away from mothers that they think are not fit. In many cases they were lied to, they were given documents to sign and they were deceived about the contents of the documents.

What has the Bureau of Indian affairs done to protect the rights of mothers and of children who suffer at these predatory welfare practices?

Mr. BUTLER. Senator, let me respond in this way, that we have encouraged the development of tribal ordinances, tribal codes. There are today existing some 90 courts on reservations and I believe our last count indicates that there are approximately 25 of the various tribes that have adopted protection ordinances in juvenile fields. That is, in terms of undertaking the legal responsibility. In terms of staff, I might say it is illegal for any Bureau social worker to take custody of a child unless he is provided with a judicial determination by an appropriate court or is provided with the voluntary written consent request of the parent or the legal guardian.

Senator ABOUREZK. We found, in our inquiry, to the credit of the BIA, social workers are much less predatory than county and State social workers or welfare workers and that essentially what's happening is that Federal money which is being funded to these county agencies are being used for them to take children away from Indian families.

My question, therefore, is what is the Bureau of Indian Affairs doing to protect the rights of those families, both mothers and children.

Mr. BUTLER. Senator, at anytime such a situation as that should come to the attention of any of our staff, it would be their responsibility for the protection of that family and that child to bring that to the attention of the proper enforcement officials.

Senator ABOUREZK. I understand that.

My question is, is the BIA doing anything to protect the breaking up of the Indian family unit through these practices, as I described?

Mr. BUTLER. In terms of our attempts to try and strengthen family life so that this will not occur in the first place.

Senator ABOUREZK. That is the only area that you're working in?

Mr. BUTLER. Most of the time, these kinds of things come to our attention via the backdoor, and then it's necessary for us to move in after the fact.

Senator ABOUREZK. Let me be more specific. Is the Bureau of Indian Affairs providing any attorneys for legal counsel of any sort to insure that the rights of these people are protected?

Mr. BUTLER. No sir, Senator, we are not, in terms of any ongoing practice.

Senator ABOUREZK. Second, is the BIA doing anything to have Health, Education, and Welfare withhold funds from State and local welfare agencies that undertake these practices that we talked about?

Mr. BUTLER. There are two situations, Senator, that I can recall where we participated in this approach. One was with respect to the State of North Dakota and one was with respect to certain actions that were taking place in the State of Arizona where we did partici-

pate with HEW in respect to regional offices in terms of considering the possibility of withholding Federal funds.

Senator ABOUREZK. Did you ever withhold Federal funds?

Mr. BUTLER. The closest that HEW came to withholding some funds was the case in North Dakota.

Senator ABOUREZK. But, they were never withheld?

Mr. BUTLER. They were given a 30-day notice, if I recall correctly, if they did not change their practices their Federal funds would be withheld.

Senator ABOUREZK. Does the BIA have a central office that would look out for the welfare of children, so far as their rights are concerned and the rights of parents are concerned?

Mr. BUTLER. We have three operating units, at the agency level, and then at the area level and here at the central office where we do have a child welfare specialist on staff.

Senator ABOUREZK. My question is do you have an office that looks after the rights of the mothers and the children in cases that we talked about?

Mr. BUTLER. In any of these cases that come to our attention, at this level, yes sir.

Senator ABOUREZK. Do you have anybody that's inquiring into whether or not these practices are occurring?

Mr. BUTLER. Yes; the field people do.

Senator ABOUREZK. They do go out and try to find out about these practices?

Mr. BUTLER. They do go out on the cases that are brought to their attention. I can think, Senator, of a recent case that was brought to our attention that was up here in Pennsylvania.

Senator ABOUREZK. How many people do you have doing this, that are looking into these abusive practices?

Mr. BUTLER. Senator, in terms of staff we have, and I might add, that in the majority of instances, most of our staff are working with diversified caseloads and that we do not have sufficient staff to say that this particular individual staff person is a child welfare worker exclusively. Most of the staff will carry a diversified caseload and at the present time, we have a staff of 273 throughout the Bureau of Indian Affairs.

Senator ABOUREZK. Social workers?

Mr. BUTLER. Yes, sir.

Senator ABOUREZK. That's not specifically child welfare workers?

Mr. BUTLER. No, sir, they're not.

We do have a child welfare specialist here in the Washington office, we have one in the Aberdeen office, we have one in the Muskogee office.

Senator ABOUREZK. In essence, what you're saying is you don't really have anybody who inquires into whether or not the rights of Indian families are being protected in these kinds of adoptions and foster home cases?

Mr. BUTLER. I'm saying, Senator, that we do not have staff that are specifically designated as child welfare workers; that all of our staff must assume a proportion of child welfare services on the reservations.

Senator ABOUREZK. Are you comfortable with the statistics that were provided to this subcommittee yesterday and today, such as the

fact that one out of every four Indian children in Minnesota in 1971 was put up for adoption?

Mr. BUTLER. No, sir, I'm not at all comfortable with that.

Senator ABOUREZK. How do you feel about it?

Mr. BUTLER. That's way too high. It may well be, Senator. I don't want to dispute the statistics but what I'm suggesting is that if that is the case, than something is very definitely wrong.

Senator ABOUREZK. Would the Bureau of Indian Affairs perhaps get into strengthening an office in the BIA for looking into whether or not the rights of Indian families are violated, and to increase the staff to a sufficient level to continue to look into it?

Mr. BUTLER. I would certainly concur on that, Senator, in that we are short staffed. There's no question about that.

Senator ABOUREZK. In that particular area?

Mr. BUTLER. In that area and I would also suggest that we are short staffed in another area, short staffed in terms of having casework services available to those families in terms of attempting to prevent the family breakup.

Senator ABOUREZK. Does the Bureau of Indian Affairs intend to do anything about that?

Mr. BUTLER. We have, on several occasions, attempted to secure more staff. There are two factors involved in securing more staff. One is in terms of the authorized positions and secondly, in terms of the employment ceiling that is afforded to the Bureau of Indian Affairs in being able to actually increase staff positions.

Senator ABOUREZK. Who put on the employment ceiling, is that OMB?

Mr. BUTLER. Yes, sir.

Senator ABOUREZK. Who decides on the number of authorized positions, is that OMB as well?

Mr. BUTLER. Yes, sir, and the budget process.

I might mention, too, Senator, that in 1971 I ran a count of our staff at that time. We had 253. The latest count, as of the end of February, we had 273, as I mentioned to you, which indicates that we've only been successful in securing 20 additional staff positions.

Senator ABOUREZK. Are there certain cases where child welfare money is given directly by the BIA to the counties?

Mr. BUTLER. Yes, sir; there is.

Senator ABOUREZK. What type of audits does the BIA perform to assure that these counties do not violate the individual rights of the Indian families?

Mr. BUTLER. Those are audited both internally as well as by survey and review of the department. And, Senator, we have had some GAO audits.

Senator ABOUREZK. Is there an audit that assures BIA that the rights of Indian families are not being violated with these moneys?

Mr. BUTLER. In terms of those children who may be certified to us for the reimbursement of foster care, it is our requirement to insure that those children are legally and properly placed before we pay for that care.

Senator ABOUREZK. What auditing procedures exist to insure that that's the case?

Mr. BUTLER. It occurs, Senator, in the certification process from each agency who certifies as to the eligibility of that child for the reimbursement.

Senator ABOUREZK. They certify it, but does anybody verify the certification?

Mr. BUTLER. The certification is verified at the area office level.

Senator ABOUREZK. How is that done?

Mr. BUTLER. By a case review of that particular, or individual child's case.

Senator ABOUREZK. Does the person who verifies it go out in the field to inquire?

Mr. BUTLER. Yes; they go out.

Senator ABOUREZK. In each of these cases?

Mr. BUTLER. In some instances, in terms of the initial certification there would be 100-percent review. In terms of some of the followup cases, I'm sure, because of the staff limitations, it may well be on a sampling basis.

I might add, Senator, that the county, one that I am particularly familiar with, is in the State of South Dakota, where we do reimburse the counties for those Indian children who are admitted to the Redfield State Hospital or the Custer facilities.

Senator ABOUREZK. But so far as adopting and putting out children, Indian children, in foster care, the area office—and I want to get this so that we understand it—the area office goes out into the field and looks into each case, where the BIA has furnished money for the county agency?

Mr. BUTLER. Or to the State, Senator.

Senator ABOUREZK. Or to the State and verifies each case, that the rights of those people were not violated?

Mr. BUTLER. That's correct. And, I might add at this point, you used the term "adoption and foster care."

The Bureau of Indian Affairs, Senator, is not an adoption agency. We have no statutory authority whatsoever as it relates to the adoption field. The basic role our social services staff may play in terms of an adoption proceeding, would be in serving with the respective tribal court who may have under consideration the adoption of an Indian child.

Senator ABOUREZK. What training does the Bureau of Indian Affairs offer to tribal judges in child welfare cases?

Mr. BUTLER. To the best of my knowledge, Senator, the Bureau of Indian Affairs does not offer any particular ongoing training programs to tribal judges.

There have been, on occasion, some training programs that have been conducted here and there. The only training program that I am aware of is that which was funded under the LEAA aid grant through the National Tribal Judges Associated for an ongoing training program.

Senator ABOUREZK. We've heard, in the past 2 days, testimony about children literally being stolen from their parents.

First of all, have you been aware of any of these cases?

Mr. BUTLER. Some of those cases, yes; they have been brought to my attention.

Senator ABOUREZK. What have you done about it?

Mr. BUTLER. In one case that I can recall, we made arrangements for the mother to go out and actually pick up her child and bring him back home.

Senator ABOUREZK. Is that in some of the cases or all of the cases that you know about?

Mr. BUTLER. In some of the cases that have come to our attention, Senator, we do not have jurisdictional authority in which we can move in on it.

Senator ABOUREZK. What would that be?

Mr. BUTLER. As the gentleman mentioned earlier this morning, where you have a Public Law 280 State, we have been extremely frustrated at times in situations of that kind, where we were concerned in terms of the legal involvement, and the legal entanglements that have taken place.

Senator ABOUREZK. In cases where you had jurisdiction did you go back?

Mr. BUTLER. We made a very serious attempt, sir, in every case. We now have one case before us that the latest word I have out of Rosebud, some of the relatives took the child down into one of the southern States, and were entangled there, where the relative placed the child with another family because she could not continue to take care of it.

The case has now been brought into the State courts there. The last information I had was that the child is still in the other State, has not been returned to Rosebud Reservation.

Senator ABOUREZK. In the Public Law 280 States where you have been aware of these cases, have you tried to find a lawyer for the family, to represent them?

Mr. BUTLER. Yes, sir. In some instances we have.

Senator ABOUREZK. In all instances?

Mr. BUTLER. No, sir. I would not say in all instances.

In some instances we've been able to utilize the services of the Indian Legal Aid or various legal aid services, OEO services. In some instances we have been successful in getting private attorneys to undertake the situation, and in some instances, we have actually paid for the legal services.

Senator ABOUREZK. Are you concerned with the rights of Indian children in boarding schools?

Mr. BUTLER. Yes, sir; that I am. However, more specifically, I think Dr. Benham would be better qualified to advise the committee on that.

Dr. BENHAM. Yes, sir. We're very concerned.

Senator ABOUREZK. I am concerned, myself, to know why no action has been taken on publication of the rights of Indian children in boarding schools.

Mr. BENHAM. Has any action been taken?

Senator ABOUREZK. Any publication of rights?

Mr. BENHAM. The information is ready for publication at the present time for the Federal Register to get comments and so on concerning the statement of rights as it has been developed.

Senator ABOUREZK. It's ready but has not yet been published?

Mr. BENHAM. Right.

Senator ABOUREZK. When were these drawn up?

Mr. BENHAM. They were completed, the manual release was completed, I would say, in the last 2 or 3 weeks, the proposed manual regulations.

Senator ABOUREZK. When will they be published in the Federal Register?

Mr. BENHAM. I would say within 2 or 3 weeks.

Senator ABOUREZK. Has the Bureau developed cost estimates for establishing a comprehensive day school education on the Navajo Reservation?

Mr. BENHAM. I think, Senator, and I'd like to mention for just a moment, the background from which I speak. For 6 years, until 1972, I was the director of schools on the Navajo Reservation and I think you will find an all out attempt has been going on out there since about 1953 or 1954 to make use of day school opportunities.

May I illustrate that with the boarding schools? At Lukachukai, Ariz., there is a boarding school that served, at one time, about 440 youngsters. At the present time, about half of the enrollment is the day enrollment. Attempts are being made constantly in other instances to serve youngsters who live where they can be served on a day basis at schools like the Lukachukai.

Senator ABOUREZK. Have you developed cost estimates for that?

Mr. BENHAM. Cost estimates for Navajos specifically in terms of day school opportunities?

Senator ABOUREZK. Yes.

Mr. BENHAM. No, sir. I don't have them.

Senator ABOUREZK. In other words, what you're saying is the Bureau has not developed cost estimates?

Mr. BENHAM. I'm saying it in a little different way. Yes; it has not developed the cost estimates but tried to develop a basis of opportunity.

Senator ABOUREZK. Has the BIA developed estimated costs for providing the local secondary high school education for the 6,000 Alaskan Native teenagers?

Mr. BENHAM. The Bureau of Indian Affairs in Alaska has been working with the State of Alaska, as well as the Native people in Alaska, to get a cost estimate on what it takes, No. 1, to fix up the Federal schools there, for turning over to the State, because this is what the people want, as well as to develop other opportunities.

Senator ABOUREZK. What about the local secondary high school education, is that included in your answer?

Mr. BENHAM. Yes, sir. It is.

Senator ABOUREZK. You sort of said that the BIA has, or is in the process of estimating cost for providing local secondary high school education for the Alaskan Indians?

Mr. BENHAM. With the State of Alaska, and working with the native people.

Senator ABOUREZK. Has the Bureau developed any comprehensive plan for submission to Congress to halt the unjust removal of children and to provide adequate prevention and rehabilitation programs for families such as the ones we have been talking about.

Mr. BUTLER. Senator, I am not aware that the Bureau has developed any broad comprehensive budget proposals in that area.

Senator ABOUREZK. How about any kind of budget proposals?

Mr. BUTLER. Budget proposals relative to the needs of the families with respect to financial assistance, relative to the individual needs of those estimated number of children who are in foster care and specialized institutional care. And, then of course, with respect to the educational program.

Senator ABOUREZK. You say that is what you're working on?

Mr. BUTLER. Those are the budget formulations of the Bureau, at the present time.

Senator ABOUREZK. So then, you don't have any kind of plan to submit to Congress with regard to halting the unjust removal of children from their families?

Mr. BUTLER. The Bureau of Indian Affairs has not, Senator. This, with the supplementary aspects of our program, could certainly go far beyond the Bureau's program planning. I suggest it would go well into the HEW, well into the Justice Department planning as well.

Senator ABOUREZK. I understand that in 1971, needs assessment for boarding schools, on a school-by-school basis was set up in order to develop objectives.

Why has this program been delayed?

Mr. BENHAM. You will find that the needs assessment approach has been utilized in individual instances.

May I illustrate by going back to Alaska?

Part of the work that has been done, has been this last year working with the State of Alaska and working with the Native people of Alaska, and working with the Bureau of Indian Affairs in Alaska, and I'm talking from the Washington Office standpoint, in terms of an Alaskan needs assessment.

There have been many evaluations of individual schools, secondary schools, and this always starts with a needs assessment as a way of determining how the program is being carried and what remains to be done and so on.

I certainly agree that the needs assessment is vital, and hopefully it's just a part of the program. If there's any kind of plan that's being carried on, or any kind of evaluation that's being done, you have to start with a needs assessment.

Senator ABOUREZK. Why has it been delayed?

Mr. BENHAM. I don't think it has been delayed, Senator. I think this is part and parcel of the package of work that has been done in the schools and the work that the schools themselves are doing in terms of curriculum, planning, and so on.

Senator ABOUREZK. Has it been completed?

Mr. BENHAM. No, sir.

Senator ABOUREZK. But, it's been going since 1971.

Mr. BENHAM. I don't think, seriously, that it will ever be completed because needs change and we need a constant assessment of the needs of youngsters in order to stay abreast of how we can offer relevant curricular items.

Senator ABOUREZK. If it's never going to be completed, why start it?

Mr. BENHAM. Maybe I didn't do a very good job of saying it, except to say that at any time you are planning a program, or you are

evaluating a program or doing anything in an educational program, this becomes the basis for the offerings and the assessment of the needs of the situation and the needs of the youngsters and the needs of the community in which the school is located.

Back in 1964, I'll illustrate with Wingate High School, a very thorough needed assessment involving the parents, the students, the staff of the school, was undertaken. It became the basis for a program that was planned at the new Wingate High School for 1,000 youngsters.

The program was very successful, but in less than 5 years, another assessment needed to be taken at Wingate and the process started over again. This is the way you revitalize an educational program. It's not a static thing, it's an ongoing thing; that's what I'm trying to say.

Senator ABOUREZK. Mr. Blackwell testified earlier today that BIA spends over \$1 million a year to support the care of the Indian children placed in non-Indian foster homes in Minnesota.

First of all, do you agree with that figure?

Mr. BUTLER. No, sir. It's not all BIA.

Senator ABOUREZK. How much do you spend in Minnesota on placing Indian children in non-Indian foster homes?

Mr. BUTLER. Senator, the total allotment to the Minneapolis area social services, is less than \$1 million itself.

For example, in fiscal year 1974, the grand total in the Minneapolis area social services allotment was \$939,300.

Senator ABOUREZK. What was that specifically for?

Mr. BUTLER. That was for the total social services program for the Minneapolis area.

Senator ABOUREZK. What part of that was for foster care?

Mr. BUTLER. Senator, I'm sorry I don't have the details of that here. It would be, perhaps, in the neighborhood around \$200,000, or \$250,000.

Senator ABOUREZK. I have here a contract between BIA and the State of Minnesota for \$260,000 for Johnson and O'Malley money. Would that be the figure that you're thinking of?

Mr. BUTLER. It would be a Johnson and O'Malley authorized contract, Senator, but not in concepts of education.

It could well be for the foster care. That could be the approximate amount.

Senator ABOUREZK. We have this contract and I'm curious to know if there are any other funds beside this particular JOM contract, that pays for foster care?

Mr. BUTLER. Senator, this is the copy of last year's, the fiscal year 1973, and this would be the foster care contract.

Senator ABOUREZK. Is there any more, beside that?

Would there be any more money in addition to that to be used for foster care?

Mr. BUTLER. In the State of Minnesota, or in the Minneapolis area?

Senator ABOUREZK. In the State of Minnesota?

Mr. BUTLER. There would be a little in the State of Minnesota that would go to the Red Lake Reservation where we provide the direct services in the State of Minnesota.

Senator ABOUREZK. Would you identify other States where the BIA supports Indian foster care, similar to this?

Mr. BUTLER. There is a contract in North Dakota, South Dakota. There is a small State contract in Iowa. There is a contract with the State of Arizona, and the State of New Mexico.

There is a contract with the State of Nevada.

Senator ABOUREZK. We've had testimony in the last day and a half from Indian parents, from psychiatrists, psychologists, people who have worked with Indians and Indian families who say that there really is nothing more destructive of an Indian family than to remove an Indian child from the womb of its mother, whether or not the mother might be an alcoholic or use alcohol to excess or whatever, and to place that child in a non-Indian foster home where alcohol may not be used, there's absolutely no parental warmth and that this virtually destroys the character of the Indian child.

I assume that you're aware of a lot of these cases because you've testified that you were aware of some cases where children were taken out of their homes.

I'm curious to know why BIA continues to provide funds for these purposes and why the BIA doesn't provide those funds to Indian parents if there is a real need to take a child out of the home. Why not put it in an Indian home where he can grow up as an Indian instead of as a white?

Mr. BUTLER. Senator, let me respond in this way. As far as the Bureau of Indian Affairs is concerned, it has been, and continues to be, our objective goal to find and recruit available Indian foster homes for the placement of Indian children.

I might advise the committee, if I may, that in one of our most recent studies, we do have some preliminary data, which in October of 1972, as far as BIA foster home placements are concerned, we had available 471 foster homes, of which 367 of these were Indian foster homes, 104 of them non-Indian foster homes.

Of the Indian foster homes, 344 of those were on reservation, 23 off the reservation. Of the non-Indian, there were 86 of those foster homes that were on the reservation, and 18 off the reservation.

It is certainly our intent and goal, and that we can find an Indian foster home, and there are more and more of these taking place that we're coming up with; this is our goal for placement.

Senator ABOUREZK. What funds are available from HEW for foster care of Indian children?

Mr. BUTLER. There are two types of sources, Senator. One is through the child welfare foster placement program, and the second is through the, what is known as the aid to families with dependent children foster care program.

Senator ABOUREZK. Do you think the BIA should continue to finance foster care payments when other Federal funds are available for this purpose?

Mr. BUTLER. Senator, it could be viewed, I think, in this way, that there are some situations, and as I mentioned earlier, our program is only supplementary, where the other programs would not meet the needs of the Indian children on the reservation.

This is why, Senator, we still have the supplementary child welfare social services program.

Senator ABOUREZK. In this contract, that I just showed you, subsection C reads: "that the determination of need for foster care",

and this is in the Minnesota-BIA contract, "is going to be based on the same criteria as those applied to any other citizen in the State of Minnesota".

Which means that apparently when the BIA puts out a contract like this, they are willing to go along with the practices carried on, in spite of the fact that the BIA is aware of these practices carried on by the State and local welfare agencies, which totally disregard that Indians are Indians and they are not whites and they are not to be made into whites.

Mr. BUTLER. Senator, I would suggest that in the State of Minnesota this is probably brought about by the fact that except for the Red Lake Reservation, the State of Minnesota is a 280 State.

If we were to require requirements beyond those which the State welfare department has established in the State of Minnesota, we probably would not be able to get any services from them under the jurisdictional question.

I know that there has been some consideration given. There are some of the Indian groups in the State of Minnesota that have approached our office in Minneapolis on the possibility of undertaking this type of program, and we are, at the present time, giving them full consideration and assistance in the possibility of undertaking this contractual agreement.

Senator ABOUREZK. If BIA is concerned about whether or not it has jurisdiction over Indians in Minnesota, I would suggest that it doesn't really have anything to do with the fact that when the BIA is furnishing money to a State, it has every right, whether or not it's a 280 State, to insist upon the conditions on which that money will be given in the State, and if the State didn't want to live up to that condition, it wouldn't receive the money.

That goes on all the time, as you know in Federal funding practices. It has nothing to do with whether or not the Federal Government has jurisdiction over Indians or Indian lands.

Isn't it really the case of whether the contractor States are receiving preferential treatment with BIA in the area of foster care, over and above what Indian tribes might get from the BIA?

In other words, aren't you preferring the State of Minnesota over Indians in Minnesota?

Mr. BUTLER. Senator, as I mentioned earlier, that some of the Indian groups in Minnesota have been considering the possibility of undertaking this contract, and we have been working with them to do so.

If we were to have heretofore required above and beyond special standards, we would perhaps not have had the services available unless it was available through Congress to appropriate the additional funding for us to do the job.

Senator ABOUREZK. Do you intend to actively go out and recruit Indian people to take over this foster care program in Minnesota?

Mr. BUTLER. As I mentioned earlier, Senator, the only service area which we have in the State of Minnesota is on the Red Lake Reservation. If we would go out throughout the reservations in the State of Minnesota, we would have to have additional staff to do that.

Senator ABOUREZK. What about contracting out to Indian people?

Mr. BUTLER. This would be possible.

Senator ABOUREZK. Would you need any extra staff in order to do that?

Mr. BUTLER. The Indian people would need the staff.

Senator ABOUREZK. But if you contracted with them, couldn't they take care of that?

Mr. BUTLER. They could.

Senator ABOUREZK. If you contracted with them, couldn't they take care of that?

Mr. BUTLER. They could.

Senator ABOUREZK. Do you intend to contract with the Indian people rather than the State of Minnesota?

Mr. BUTLER. Any of those who have demonstrated an interest, we certainly would, sir.

Senator ABOUREZK. If they contact you, you would then certainly show them preferential treatment over the State, wouldn't you?

Mr. BUTLER. Sure.

Senator, if I may, I believe the committee has heard from the Wisconsin proposed program. I've had the pleasure of having two or three sessions with these people personally in addition to our own staff in Wisconsin, and this is the kind of thing that I think that the Indian people are wanting to move into. It is certainly the type of program concept that the Bureau of Indian Affairs is desirous of assisting and advocating for them to move into.

I think that some of my discussions with the people there in Wisconsin, they too experience the frustration of being able to acquire qualified Indian staff. It's a simple fact of reality, Senator, that there are not a sufficient number of Indian social workers available that are trained. It's my pleasure to advise the committee that we have now underway, at the Haskell Indian Junior College, a community services associate degree training program which is on the lines of a social work curriculum.

At the present time, we have 16 Indian students that are enrolled in this program. We are hoping to move forward. There's an estimated 25 students who have indicated their interest for next year.

We have designed a training program so that it will not only serve as a possible terminal educational experience of the Indian student receiving the 2 years associate degree, but also affording him the basis for moving onto the bachelor's degree, and if he so desires, to move on to the master's degree program.

Senator ABOUREZK. We've had testimony here that in Indian communities throughout the Nation there is no such thing as an abandoned child because when a child does have a need for parents for one reason or another, a relative or a friend will take that child in. It's the extended family concept.

I'm not certain, Mr. Butler, that degrees in social work are going to do any more for the Indian people than they did for the white people. I'm not certain it would not be far preferable to allow the Indian community itself, rather than to try and break up that community, to allow that community to contract with the BIA for foster care, for adoption, because I really and seriously believe that they know much better what is in their best interest than we do, and they continually say that. I don't know why BIA and everybody else continues to ignore that request.

It would seem to me that if the BIA Department of Social Services is really to do its job, which is that of looking out for the Indian people, they would then allow the Indian people to take care of their own interests.

I want to thank you very much for your testimony and for coming up here today, and I would like to have the staff contact you, but we want to get HEW and you, if possible, together with us either today or tomorrow, as soon as we can.

I don't think we can let some of the practices heard about today to continue any longer. We have to do something together to try and stop them.

I appreciate your testimony and your appearance.

[Whereupon, at 1:05 p.m. the subcommittee adjourned.]

APPENDIX

Under Authority Previously Granted, the Following Statements and
Communications Were Ordered Printed



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

Oneida Tribe of Indians of Wisconsin, Inc.

Oneida
ROUTE 1



Wisconsin
54155

APRIL 3, 1974



SENECA TATERÉ
Because of the help of this Oneida Chief in cementing a friendship between the Senecas and the Colony of Pennsylvania, a resolution, the United States was made possible.

SENATOR JAMES ABOUREZK, CHAIRMAN
SUB-COMMITTEE ON INDIAN AFFAIRS
3106 DIRKSON SENATE OFFICE BUILDING
WASHINGTON, D. C. 20510

DEAR SENATOR ABOUREZK:

THE ONEIDA TRIBE OF INDIANS OF WISCONSIN ARE
SUBMITTING THE ATTACHED STATEMENT TO BE ENTERED INTO
THE RECORDS OF THE HEARINGS TO BE HELD ON APRIL 8 AND 9
ON ISSUES RELATING TO INDIAN CHILD WELFARE,

YOUR ATTENTION TO THIS MATTER WILL BE GREATLY
APPRECIATED.

SINCERELY,

Norbert S Hill

NORBERT S. HILL
TRIBAL MANAGER

NSH:AD

(477)



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

Oneida Tribe of Indians of Wisconsin, Inc.

Oneida
ROUTE 1



Wisconsin
54155



UWA DEMOLON TATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the Colony of Pennsylvania, a new nation, the U.S. of Stolts was made possible.

STATEMENT - INDIAN CHILD WELFARE

INDIAN CHILD WELFARE IS A SUBJECT THAT SHOULD BE BROUGHT TO THE ATTENTION OF ALL OF THE PEOPLE WHO HAVE ENOUGH IMPETUS TO CORRECT THE EXISTING INEQUITIES. FOR LONGER THAN I CARE TO REMEMBER THE GROSS MISTREATMENT OF INDIAN CHILDREN HAS BEEN A FLAGRENT VIOLATION OF HUMAN RIGHTS. EACH STATE HAS ITS OWN LAWS AND REGULATIONS WHICH SPELL OUT IN A WIDE DEGREE DIFFERENCES WHO CAN BE HIS BROTHERS KEEPER, AND FOR HOW MUCH. THE DOLLAR INCENTIVE IS THE ROOT OF A GREAT MANY EVILS. THE BONDAGE TYPE OF CARE OFTEN AFFORDED THESE CHILDREN MAKE THEM NOTHING MORE THAN A VASSEL OR SERF. INDIGNITIES INFLICTED ON A PEOPLE WHO ARE RETICENT BY NATURE LEAVES ITS INDELIBLE MARK, MORE SO THAN IT WOULD TO AN EXTROVERT.

STATE BABIES IN MANY INSTANCES LOOSE THEIR TRIBAL IDENTITY, THEIR HERITAGE, AND THEIR SPECIAL STATUS AS AN INDIAN. IT IS SAD TO THINK THAT A PERSON WHO MIGHT HAVE BEEN AN EXCELLENT TRIBAL LEADER WAS, BY WELL MEANING PEOPLE, PROGRAMMED INTO ANOTHER CULTURE TO BECOME A MISFIT. BEING AN INDIAN IS FOREVER AND THE DOMINANT SOCIETY MUST MAKE SOME CLEAR CUT ADJUSTMENTS.

IN RURAL AREAS THE COUNTY AND STATE OFFICIALS IN A GREAT MANY CASES ARE NOTHING MORE THAN LITTLE CAESARS WHO CONTROL THE DESTINY OF THE LESS FORTUNATE.

SOME CASES IN POINT ARE AS FOLLOWS:

A. TWO SISTERS, 15 AND 16, WERE PLACED IN A FOSTER HOME WHERE THE FOSTER FATHER MOLESTED THE 16 YEAR OLD. SHE RAN AWAY SEVERAL TIMES AND WAS THEN PLACED IN A STATE INSTITUTION. SHE REMAINED THERE UNTIL SHE WAS EIGHTEEN, WHEN SHE WAS RELEASED SHE HAD NO ONE TO TURN TO FOR

GUIDENCE; AGAIN SHE ENDED UP IN A GROUP HOME WITH AN ILLEGITIMATE CHILD. THE CHILD WAS PLACED IN A FOSTER HOME IN ANOTHER STATE.

B. AN INCIDENT WAS WITNESSED WHERE A FOSTER FATHER WAS OUT LATE AT NIGHT LOOKING FOR A 12 YEAR OLD GIRL WITH TWO DOGS AND TWO OF HIS SONS. SHE HAD ACCORDING TO HIM RUN AWAY. HIS LAUAGUE IN DESCRIBING THE GIRL WAS MOST DESPICABLE.

C. A GRANDMOTHER WHO TRIED TO KEEP HER GRAND CHILD WHILE HER DAUGHTER WAS IN A REHABILITATION CENTER HAD THE CHILD FORCABLY TAKEN FROM HER. THE CHILD WAS PLACED IN A FOSTER HOME FOR A FEE.

D. A 10 DAY OLD BABY WAS PLACED WITH RELATIVES WHILE THE MOTHER SOUGHT EMPLOYMENT. AFTER THREE MONTHS THE DEPARTMENT OF SOCIAL SERVICES REMOVED THE BABY. THE PEOPLE THAT HAD GIVEN CARE TO THE BABY WERE TOLD, "THAT BECAUSE OF THE BABY'S INDIAN BACKGROUND IT WOULD HAVE TO BE PLACED IN A SECOND RATE HOME."

INDIAN PEOPLE HESITATE TO ASK TO HAVE THEIR HOMES LICENSED.

ONCE A CHILD IS PLACED IT APPEARS THAT THEY BECOME A NUMBER ON A SOCIAL SERVICE PUNCH LIST.

STEPS MUST BE TAKEN TO TRAIN INDIAN PEOPLE TO OPERATE A FOSTER HOME, OR GROUP HOME. ALSO, TO TRAIM INDIAN PEOPLE TO BE A LIAISON BETWEEN THE INDIAN FOSTER HOMES AND THE TRIBE, COUNTY, STATE, OR FEDERAL AGENCY. IT IS EXTREMELY IMPORTANT THAT INDIAN VALUES BE PRESERVED AND HONORED.

TRADITIONALLY INDIAN PEOPLE ARE FLEXIBLE, SHARING, PATIENT, AND PASSIVE. THEY RESPECT THEIR ELDERS AND TEND TO LIVE IN THE PRESENT. NO OTHER GROUP IN THE WORLD IS AS UNIQUE AS THE NATIVE AMERICAN. HIS TRUST RELATIONSHIP AND TREATY RIGHTS WITH THE FEDERAL GOVERNMENT ALONG WITH HIS INHERENT SOVEREIGNTY GIVE HIM A STATUS NOT ALWAYS CLEARLY UNDERSTOOD.

CONTRIBUTIONS OF THE INDIAN TO MODERN CULTURE ARE TOO NUMEROUS TO MENTION HERE.

INDIAN TRIBES ARE APPROPRIATE ORGANIZATIONS TO ADMINISTER CHILD WELFARE AND OTHER SOCIAL SERVICES. FEDERAL LAW MUST BE CHANGED TO ALLOW SUCH RECOGNITION.

SINCERELY,

Norbert S. Hill

NORBERT S. HILL, TRIBAL MANAGER
ONEIDA TRIBE OF INDIANS OF WIS., INC.

NSH:AD

Psychiatric Outpatient Centers of America

4327 ALBEMARLE STREET, NORTHWEST, WASHINGTON, D. C. 20016



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April 8, 1974

The Honorable James Abourezk, Chairman
Senate Subcommittee on Indian Affairs
United States Senate
Washington D.C.

Dear Senator Abourezk:

I sincerely appreciate the invitation to testify at the hearings of your committee charged with the overview of the needs of American Indian children and their families. Unfortunately it was impossible to be present in person since I had prior commitments to the American Psychiatric Association and American Orthopsychiatric Association in San Francisco on the same dates. However, the enclosed statement represents what I would have liked to say in person, and may be of some value to you and your committee as you deliberate.

If there is any way in which I can be of further assistance, I hope you will feel free to call upon me. Your work and support is very much appreciated by many people across the nation. It is a privilege to be included.

Sincerely yours,

Carolyn L. Attneave

Carolyn L. Attneave, Ph.D.

88 Marion Street
Brookline, Massachusetts 02146

Enclosure
CLA/cw

The Honorable Henry Jackson, Chairman
Senate Committee on Interior and Insular Affairs

The Honorable James Abourezk, Chairman
Senate Subcommittee on Indian Affairs

Committee Members Engaged in Oversight Hearings on Issues Related to the
Welfare of American Indian Children and Families

Gentlemen:

Your interest and assistance in these matters is a gratifying inspiration to those of us of American Indian Heritage. We know that your assistance and your action based on understanding can be one of the most effective tools in solving our mutual problems, and enabling all of us to take our places as proudly and as capably as those fortunate among us whom you have called upon to speak at this time. It is for those who are not here to speak to you in person that I would like to be heard. The Indian Peoples are many, and are often seen as too diverse and too varied to speak as one. Yet every American Indian family shares in many experiences which have affected us and our children. The negative influences may not have been intended but have nevertheless been burdensome and even devastating. All tribes are based upon family units and all tribes not only share in the love of our children, but also find meaning in helping them grow to maturity as whole representatives of the best that human beings can be. In this an Indian parent is no different from any other parent, and an Indian child no different from any other child, of whatever race or station in life.

Seventy-five, fifty, or thirty years ago it was a great hurt to be told that Indian children must be taken from their homes and raised by others who would fit them into a more modern world. Indian children have been literally herded off to school in the past like sheep or cattle. After a generation or two of this many Indian families have expected to

send their children to boarding schools, or to foster homes, or otherwise permit non-Indians to rear and educate them. This happens too often, not because Indian parents do not wish to keep their children, but because it has seemed hopeless to try to do otherwise. Your hearings give hope that perhaps another voice may now be heard, and that though you may come lacking before, there is hope that it may make it possible to change this trend.

In my own case I was lucky. I was not born on a reservation, although my mother was. I was raised and educated at home. Although the price of this was a loss of some of my heritage, a surprising amount of tribal wisdom was passed on to me, and the opportunity to learn more as an adult was opened for me. Because I have been fortunate, I have tried to share this wisdom with non-Indian peoples in my professional activities as well as to help my people, wherever I have been able to do so. It is some of the stories of those who have come to me in my mental health work that I wish to tell you today.

Ten years ago, in Oklahoma, as administrator of a Community Guidance Clinic, I set as a goal the assurance that services were available to the Indian population in the same proportion as they were to other residents of my catchment area. When the families of the seven tribes involved found that they were given respect, they opened their hearts, especially in times of trouble and perplexity, and together we sought solutions. I recall vividly how often each year worried sets of parents would come to the Clinic begging for help in securing placement in a boarding school for their eight or nine year old child. This puzzled me, and it soon became clear that it was a heartbreaking matter for them to part with their child, yet they knew nothing else to do. They had never known life in a family from the age of school entrance. Their parents had never

known family life from the age of school entrance. There were no memories and no patterns to follow in rearing children except the regimentation of mass feeding, mass sleeping, and impersonal schedules. How to raise children otherwise had become a mystery.

When there was hope that someone could help them rediscover the tasks and the joys of parenting children between the ages of seven or eight and fifteen and sixteen, the parents stood straighter -- their problems needed less dissolving in alcohol, tears, or apathy.

Sometimes, of course, the solutions seemed strange to my colleagues. Fathers no longer able to do heavy work watched over the little ones and taught them as had been an older tribal custom. Grandmothers shared with daughters who need to work to provide for their households. Children were as often found in the homes of aunts and uncles as their own, sometimes to the confusion of a social agency inquisitor from outside the culture. These old ways of distributing child care within a network of caring people are also some of the most modern ways of developing human services delivery (Robert W. Curtis, *Problem Solving in a Social Network, Beyond Clinic Walls*, University of Alabama Press, in press). Within this framework new knowledge about health and diet, math and the importance of books spread along a moccasin grapevine whereas the old formal notices from schools and health departments had been so much waste paper. It is exciting to see skills in using washing machines and running water and ready mix foods develop hand in hand with beadwork, ribbonwork, carving, learning songs and drumming.

In one published example I report now in a small clan, 13 children were deprived of parents by a serious epidemic of suicide, yet two years later only one could be found in need of public assistance. This one was the only child who, away from our locale, was handled "legally" and placed

away from his extended family in an institution. He was by then in custody as a serious delinquent (Urban Networks and Tribal Clans, *Family Process*, September, 1969). Another child and her mother were reunited, instead of the usual downward spiral reinforcement of impotence that accompanies accusations of child abuse by social agencies who could not take the time to understand and render support appropriately to maintain the family unit (op. cit.). This family today is thriving; the children are productive and leaders in their local schools. One boy was football captain, and was not only getting top grades, but also a candidate for student office. The girl and her mother are popular dancers and effective homemakers.

This anecdotal material reflects what can be done when Indian families are enabled in meaningful ways to stay together in spite of apparent differences from white middle class habits in diet, life style, housing patterns and traditions.

More poignant are the records in my files of the personal narratives of those who tell of being put on a bus at age seven and sent far from home, perhaps two states away. Many were not able to return again until in the teen years when they either finished school or dropped out and ran away. Some of these adults are now dedicated to helping their own people in tribal programs and mental health positions, and these individuals often speculate on the chances of fate that have kept them from joining the bulk of their classmates in reformatories, skid row homelessness, or premature death. In nearly every such instance one can trace a close human relationship that sustained, and that gave credence to a goal of mature self determination.

When one realizes that it is even questionable whether one teacher can adequately see as individuals 20 or 30 children as pupils in a classroom, then one is mystified by the administrative practices in boarding schools.

How can one house parent, or even a couple, relate to as many as one or two HUNDRED children outside of school hours? Yet these conditions are to be found in boarding schools for Indian children. The chances for the life giving relationship between child and adult are like the odds of Russian roulette only in reverse -- the one chance of hope in many during the constantly shifting chambers of the institution.

How are children to be whole people if they are removed from all chance to learn from their elders and their peers? What of those placed as adopted or foster children in families of different race, different language, different religion? Well meaning though some of these foster parents may be, they seldom know the difference between the television western and the real life of the people from which their ward comes. I have seen white foster parents puzzled because their charges did not respond to drums and beadwork of the Sioux in the Dakotas, when the children's place of origin had been the Southwestern desert. It would never be expected that a Swedish child would spontaneously thrill to "O, Sole Mio" just because both are European!

I have heard Indian youths raised on the East coast insist that one must have a real Indian name given to one and torture themselves because they would never know what theirs might have been. Worse yet, they and their western counterparts find themselves the always handy targets of proselytes and missionaries -- touted as too good to be true if they have been brought up Christian, and pointed out as dirty heathen if they have some cherished remnant of traditional myth, or an early memory of a different food, a different footstep, or snatch of melody.

The foster child and the adopted child pose special problems for they must forever try to integrate themselves across racial and cultural barriers, as well as solve personal identity problems. The boarding school

reared adult at least has group support for his identity, even though he may be short-changed in life experiences. Most Indian people would not deny either of these institutional opportunities for those who really need them, but they would not want them prescribed wholesale like vitamins. It is now well known that this is not a wholesome practice (Indian Boarding Schools: A Hazard to Mental Health, American Journal of Psychiatry, March, 1974). Most Indian people would want something in the way of sanction to make these experiences, when needed, more adequate for the mind and spirit. While all of us know that attitudes cannot be legislated, frameworks can be developed within which respect for differences, encouragement of humanness, and realistic relationships can be legislatively provided. Dollars are not a cure-all-either, but budgets that consider anything not required for physical safety a frill to be purged in the name of economy pass on for costlier bills to other agencies such as prisons, mental hospitals, and welfare agencies.

The budgets of the past have not permitted us -- either as professionals or as Indian parents -- to put into effect the best practices, and the remedies we already know. There is much knowledge available, unused, not only how to prevent human misery, but how to develop the real potential of our children. I speak of these things not in numbers with which you are I am sure being supplied overwhelmingly, and not in an attempt to arouse your pity. Both can be assumed in the calling for these hearings. Rather I hope to direct your attention to the fundamental strengths of peoples that are now being wasted, and which can be released if the right framework is provided. It should be a simple matter for this committee to direct that studies be made which will show how many children still require boarding schools and boarding homes because they live too far from economically feasible community schools. It should be possible for this committee to

summon the studies that already show that those who are now sent to boarding schools are children who need special educational programs and who have more than average need of emotional support. It should also be possible to estimate from studies of model programs already carried out (Toyei Model Dormitory 1970-73) what the realistic costs of meeting those needs would be. It is my hope that you will use these as a basis for recommending legislation and to set standards for achieving potential. In so doing you will break past chains, since committees like this in the past usually set standards for the minimum needed to "control the savages" (L. Winer American Indian Education and Legislation, Ph.D. Dissertation, American University, Washington D.C., 1973).

If you can make this basic shift, and you can secure the facts you need to do so, then I should like to assure you that there is strength among the Indian people to help carry out adequate programs. Many Indian tribes and urban groups already have begun to attempt this task. The Norton Sound Native Corporation and the Tannana Chiefs in Alaska have taken over the boarding home programs for high school youth. The Coleville Confederated Tribes in the state of Washington have been acting as their own research contractors in the study of why their children drop out of school. The Warm Springs tribe in Oregon have developed tribal day care facilities so that fathers may keep their motherless children at home with them. The Navajo development of local schools within the reservation is well-known. These are a few examples of positive programs with which you should become familiar as well as you are with the tragedies that haunt us all.

No tribe or urban Indian group will want to have any one of these models forced upon it in detail, but careful scrutiny of them will reveal some principles that can be extrapolated: a moderated growth of responsibility by Indian parents; apprenticeship that leads to the development of expertise

and the replacement of outsiders by equally qualified tribal members; and real group decision making and tribal control rather than advisory tokenism. Indian people do have the personal resources to organize their own solutions to the problems you are viewing. What is needed is a framework which will permit this partnership to evolve.

It is important that you have asked Indian people as well as professional experts to tell you what the problems are and what is needed. It is significant that you listen and think on these matters deeply. It will be a real contribution if you work with us, those of us who are professional and those of us who are Indian parents and Indian youth. Together we can frame questions to be answered. Together we can discover the parameters within which you with your special responsibilities can frame the legislation which will permit us to apply what we already know in practical ways to preserve a great human resource -- the children of our respective peoples.

Carolyn L. Attneave, Ph.D.
 President, Psychiatric Outpatient
 Centers of America
 Enrolled Delaware Cherokee Tribes
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ASSOCIATION ON AMERICAN INDIAN AFFAIRS, INC.
432 PARK AVENUE SOUTH, NEW YORK, N.Y. 10016

INDIAN CHILD WELFARE AND COMMUNITY ACTION

A SPEECH PRESENTED TO THE
LAKOTA T.B. AND HEALTH ASSOCIATION
JUNE 15, 1972
BY JEFFREY NEWMAN
ASSISTANT DIRECTOR
ASSOCIATION ON AMERICAN INDIAN AFFAIRS

First of all, I thank you for asking me here today. The Association is greatly honored to be asked to speak before Lakota TB & Health's quarterly meeting. We are always pleased and particularly so because we are aware of the enormous contribution you have made to the physical and mental well-being of Indian people in the Great Plains area. Since its beginning in the 1950's, Lakota TB & Health has successfully launched major efforts in many fields: TB, Mental Health, Community Health Services to mention just a few. In Washington, the federal government is well aware of you and your work; in Aberdeen, the Bureau of Indian Affairs and Indian Health Service responds to your call; in State capitols throughout the Plains your name is known by legislators, administrators and bureaucrats. You have accomplished much and yet you are aware of the great amount of work still to be done.

I come to you today to urge you to begin, both individually and as a group, a substantial drive in a field left almost untouched,

for too long; an area of concern equal in importance to any you have worked on, and an area that goes to the very core of Indian communities and families. This is the area of child welfare; more specifically, the way local, state, and federal authorities have dealt with and continue to deal with Indian children and their parents.

Some of you may not be aware of some of the horrifying facts and statistics that give a grim picture of this problem: In the Dakotas alone, the placement of Indian children in foster home care is 17 times the state's rate for all children in comparable age groups. The placement of Indian children in foster homes in North Dakota, South Dakota, and Nebraska is 10 times the national rate for all children. And most appalling of all, while one out of 200 children nationally are not in their natural homes, one out of every nine Indian children in North Dakota, South Dakota and Nebraska are not in their natural homes; they're either in foster homes, institutions, boarding facilities or adoptive homes. This means that for one reason or another, Indian children are removed from their homes

at a rate more than 20 times the national average.

I would suggest to you, both from these statistics and from our experience, that somebody is playing with the lives of Indian children and their parents. I would suggest that non-Indian standards are being applied to Indian people against the best interests and the will of Indian people; I would also suggest that there is much that can be done to reverse this situation and reverse it now, and that your role here at Lakota TB & Health can be a major one.]

Let me give you an example of the kinds of things that can and have been done. The Association began several years ago getting directly involved in this field; one of the main reasons for our involvement was a direct appeal from the tribal council and the women of the Devils Lake Sioux Tribe. At that time, in 1968, the Devils Lake Sioux people were experiencing a rash of incidents where the local county welfare officials were literally taking Indian children out of their homes and placing them in non-Indian homes off the reservation. Sometimes these

placements took the form of foster homes, sometimes adoptive homes, but more importantly the placements were being made against the expressed will of the Tribe and the community. The Tribe came to AAIA and asked for assistance. With our help, the women of the community brought their situation to national attention; they appeared on National television in New York, met with federal officials of HEW and BIA in Washington, and on the home front, they, along with the council, began actions which resulted in a total halt to placements off the reservation. They created a Tribal child welfare board to make formal recommendations to the tribal judge. In effect, the tribe told local officials from state and county that no Indian child was leaving its home, or its reservation without the expressed recommendation of the Tribe; and that where removal was necessary (and, indeed, in some cases the Tribe acknowledges that it is) placements would be made, wherever possible, into Indian homes. That welfare board still operates today, and to my knowledge since that time, no Indian child has been removed from

the reservation by the state or county authorities. And, to my knowledge, no Indian children are suffering as a result: quite the opposite.

In addition, the Tribal Council, the child welfare board and other tribal members created with AAIA assistance, a proposal for a family rehabilitation center on the reservation, to prevent family breakdown and to help solve family problems. That center was funded by the Department of Health, Education & Welfare in 1970 and is operating today. In short, a tribe which you all know well, and which has had some of the most difficult child welfare problems, has taken giant steps toward solving them.

I am not saying that all tribes should do exactly the same thing; nor am I saying that these actions are easy to undertake, but I am saying that all of you can begin the movement in this direction in your communities; that today, at long last, there is an opportunity for you to stand up and put a stop to this outrage. (Partly because of the Devils Lake Sioux

experience and partly because of other cases, many federal, state and local officials are going to be responsive; and where they are not, ^{you can} you can fight and win, whether in the agencies themselves, the state capitols, the courts, or if necessary, Washington, D. C. itself. Every mother, every father, has a right to his or her children; they cannot be removed at the whim of local welfare officials; they cannot be removed ^{simply} because the Indian life style doesn't match the life style of the local non-Indians, with their neatly trimmed front yards, their carpeted homes, and their two car garages. Indian children and Indian parents have a right to their cultures and their communities and the time has come to say so.

In the past few years, the Association has been involved in a number of legal battles, supporting Indian parents or grandparents in an effort to keep or get back their children from non-Indian homes or environments. Some of these cases were fought bitterly by unseeing and insensitive welfare officials.

But, in the end, in recent years the courts have almost always sided with the Indian people. A recent case is a good point.

Just ~~two~~ ^{one} week ago, a South Dakota Indian woman won the battle to have her child returned to her in a California court. She is now back on the reservation with her child. The Association provided legal assistance to this woman, whose child had been taken from her sister's home in California (where the child was visiting) and placed in a foster home by California Welfare officials. Supportive testimony was supplied by the Tribal Judge, and by members of the community, and by the Bureau of Indian Affairs. But, throughout, the California Welfare Department and the South Dakota Welfare officials kept up the battle to leave the child in California. Those officials, particularly those in South Dakota who work closely with Indian people, have no business in their professions; they are enemies of the people they pretend to help.

Much needs to be done; your communities need to know,

and you can tell them, that there are solutions; that help is available; that their children can and should remain Indian. Your Tribes and Tribal Councils can begin this process, or you at Lakota TB & Health can begin it; groups can organize for this purpose within the communities, and work can start now. The Association stands ready to supply organizing assistance where asked, and legal assistance or advice where needed. With this kind of action, appropriate federal agencies who have too long remained silent, will no longer be able to do so. You used your strength to drastically curtail TB; you have taken great strides in mental health; you are alerting communities to many different health problems and their solutions; this is perhaps the greatest mental and physical health problem of all, centering as it does at the root of Indian family life -- I urge ^{you} today, this weekend, next week~~s~~, to literally sound the cry in your communities; the crime must be stopped; Indian children will not be de-Indianized, and smothered by white culture, stolen from their homes and divorced from their heritage. The fate of your Indian tribes may well hang in the balance.]

MEMORANDUM

From: Association on American Indian Affairs, Inc.
432 Park Avenue South, New York, N.Y. 10016

To: Child Welfare and Mental Health Committee of
Lakota T. B. & Health Association

The following recommendations are based on discussions with Indian community leaders over a considerable period of time. They are offered here for review, criticisms, and suggestions. Subsequently, a final draft will be prepared and submitted for final review, and it will then be forwarded to interested Congressmen and Senators and appropriate Federal officials.

These draft recommendations will by no means end the Indian child-welfare crisis; but we believe they are practical, first steps toward that goal. We have singled out what we believe can be accomplished by Congress and the Federal government in a year or two, recognizing that much additional work will be required over the years to come in order to assure that American Indian families are treated with the same respect, enjoy the same opportunities, and are afforded the same protections as other American families.

DRAFT RECOMMENDATIONS

It is recommended that Congress:

- I. Enact a law that withholds recognition of the legality of any placement of an Indian child for adoption, foster care, or other institutional or custodial care, unless made pursuant to an order of the Tribal Court, where a Tribal Court exists which exercises jurisdiction in child-welfare matters and domestic relations.
- II. Enact a law that: (1) authorizes Indian tribes to license foster homes and to accept State placements of Indian children and State funds in support of Indian children; and (2) requires that, where a State uses Federal funds, the Federal funds shall be made available to the State in support of the foster care of Indian children on condition that priority be given to Tribally-licensed foster homes.
- III. Appropriate \$ million for construction in connection with a special Home Improvement Program under the Bureau of Indian Affairs to upgrade: (1) the housing conditions of Indian foster and adoptive parents; and (2) the housing conditions of American Indians who seek Indian foster children or adoptive children, when such improvement would enable them to qualify under Tribal law or licensing standards; and (3) the housing conditions of families facing disintegration, where such improvements would contribute significantly to family stability.

- IV. Request that the Department of the Interior and the Department of Health, Education and Welfare submit for fiscal year 1975 a program and budget for comprehensive child-welfare and family-protection services that are designed to reduce sharply the number of Indian children removed from their homes and their communities.
- V. Request that the Department of Interior and the Department of Health, Education and Welfare regularly submit statistics on the placement of Indian children and an evaluation of the application of existing Federal laws and regulations in reducing unwarranted and unnecessary placements of Indian children.

It is further recommended that the Secretary of the Interior, if he considers it within his powers, or Congress:

- VI. Authorize the Bureau of Indian Affairs to make payment of child-welfare subsidies to adoptive parents on the same basis as it makes payments to foster parents.
- VII. Authorize and make funds available for the position of Chief of the Division of Child-Welfare and Family-Protection Services within the Bureau of Indian Affairs.

Association on American Indian Affairs, Inc.
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EXPLANATIONS OF DRAFT RECOMMENDATIONS

Recommendation I.

Many Indian children are taken from their families without Tribal Court action. Parents or guardians in times of doubt, confusion, or despair, sometimes voluntarily waive their rights and consent to the adoption of a child or his placement in a foster home or in other institutional or custodial care, only later to regret it. In some cases they are victims of harassment or subterfuge by child-care agencies both public and private and by individuals seeking Indian children. Once a waiver has been signed it is difficult, if not impossible, for parents or guardians to regain custody of the child.

In the case of voluntary waiver and consent, the decision as to where the child is placed is determined not by a tribal agency, but by public or private agencies or by individuals. The result is that many Indian children are placed in non-Indian homes, often far from the Indian community, and other relatives or members of the tribe who are willing to provide care are denied this opportunity.

This recommendation is intended to afford the protection of the Tribal Court to Indian children and their parents or guardians in all cases relating to child placement. The Tribal Court itself would then be able in all cases to make its own decision as to what is in the best interests of the child and of the parents or guardians. The Court may recommend counselling for the family where such service is available or it may agree to the termination of parental rights. The Court would then also determine where the child should be placed. The Court may choose to place the child in a home on the reservation or transfer custody of the child to a tribal or state or private agency.

In cases where a child has been placed without a Tribal Court order, placement would be without color of law and the tribe or the parents or guardians could obtain a Federal court order for the return of the child.

Recommendation II.

In most states with substantial Indian populations a majority of Indian foster children placed by public or private agencies are placed in non-Indian homes or in homes that have not been approved by a tribal agency; and relatively few Indian homes are licensed by the States to accept foster-care placements. The Federal government makes available to the states funds to provide child-care payments to these foster-parents. Thus Federal funds are used to subsidize discriminatory state practices and licensing standards.

The purpose of this recommendation is to help reinforce the sovereignty of Indian

tribes in matters relating to child-care placements and to help end discriminatory child-placement practices. A state that fails to comply with the condition contained in this recommendation would be subject to a cut-off of Federal child-care funds. The standards for licensing foster homes in order to qualify for foster-care payments would be the standards of the tribe. If the tribe determines to license a non-Indian home it would, of course, be free to do so and that non-Indian, tribally-licensed home would also enjoy priority over homes not licensed by the tribe.

Recommendation III.

Federal and state subsidies for child-care are largely based on the assumption that children will be placed with foster-parents who enjoy average or above-average means. Many Indian people who can and do provide excellent, loving care have income well below the average and do not have or cannot afford to obtain housing that meets Tribal licensing standards, if the tribe includes the condition of housing in its standards.

The purpose of this recommendation is to supplement child-care payments with a home improvement subsidy as part of the Bureau's HIP program, in order to make it possible for more Indian homes to qualify as foster-homes under Tribal licensing standards; it will also help out in cases where poor housing contributes to family instability.

Recommendation IV.

The need has long been recognized for greatly expanded services to Indian children and their families to help prevent family breakdown and to help parents who have lost their children rehabilitate themselves and regain custody of their children. Additionally, there are families who have lost their children or may in the future lose their children without sufficient cause or without due process of law.

The Federal government--the Bureau of Indian Affairs and HEW in particular--has, for the most part, failed in its responsibilities to design comprehensive child-welfare and family protection programs and thus it has not recommended adequate programs to Congress for funding.

This recommendation would put the Department of the Interior and the Department of Health, Education and Welfare on notice that Congress has a vital interest in the child-welfare crisis and this, it is hoped, would set in motion the necessary planning and budgeting within the Administration.

The design of any expanded child-welfare and family-protection services should be undertaken in full cooperation with American Indian communities and should provide for tribal participation in the administration of the services.

Because the Federal government is so far behind in its planning for such services and because it has not yet done much to involve Indian communities in the planning, it appears that such a program of services could not be acted upon by Congress until after the current (fiscal year 1974) Federal budget is adopted.

However, if it appears that earlier action is possible, strenuous efforts will be made to this end.

Recommendation V.

This recommendation is intended to provide Congress with the information necessary for it to monitor the success of Federal efforts to end the child-welfare crisis and to determine whether additional Congressional action is required.

Recommendation VI.

In most states, foster-care payments cease when a child is adopted. A number of foster-parents who wish to afford their foster-children the protection of adoption do not have sufficient income to support them if they were to lose child-care subsidies.

This recommendation is intended to enable the BIA to extend child-care payments in order that foster-parents of modest means may adopt their foster-children. Such adoptions are, of course, subject to the same approval as any other adoptions.

Recommendation VII.

The BIA has more than 15,000 employees. Although the Bureau retains a consultant for child-welfare matters, it has no full-time administrator to revise BIA policy, to develop a comprehensive program of services, and to oversee and coordinate the services that do exist.

This recommendation is intended to remedy this defect.

1-26-73