INDIAN CHILD WELFARE ACT ISSUES

1. Funding level: We would hope that the BIA would allow the Tribe to use population figures based on populations served to enable us to obtain funding which would allow for true preventative work with families. Our funding level at this time is more of a "holding" level, which is far below the funding level needed to more properly address Indian families.

2. Grant application process: The Tribe would support a grant application process involving a three-year cycle, rather than yearly as is the current process. We find that much time and energy is devoted to the annual application for ICWA funds that could be more profitably spent serving youth and families.

3. State Court issues: We are concerned about the possibility of not being notified for review hearing of children who have been in the system for many years. We are also concerned about the lack of Court rules standardizing and including ICWA requirements for State Court proceedings.

4. Private agencies: Who monitors these agencies for compliance with ICWA? Confidentiality issues are becoming more and more evident when parents request that Tribes not be notified, yet we have been unable to work with the families concerning Tribal notification of the proceeding.

5. State agency/DHS: Tribal-State agreements seem to be set up by the State as Tribal-Regional agreements; CPS portions of agreements fit into regional arrangements for Muckleshoot foster care and group care issues cover larger areas. We are concerned about custody issues, especially group care. As per Substitute House Bill No. 848, RCW 74.13.080, and WAC 388-70-013, the State of Washington, DHS must have custody of all children in Group care in order for the group care facility to receive payment. The Muckleshoot Youth Home, a group care facility, must give DHS custody of Muckleshoot children who need group care at the Muckleshoot Youth Home. To give DHS custody of our children in order to be eligible for group care payments seems to contradict the language and intent of the ICWA.

6. Federal agency/BIA: Is it the BIA's responsibility to monitor private agencies, state Courts? How does the regulation concerning the use of attorneys and 638 funds affect ICWA work needing attorneys?

7. Tribal Court: Our main concern here is the inability for the Tribal Court to order services for families, children, and teen offenders. Tribal Court may request services. Tribal Court may not order a teen offender into a State facility for juvenile offenders, which then leads to the need for the Tribe to use the State system for these offenses.

WHEREAS, the Suquamish Tribal Council is the duly constituted governing body of the Port Madison Indian Reservation by authority of the Constitution and Bylaws for the Suquamish Tribe of the Port Madison Indian Reservation as approved July 2, 1965, by the Undersecretary of the Interior; and,

WHEREAS, under the Constitution and Bylaws of the Tribe, the Suquamish Tribal Council is charged with the duty of protecting the health, security, and general welfare of the Suquamish Tribe and all Reservation Residents; and,

WHEREAS, the Indian Child Welfare Act of 1978 (PL 95-608) was enacted by the U.S. Congress to establish standards for the placement of Indian children in foster or adoptive homes and to prevent the break-up of Indian families; and

WHEREAS, the U.S. Congress has declared that it is the policy of the Nation to protect the best interests of Indian children and to promote the stability and security of Indian Tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which reflect the unique values of Indian culture; and,

WHEREAS, the current funding levels provided for this purpose are wholly inadequate, and further proposed reductions seriously imperil the ability of Indian Child Welfare Act programs to provide the basic services required in pursuit of the above policy goals;

THEREFORE BE IT RESOLVED, that the Suquamish Tribe requests that Governor Spellman communicate with the Washington Congressional delegation regarding the need for:

1. Restoration of the $1 million cut from the Indian Child Welfare Act program appropriations for Fiscal Year 1984;

2. An appropriation of $15 million for Indian Child Welfare Act programs for Fiscal Year 1985; and

3. Regional hearings to provide Congress with information necessary to ensure equitable and knowledgeable decisions regarding the future of these programs.
WHEREAS, the Colville Business Council is the governing body of the Confederated Tribes of the Colville Indian Reservation, Washington, by authority of the Constitution and By-laws of the Tribes as approved on February 26, 1938, by the Commissioner of Indian Affairs; and

WHEREAS, "The Indian Child Welfare Act of 1978 (PL 95-608) was enacted by the U.S. Congress to establish standards for the placement of Indian children in foster or adoptive homes and to prevent the breakup of Indian families;" and

WHEREAS, "the U.S. Congress has declared that it is the policy of the Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture;" and

WHEREAS, "the states, exercising Jurisdiction over Indian child custody proceedings through administrative and judicial bodies, have often failed to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families;" and

WHEREAS, in order to accomplish the above goals Indian tribal governments, Indian organizations, and the Bureau of Indian Affairs must develop and implement a system for monitoring and technical assistance to state courts, state agencies, and private agencies; and

WHEREAS, the Colville Confederated Tribes obtained Exclusive Jurisdiction of Child Welfare matters on February 14, 1980.


The foregoing was duly enacted by the Colville Business Council by a vote of 5 FOR and 0 AGAINST, under authority contained in Article V, Section 1(a) of the Constitution of the Confederated Tribes of the Colville Reservation, ratified by the Colville Indians on February 26, 1938, and approved by the Commissioner of Indian Affairs on April 19, 1938.

ATTEST:

Al Aubertin, Chairman
Colville Business Council
Mr. Don Milligan  
Indian Affairs  
Mailstop OB14  
Olympia, Wa.  98504  

February 07, 1984

Mr. Don Milligan  
Indian Affairs  
Mailstop OB14  
Olympia, Wa.  98504

Dear Don:

The Indian Child Welfare Advisory Committee is an Advisory Committee to the Department of Social and Health Services - Region IV. We are a voluntary group of Indian people who have concerns about the welfare of Indian children in foster care. It is our primary goal to implement the regulations of The Indian Child Welfare Act of 1978. In our effort to do this we have some barriers to implementation, our concerns are:

1) Judges are insensitive and uninformed about the mandates of The Indian Child Welfare Act. Often they need to be educated on the spot.

2) Guardian Ad Litems Attorney's are unaware of The Act and need to be sensitized to the significant importance of this law.

3) Private agencies are not aware of the Act and (again) don't realize the importance. We have begun talking with private agencies, but monitoring their follow-through activities is not always possible. Often notification to Tribal Courts from private agencies is not done.

4) Grant process is difficult and the funding level inadequate. Tribal and Urban Indian Child Welfare Programs are in jeopardy. Funding is not sufficient to meet the overwhelming needs.

5) Expert witness needs to be better defined, "How do you qualify." The court does not acknowledge elders and Spiritual leaders as expert witnesses and these people are expert witnesses.

6) Canadian Indian Children and families are not protected. Many of our children are from Canada. The Indian Child Welfare Act does not attempt to protect them. Our Washington State Administrative Code protects them but we need Federal protection for these young Canadian Indian children.

We need to amend the Indian Child Welfare Act to address these concerns. We as a Committee would like to recommend that the Act be amended to address these issues; inclusion of Canadian Indian children, more clarification of "expert witness", to include elders and spiritual leaders and increased funding level. Increased funding to train and educate private agencies and monitor them. Training to educate judges and lawyers and G.A.L.S. Lastly, continued funding for Indian Child Welfare Programs, both Urban and Tribal. We should not have to beg for money each year.

Cordially,

Esther Crawford,  
Chairwoman  
Indian Child Welfare Committee

cc: ICWAC Members  
D.S.H.S., Indian Desk Region IV
February 14, 1983

Greg Arbel
Association on American Indian Affairs
432 Park Avenue South
New York, New York 10016

Dear Greg:

Per our discussion I am submitting some initial recommendations of issues that may need to be addressed through amendment of the Indian Child Welfare Act:

1. Canadian Indians

Due to our geographical location we have a fair number of child welfare cases involving Canadian Indians. The federal law does not protect Canadian Indian children and families. Our Washington Administrative Code attempts to protect them but we are in need of legislative relief.

2. Funding

The continuation of funding for both tribal and off-reservation Indian child welfare programs is a priority issue. If the funding is reduced and then eliminated as we understand the plan to be, the Indian Child Welfare effort will revert to the 1960's era and before.

3. Monitoring

There is dire need for a legislatively established system for monitoring state courts', state agencies', and private agencies' compliance with the Indian Child Welfare Act. My recommendation is that joint monitoring/technical assistance committee composed of Indian and BIA representatives be established for each BIA Area Office Jurisdiction.

4. A discussion with Barbara Wright from our agency's Assistant Attorney General's staff identified the follow issues:

a. Voluntary Reinquishments

Currently, Indian Tribal Councils and Tribal Courts do not receive notice of voluntary relinquishments. Although, the issue of "confidentiality" is involved, we are also concerned that this perpetuates a "loophole" for inappropriate placement of Indian children into non-Indian homes. At a bare minimum, there should be a requirement for Indian-oriented counseling of parents prior to their final decision to voluntarily relinquish a child.

b. Expert Witness

There appears to be too much flexibility in respect to:

1. Who qualifies an expert witness?
2. What is an expert witness?

Our concern is that "anti-Indian" expert witnesses on Indian Child Welfare cases may be brought in for the purpose of overriding positive Indian Child Welfare planning.

c. CPS Emergency Removal/Exclusive Tribal Jurisdiction

There appears to be a questionable gap in the current legislation in situations where a tribe has exclusive tribal jurisdiction but may not have the program resources to respond quickly to the need for a child protection services emergency removal situation. In Washington, it appears that the Assistant Attorney General's Office has continued to cite the state's responsibility to do child protection/abuse investigation on reservations where tribes have exclusive jurisdiction even though the state does not have the authority to remove a child in emergent danger nor refer the matter for court action. Perhaps, this issue should receive some attention.

I will forward any other issues brought to my attention.

Sincerely,

Don Milligan
DSHS Indian Affairs
MS 08-14
Olympia, Washington 98504

cc: Barbara Wright
    Evelyn Blanchard
    Goldie Todd
It is my understanding that the U.S. Senate will be holding hearings possibly in late February or March 1984 on potential amendment of the Indian Child Welfare Act.

I am asking each of you to obtain recommendations from your regional office staff, CAS administrators, caseworkers serving Indian cases, Indian community workers, and local Indian child welfare advisory committees. Focus on those aspects of the act that have encouraged progress and those aspects of the act which have resulted in implementation problems for DHS, state courts, tribal courts, and Indian child welfare programs from your point of view.

Your recommendations and comments will be shared with Indian representatives. Please have the recommendations to Don Milligan, Office of Indian Affairs, Hill Stop 08 14, by January 13, 1984 because they are needed for discussion at a meeting of Indian representatives on January 19. Thank you.

cc: Don Milligan
    Barbara Wright

The concerns and recommendations I have listed in this memo are my personal opinions rather than opinions of the Attorney General's Office, and are based upon 4 1/2 years of working with the ICWA in the Attorney General's Office.

The intent and spirit of the Indian Child Welfare Act is to have Indian children remain with Indian people. A basic concern that I have, as do others in my office who work with the ICWA, is that the lack of funding to tribes serves to undercut the tribes' (and the State's) ability to carry out the purpose of the Act. In addition, Public Law 96-272 is in direct conflict with the intent of the ICWA because it imposes continuous State supervision and control over the licensing and payment process and does not lead to tribal autonomy in the child welfare area.

The Act gives tribes that have exclusive jurisdiction over child custody proceedings, jurisdiction over "an Indian child who resides or is domiciled within the reservation." From this I assume that such tribes have jurisdiction over Indian children who are not tribal members. It is unclear whether the same applies to tribes with concurrent jurisdiction, because the Act does not address that specific issue.

Section 1915 of the ICWA requires that notice to an unknown or unavailable parent be given to the Bureau of Indian Affairs. The BIA does not seem to be very effective in finding parents and transmitting information to parents.

Section 1913 allows the placement preference of the Indian child or parent to be considered where appropriate in a foster or adoptive placement. The court or agency is also to give weight to a consenting parent's desire for anonymity in applying the placement preferences. The result is that the State caseworkers are often put in a very difficult position when trying to place a child pursuant to the placement preferences; and on many occasions the desire of the parent or child has effectively overridden the intent and the placement preferences of the ICWA.
In summary, my strongest recommendations are that tribes be given enough money to implement the Indian Child Welfare Act and that federal laws which act to undermine the Indian Child Welfare Act be changed.

I also recommend that the Indian Child Welfare Act be specific as to how much authority tribes with concurrent jurisdiction have over Indian children who are not their tribal members. All Indian children within a reservation should be covered by the authority of tribal courts regardless of exclusive or concurrent jurisdiction status of the tribe. It would then be up to the tribe to choose to assert such jurisdiction based upon their funding, court structure, and so on.

The placement preferences and desire for anonymity of the Indian parent should not be allowed to override the intent and the placement preferences of the Indian Child Welfare Act.

cc: Bruce Clausen
    Teresa Kulick

TO: Don Milligan
    Office of Indian Affairs
    ME 08-14

FROM: Thomas J. McClelland
    Administration
    Spokane ICWAC

DATE: January 12, 1984

SUBJECT: RECOMMENDATIONS RELATED TO THE POSSIBLE AMENDMENT OF THE INDIAN CHILD WELFARE ACT

My staff have contacted numerous local individuals regarding assessment of helpful or detrimental aspects of the Indian Child Welfare Act. These individuals included community representatives, local Indian Child Welfare advisory committee members, the DSBS liaison to the local ICWAC and other staff members in the CSO.

The DSBS liaison to the local ICWAC plans to ask the committee as a whole to send recommendations to the Office of Indian Affairs. The liaison is aware of the January 19, 1984 statewide meeting of Indian representatives and will encourage the local ICWAC to send recommendations in prior to that date.

CSO staff recommendations relate to the application and some procedures under the law rather than the law itself. In general, caseworkers agree with the purpose and philosophy of the Act. The local ICWAC has been supportive and staff view the required staffing with ICWAC to develop a case plan as positive procedure.

The problems noted by staff center around the time needed to complete the additional required forms and staffings for Indian children. The operation of giving notice to the tribe is of particular concern because of the difficulty and the time required in determining what tribes to notify. Finally, questions have been raised about the need to have a representative from the child's particular tribe involved in the planning in addition to the local ICWAC.

In summary, the CSO staff's recommendations are to streamline the process required to comply with the Indian Child Welfare Act. Also, I would suggest contacting the Attorney General’s Office for specific recommendations about the law itself.

TJB:cb
cc: Bernard O. Nelson, Regional Admin.

RECEIVED
JAN 16
TO: Don Milligan  
Office of Indian Affairs - 08-14  
FROM: James A. Ross, Administrator  
Spokane North CSO  
DATE: January 11, 1984  
SUBJECT: REQUESTS FOR RECOMMENDATIONS RELATED TO THE POSSIBLE AMENDMENT OF THE INDIAN CHILD WELFARE ACT

This request was discussed with staff. The Indian Child Welfare Act was reviewed in relation to the areas suggested. It was determined we have not had any outstanding problems in the implementation of the Act. Therefore, we did not arrive at any changes to recommend.

JAMES
cc: Bernard O. Nelson, Regional Administrator

RECEIVED JAN 16
REQUESTS FOR RECOMMENDATIONS RELATED TO THE POSSIBLE AMENDMENT OF THE INDIAN CHILD WELFARE ACT

DATE: January 11, 1984
SUBJECT: REQUESTS FOR RECOMMENDATIONS RELATED TO THE POSSIBLE AMENDMENT OF THE INDIAN CHILD WELFARE ACT - YOUR MEMO OF JANUARY 3, 1984

In this area we found no consensus nor strong opinions about recommended amendments to the Indian Child Welfare Act.

We found concern expressed on basically three aspects of the law by some individuals:

1. There are still too many Indian children being placed in non-Indian homes and perhaps it would improve if the law had a stronger way to compel that the law be followed.

2. The opinions and advice of the extended family regarding placement for the children has not always been given serious consideration.

3. There is a lack of tribal control or right to intervene in adoptions where individuals have relinquished a child directly to other individuals.

Most of the contacts with CSO staff, community representatives, and some ICWAC members indicated that they had no real criticism of the law but there was a lot of concern about the implementation of the act. It was felt that perhaps the terms of the law were not interpreted as clearly and as strictly as the law allowed and that clear guidelines and resources be provided with the law for a smoother implementation.

KMnh
Attachment
cc: Bernard O. Nelson
Ella Medonich

RECEIVED JAN 16
MEMORANDUM

TO: Don Milligan
Office of Indian Affairs
Mail Stop 08-14
Olympia, WA

FROM: Elaine White, Administrator
ColFax C.S.O., ColFax Branch Office

DATE: January 10, 1984

SUBJECT: Possible Amendments to Indian Child Welfare Act

We have contacted our casework staff, and Community resources in an effort to gather feedback on possible amendment to the Indian Child Welfare Act. Of course, it must be noted that our catchment area does not afford us with a great many opportunities to exercise the ICWA. Our volume of cases involving Native American children has been three children in the last two years. Therefore, each time we do encounter the need to consult the Act we basically need to relearn the process.

We were able to get some feedback that reflects a positive attitude on the part of caseworkers who work with the LICWAC in terms of having a good relationship.

Concerns that were expressed by the member of the local committee were more general in nature and scope. These concerns dealt with a perceived need to address the issue of using Guardians ad Litem who were either Native American or sensitive to Native American issues. A possible problem area, and past concern, was that courts tend to give more weight to the recommendations of the Guardian ad Litem, regardless of the recommendation of the LICWAC. It is suggested that amendments may possibly address this issue.

In addition, concerns also dealt with the issue of private organizations going onto the reservations and dealing with families for private adoption. Currently there is no check or safeguard to ensure that people operating on the reservations are not misled or exploited by religious groups or private organizations.

We hope these thoughts will be helpful to you.

EDW:DRK:cc

cc: Bernard G. Nelson
Region 1
Thank you for this opportunity to comment relating to possible amendments of the Indian Child Welfare Act. We find the act to provide useful guidelines in working with Indian children and families. There are several areas, however, which are not entirely clear or about which questions have arisen in the field.

1. One of the most difficult barriers we find to full implementation of the intent of the Act is the shortage of funding for the Indian Child and Family Service Program as described in Section 201. As you know, although the Yakima tribe has exclusive jurisdiction, the child and family program is not fully funded. This situation leads to frustrated expectations for both tribal members and other community agencies, as well as leaving the department to provide services to a number of Indian children and families, who, given adequate funding, could be served by their tribal program instead.

2. There seems to be some ambiguity about jurisdiction in the case of an Indian child belonging to one tribe and domiciled on the reservation of another tribe. This comes up when the child's parent objects to the local tribal court's hearing the case, preferring it to be heard in state court. Do they have this right? Would agreements between tribes regarding assumption of jurisdiction for child welfare cases influence parents' freedom, if any, to choose the court?

3. An area which needs to be further delineated is the situation where the child is bi-racial and has been placed in tribal care. It would be helpful if the Act provided guidelines for tribal court awarding of guardianship or adoption or transfer of jurisdiction to state court. Should the Act concern itself with barriers that may prevent parents from having access to Child Protective Services complaints very fully, particularly for children domiciled on a reservation.

4. Expert witnesses, as referred to in section 106(a) are not defined.

cc: CSO Adm.
In Section 105 (a) and (b) the phrase "in the absence of good cause to the contrary" refers to placement preference. This phrase has been used when the preference was not followed. The interpretation of this phrase has been the basis for non-compliance with the preference and has resulted in prolonged non-Indian placements of Indian children. The phrase should be eliminated or revised to reflect the importance of placement priorities. A related item is the need to clarify the order of placement preferences. It should be made clear the preference is to be followed in "sequence" from Item 1 to Item IV in Section 105 (b) and not that there exists a "choice" among the preferences.

Clarification of an agreed dependency orders are needed. It is unclear if an agreed dependency order needs to be signed in the presence of a judge. Also, there is concern about the provision allowing a voluntary relinquishment to be withdrawn prior to a termination order and/or adoption decree. Precarious situations have occurred for both the child and the prospective adoptive family. These two items have been raised for future discussion, no specific recommendations can be given at this time.

The Region 4 Indian Child Welfare Advisory Committee has received materials regarding the upcoming Senate Hearings. Members plan to present their recommendations to Indian representatives at the scheduled meeting on 1/19/84 and 1/20/84.

The Indian Child Welfare Act is vital to the preservation of Indian families and we look forward to continued coordinated efforts in assuring its implementation.

JDLikes

cc: Ralph Dunbar
MEMORANDUM

TO: Don Milligan
Office of Indian Affairs
M/S 3200

FROM: Bernice Morehead
Regional Administrator
Region 5 M/S N 27-5

DATE: January 12, 1984

SUBJECT: RECOMMENDATIONS RELATED TO THE POSSIBLE AMENDMENT OF THE INDIAN CHILD WELFARE ACT

The following recommendations and comments were obtained from our local Indian Child Welfare Advisory Committee members and Indian Community Worker.

The Indian Child Welfare Act is, in and of itself, viewed as a positive move to protect the best interests of the Indian child and his/her unique culture and heritage. Certainly it has heightened awareness in our communities for both Indian and non-Indian people and has improved Department child welfare services to children and their families.

Aspects of the Act which have resulted in implementation problems include:
1) The Act did not provide funding for education. As a result, it has taken a long time for DSHS staff and community agencies staff to familiarize themselves with the Act, relevant MAC and Manual material. The need for education is constant as new staff become involved with Indian children.
2) When a child is placed into out-of-home care the Tribe must be notified. There is no language in the Indian Child Welfare Act stating that the Tribe must respond to the notification. A requirement for response from the Tribe within a limited time frame would be helpful.
3) The Act does not delineate responsibilities to Canadian Indian children. Because this is overlooked in the Act, some Canadian Indians in the United States suffer from lack of services. It is also the case with the urban areas such as Milwaukee, Chicago, and Minneapolis/St. Paul. I also have cases in California and Montana. My 1984-85 Indian Child Welfare proposal was funded for $35,770. How is one Worker supposed to effectively serve 320 Winnebagos in this geographical area with very little funding.

Aspects that increase implementation problems include:
4) If there are many cases, it is very time consuming for DSHS staff and community agencies staff to familiarize themselves with the Act, relevant MAC and Manual material. The need for education is constant as new staff become involved with Indian children.
5) When a child is placed into out-of-home care the Tribe must be notified. There is no language in the Indian Child Welfare Act stating that the Tribe must respond to the notification. A requirement for response from the Tribe within a limited time frame would be helpful.
6) The Act does not delineate responsibilities to Canadian Indian children. Because this is overlooked in the Act, some Canadian Indians in the United States suffer from lack of services.
7) For children in the custody of Tribal Courts, the Act would be improved by including language to mandate a structure similar to the Interstate Compact. This would allow children from other States to be served more equitably.
8) There is no interstate agreement, or funding, some children are stranded away from their Tribes.

Local difficulties in implementing the Indian Child Welfare Act include:

A) A need for stronger representation from local native American communities on the local Indian Child Welfare Advisory Committee.
B) Obtaining sufficient information to determine a child's Indianness as it is defined in the Act and the broader State definition.

If you have questions or need additional information, please contact Kristy Zoeller, Social Service Coordinator at Scan 462-2922.

cc: Robert Lelcoa
Thank you.

If any of the points I mentioned are not clear, please contact me and I will clarify them for you.

Thank you.

Respectfully submitted,

Faye E. Thunder
Indian Child Welfare Coordinator
Wisconsin Winnebago Tribe
May 21, 1984

Senator Mark Andrews, Chairman
Select Committee on Indian Affairs
United States Senate
Washington, D.C. 20510
Attn: Pete Taylor

Dear Senator Andrews and Mr. Taylor:

This letter is in reference to the Indian Child Welfare Act, Public Law 95-608. During the past two years I have served on the Oneida Child Protective Board, a board the Oneida Tribe of Wisconsin has established with authority over child custody proceedings. Our Board acts in place of a tribal court reviewing cases and making recommendations to the State Court in behalf of the tribe. I have become somewhat familiar with the Indian Child Welfare Act and would like to submit the following request for changes in the Act:

Title I - Child Custody Proceedings
Section 101
(b) In any State court proceeding for the foster care placement of, or termination of parental rights to, an Indian child not domiciled or residing within the reservation of the Indian child's tribe, the court, in the absence of good cause to the contrary, shall transfer such proceeding to the jurisdiction of the tribe; upon the petition of either parent or the Indian custodian of the Indian child's tribe: Provided, That such transfer shall be subject to declination by the tribal court of such tribe.

Note that "absent objection by either parent" has been deleted. It has been my experience that cases arise where a parent objects to the tribe's jurisdiction. When a parent objects to this intervention by the tribe, an Oneida child can be placed in a non-Indian foster home. When the Tribe is not involved in a termination of parental rights hearing, there is no opportunity for the Tribe to locate suitable Oneida adoptive families. This does not reflect the unique value of Oneida culture and also expands the Oneida child from the extended family. I strongly recommend...
(a) ... No foster care placement or termination of parental rights proceeding shall be held until at least twenty days after receipt of notice by the parents or Indian custodian and the tribe of the Secretary. Provided, that the parents or Indian custodian of the tribe shall, upon request, be granted up to twenty additional days to prepare for such proceeding.

The change in Section 102(2) is in the last sentence: change from ten days after receipt of notice to twenty days after receipt of notice.

Ten days does not allow the tribal case worker sufficient time to conduct a complete and thorough investigation of the case. The case worker has to gather information from various agencies, often from other counties and

states, and ten days does not provide enough time for this.

Title I Section 102

(a) Notwithstanding State law to the contrary, whereas a final decree of adoption of an Indian child has been vacated or set aside or the adoptive parents voluntarily consent to the termination of their parental rights to the child, a biological parent or prior Indian custodian must be notified of this proceeding by registered mail with return receipt requested and the Indian child's tribe must also be notified of this proceeding. A biological parent or prior Indian custodian may petition the court to continue as in the Act.

I have added the above section to ensure that the biological parent or prior Indian custodian and the tribe receive notice of the proceeding. This provides the opportunity for the child to be placed with the Oneida family, or the prior custodian or parent cannot care for the child if the state provides for placement in the child's

state.
community.

Title II: Indian Child and Family
Program Section 201(a)(7)

(a) a subsidy program under which Indian adoptive children may be provided support comparable to that which they would be eligible as foster children, taking into account the appropriate State standards of support for maintenance and medical needs;

I see no funds available for this subsidy program. Many Indian families have a minimal income, are willing to take another child as their own but simply do not have the income to support another child. Appropriating funds for the subsidy program could aid in keeping Oneida children in the Oneida community.

Another area of concern is the adoption process for Indian parents. The adoptive parents must pay attorney fees, court and filing fees, and an initial fee for an adoption study. The cost of an adoption study alone is around $1500, an amount very few Indian families can pay. I urge that section 8 be added to include:

Title II Section 201(a)(7)
8. Adoption assistance for adoptive Indian parents including all costs involved in the adoption process for an Indian child.

The intent of the Act is to protect the best interests of the Indian child and to promote the stability and security of Indian tribes and families and to urge you to work toward appropriating funds to fully implement the Act.

Sincerely,

Sandra J. Hill, Chairman
Oneida Child Protective Board
Oneida, Wisconsin