

Strengthening Tribal Families Act

The Strengthening Tribal Families Act will help states evaluate and update their Indian Child Welfare Act (ICWA) implementation plans to create better outcomes for Native youth. Specifically, it directs the Administration for Children and Families (ACF) to:

- help state and county child welfare agencies identify challenges with their Indian Child Welfare Act (ICWA) implementation plans, and
- provide evidence-based technical assistance to help shore up any weaknesses found based on each state's unique interaction with ICWA.

BACKGROUND ON TREATMENT OF NATIVE FAMILIES AND PASSAGE OF ICWA

Before ICWA passed, Native American children were removed from their families and communities at alarming rates. According to the National Indian Child Welfare Association (NICWA), “research found that 25%–35% of all Native children were being removed; of these, 85% were placed outside of their families and communities—even when fit and willing relatives were available.”

When a child protection case involves an Indian child, ICWA sets federal requirements that run parallel to state requirements designed to provide culturally appropriate services and keep Native children in their community when possible. Since its passage, ICWA has been considered the “gold standard” for child welfare laws by leading child welfare advocacy groups including Casey Family Programs and the American Academy of Pediatrics.

STATES ARE STILL STRUGGLING TO FULLY IMPLEMENT ICWA

While ICWA has dramatically reduced the rate of Native children being removed from their families and culture, progress has plateaued and varies significantly by state. Native children are still 2.5 times more likely to enter the foster care system compared to the general population.

While states are required to have ICWA implementation plans, The Administration for Children and Families (ACF) currently lacks the authority to provide comprehensive guidance to state child welfare agencies on implementing ICWA, and there is very little data being collected on the effectiveness of state ICWA implementation.

SUMMARY OF THE STRENGTHENING TRIBAL FAMILIES ACT

The Strengthening Tribal Families Act directs ACF to establish a technical assistance plan and provide TA to help states develop and implement strong ICWA implementation plans. The bill requires ACF, at a minimum, to collect data and provide guidance on ICWA requirements related to the following:

1. Timely Identification and notification of Indian children
2. Timely tribal notice of State child custody proceedings
3. Jurisdiction transfers and denials

4. Foster care placements
5. Placement preferences
6. Termination of parental rights

The bill allows ACF to request guidance and assistance from the Department of the Interior, which has primary enforcement jurisdiction over ICWA, to help develop and improve State ICWA implementation.

Lastly, the bill establishes biennial reports to Congress on how States are implementing ICWA, and how ACF is providing technical assistance to States on their ICWA implementation plans.