



ACF Annual Tribal Consultation Report
June 15, 2016

This report is written in accordance with the Administration for Children and Families' (ACF) Tribal Consultation Policy, which requires a written report within 45 days of the completion of consultation. This report will provide information that summarizes the:

- Discussion;
- Specific recommendations; and
- Federal responses.

In addition, by way of this report we are soliciting tribal feedback on the consultation process itself. The Consultation Report is available on the [ACF Tribal and Native American Resources page](#).

BACKGROUND INFORMATION

Per ACF's Tribal Consultation Policy, ACF will consult at least annually with tribes on issues with significant policy or budget impact on tribes or tribal citizens. ACF is soliciting input and dialogue on the following priority areas that will institutionalize ACF's impact on Native American Communities:

- Native Youth and Children Policy Agenda
- Complex Trauma
- Principles for Working with Tribal Governments

The Native Youth and Children Agenda is a document reflecting a structure for innovative policymaking to guide stronger and more effective programming that can provide Native American parents, Native American caregivers, Native American leadership, and Native American children and youth with the tools they need to thrive. ACF's Native American Youth and Children Policy Agenda will stand as the policy standard for fostering connections of Native American children and youth to the relationships they have with their cultures, languages, extended families, and Native communities that foster resiliency and positive outcomes.

ACF's Commissioner of the Administration for Native Americans, in her role as the Chair of the Intra-Departmental Council on Native American Affairs, has been leading efforts with the Department of Health and Human Services' (HHS) Office of Intergovernmental and External Affairs to coordinate a Department-wide workgroup of staff from across HHS' Operating and Staff Divisions to develop a strengths-based framework for HHS' work to address trauma, including historical trauma, in Native American communities. This work is in response to a Congressional request for an integrated and comprehensive HHS-wide policy addressing complex trauma affecting Native American children and communities.

ACF's Administration for Native Americans (ANA), Administration for Children, Youth and Families (ACYF) and ACF's Immediate Office of the Assistant Secretary (IOAS) have worked

together to draft “Principles for Working with Federally Recognized Indian Tribes” designed to complement ACF's Tribal Consultation Policy and to articulate ACF's commitment to promote and sustain strong government-to-government relationships, foster Indian self-determination, and respect tribal sovereignty.

NOTIFICATION OF CONSULTATION

On April 29, 2016, a “Dear Tribal Leader” letter was distributed to all 567 Federally Recognized Tribes inviting them to the ACF Annual Tribal Consultation Meeting. In addition, a notice was published in the Federal Register ([81 FR 27138](#)) on May 5, 2016. The ACF program offices were requested to share the letter via their tribal list services, and it was publicized on the ACF website: [ACF Tribal and Native American Resources](#).

CONSULTATION ATTENDEES

Please see attached a list of attendees by Name, including Title and Tribe/Organization.

BACKGROUND/FRAMING DOCUMENTS

The ACF Principles Document overview and the ACF Native American Children and Youth Policy Agenda overview, attached.

Welcome and Introduction

Lillian Sparks Robinson, Commissioner for the Administration for Native Americans, gave a brief overview regarding the focus of the discussions for the afternoon session. She then introduced Elaine Fink, Vice Chair of the North Fork Rancheria and former Chair of the Council. Ms. Fink made some brief opening remarks and thanked the attendees for allowing her to represent the tribes as well as discuss ACF and the Tribal Advisory Committee.

Ms. Robinson expressed that one of the priorities of ACF was to finalize and publish principles for working with federally recognized tribes. She indicated that they were seeking feedback and input regarding what should be included, specifically what activities were important to continue, going into the new administration.

Opening Remarks

ACF’s Acting Assistant Secretary Mark Greenberg provided some opening remarks. He acknowledged the hard work of Lillian Sparks Robinson and thanked her for her contribution in furthering people’s awareness and understanding of tribal issues and tribal partnerships.

Mr. Greenberg provided an overview of the accomplishments and progress that had been made in relation to tribal issues. He highlighted that the number of tribes administering their own Temporary Assistance for Needy Families (TANF) programs through tribal family assistance grants had grown from 59 to 73. He stated that there were 32 child welfare grants awarded to tribes that assisted them in developing their own title IV-E foster care adoption assistance and guardianship programs.

Mr. Greenberg also stated that seven tribal grantees had been approved to operate the IV-E program directly and the number of tribes operating child support programs had grown from 36

to 63. He discussed the Early Head Start program and pointed out that the number of American Indian and Alaskan Native (AI/AN) children participating had grown from 2,400 children to 5,000.

Mr. Greenberg explained that the tribal set aside for discretionary child care funding had been increased from 2 percent to 2 3/4 percent of the discretionary child care funding. He stated that beginning in 2017, programs that were operated by tribes under the Community Service Block Grant would be eligible to enter into Public Law (Pub. L.) 102-477 projects. He explained that this would provide opportunities to combine employment and training into a single plan with a single budget and a single reporting system.

He added that ANA has the largest budget and staffing in the history of the agency. He went on to discuss how ACF has strengthened research in tribal communities; an example is the expansion of the Head Start Family and Child Experiences Survey to include tribal participants and data, the Tribal Health Professions Opportunities grant Outcomes Report, and research into coordination between tribal TANF and tribal Child Welfare.

He recognizes the particular challenges of complex and historical trauma in AI/AN communities. ACF is engaged in promoting work that supports resilience to traumatic exposures and toxic stress through such areas as our work and tribal home visiting, child welfare capacity building, and analysis by our Office of Planning, Research and Evaluation on culturally appropriate interventions in the areas of self-regulation and toxic stress for native children and youth.

ACF is also working with HHS colleagues to develop a primer on trauma-informed approaches in human services that will be coming out later this year. It will include information and resources specifically for programs serving tribal communities to help those who are interested in learning more about trauma-informed approaches, including information on historical trauma in Indian country. Mr. Greenberg concluded by saying we are committed to institutionalizing the progress that has been made during this administration.

SPECIFIC RECOMMENDATIONS/QUESTIONS RAISED

TOPIC: ACF Principles Document governing the agency's work with federally recognized tribes.

Comments:

Several times during the conversation, tribal leaders appreciated the ability to meet with ACF for tribal consultation, and said that it is important to have these dialogues.

In the written testimony from Southcentral Foundation, General recommendation: All federal agencies should be more diligent in ensuring that states meet both the spirit and the letter of the federal rules regarding tribal consultation. Sending a notice of newly adopted regulations is not consultation.

Cook Inlet in Written Testimony:

We are concerned that the “Principles for Working with Tribal Governments” ensure robust dialogue with the significant providers including non-profit Tribal organizations. Currently there are over 40 statutes based on the language of the Indian Self -Determination and Education Act (Pub. L. 93-638), which encompass both Alaska Native villages and corporations in the definition of a tribe, thus assuring eligibility for funding and services. As a result, tribes and tribal organizations in Alaska have implemented federal Indian programs for over 30 years. Furthermore, the Departments are required by statute to consult with the Alaska Native corporations as well as the federally recognized tribes: "The Director of the Office of Management and Budget shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175," and "Public Law 108-199 is amended in division H, section 161, by inserting 'and all Federal agencies' after 'Office of Management and Budget.'" (Pub. L. 108-199, 118 Stat. 3,452: SEC. 161, as amended by Pub. L. 108-447, 118 Stat. 2809, 3267: SEC. 518.)

FEDERAL RESPONSE

Not directly addressed during the meeting.

FOLLOW UP

- ACF is set to implement the ACF Principles for Working with Federally Recognized Tribes in October 2016.
- These Principles will complement the HHS and ACF Tribal Consultation policies, not supplant or modify them.

TOPIC: ACF Native American Children and Families Policy Agenda

COMMENTS:

Mr. Jerl Thompson, Standing Rock Sioux Tribe – collaboration between programs serving children age 0-18 must be ensured, perhaps requiring this at the grant level. (Meeting Transcripts, page 20)

Mr. Thompson, Standing Rock Sioux Tribe – We need to address the causes of social issues like abuse and neglect and high dropout rates, not just the symptoms. Persistent and intergenerational poverty was identified as one of the contributing causes to the dysfunctions in families. (Meeting Transcripts, pages 30-31)

Mr. Thompson, Standing Rock Sioux Tribe – There is a housing shortage, so families doubling up, but willing to accept a child for placement, are not able because a family member living in the home does not pass a background check. There is a shortage of licensed tribal foster care homes on the reservation, and then the child ends up in state foster care. So the coordination for addressing these issues goes beyond ACF. (Meeting Transcripts, pages 84-86)

Ms. Carolyn Crowder, Norton Sound Health Corporation – communities are broken and there is a need for positive role models and uplifting models within communities to give community members something positive to strive for. (Meeting Transcripts, pages 74-77)

Ms. Fink, North Fork Rancheria – stated that there is a continuing need to educate the courts and attorneys on The Indian Child Welfare Act (ICWA) and why it is important. The stories would go a long way to help with education on this topic, provided they respect confidentiality. (Meeting Transcripts, pages 87-88).

Mr. Thompson in his testimony noted that often tribes have difficulties reaching the most at-risk youths because of the self-selection process, which favors children/families that are already striving. In the Lakota Language Nest, families face expulsion from the program if they are not participating in the language learning courses. (Meeting Transcripts, pages 90-91)

Mr. Cleghorn recommended referral networks, pipelines to identify children who benefit. These might be youth court or tribal justice programs, or education departments. (Meeting Transcripts, pages 93-94)

Cook Inlet Tribe – Cook Inlet Tribal Council (CITC) Written Testimony. However, understanding the consequences of trauma is not enough. CITC is also resolutely engaged in counteracting these outcomes by focusing not only on preventing initial trauma, but also nurturing the resilience needed to thrive *despite* trauma. For instance, supporting parents to provide stable and nurturing responses in times of stress or family crisis is a critical buffer to reducing the possibility of harm and the lifetime effects of infant and early childhood trauma.

At CITC, we address problems squarely, and we are taking innovative steps to improve the lives of Our People, by:

1. Making programmatic decisions based on solid data.
2. Moving from a focus on trauma to a focus on resilience-investigating qualities or circumstances to move us beyond the effects of trauma.
3. Using strategic tools, such as collective impact, to increase our reach and support like-minded partners in creating needed systems change.
4. Finding new ways to incorporate the strong, committed voices of Our People – especially Our Youth – into everything we do.

FEDERAL RESPONSE (At the Consultation):

Commissioner Lopez (ACYF) commented on the federal efforts to collaborate. HHS recently signed an agreement with the Department of Justice and the Department of Interior to work better together on ICWA issues.

Susan Golonka (OFA) mentioned that two generation approaches to multigenerational poverty, working holistically with a family are all possible under TANF and Tribal TANF, so if your tribe is not operating a Tribal TANF program, you might be interested in exploring that option. (Meeting Transcript, pages 100-101) Also, there are new programs and funding proposed in the President’s proposed budget that would address more issues of systemic poverty. (Meeting Transcripts, pages 101-103)

Commissioner Lopez (in response to Ms. Crowder) agreed that there should be an alternative narrative. ACYF would like to be a partner in sharing the narrative about the role models that exist in Indian Country. (Meeting Transcripts, pages 79-80)

Commissioner Spark Robinson (ANA) agreed in response to Mr. Thomson that attracting at-risk youth has been discussed at ANA, as reflected in the I-LEAD and Gen-I programs. She invited any person with an idea on how to tailor future funding opportunity announcements to reach the most vulnerable segment of the population to come forward with such idea. She also stated that the parent participation requirement in the Esther Martinez grants may unintentionally negatively impact families what would most benefit from these language programs. (Meeting Transcripts, pages

FEDERAL FOLLOW-UP:

(OFA)

The Office of Family Assistance website contains guidance for tribes related to:

- 1) Tribal TANF letter of intent: <http://www.acf.hhs.gov/ofa/resource/qquestions-received-on-letter-of-intent-process>.

The website outlines the process required for tribes who are interested in administering their own Tribal TANF program.

- 2) The President's proposed FY 2017 budget: <http://www.acf.hhs.gov/ofa/resource/the-president-released-fiscal-year-2017-budget>.

This resource is helpful for tribes interested in gathering more information on the proposed FY 2017 budget and how TANF could be impacted.

- 3) For tribes interested in, "Strengthening TANF Outcomes by Developing Two Generation Approaches to Build Economic Security," please visit the following page on our OFA website: <http://www.acf.hhs.gov/ofa/resource/tanf-acf-im-2016-03>.

(ACYF)

Both states and tribes receiving funding under the Social Security Act Title IV-B subpart 1, Stephanie Tubbs Jones Child Welfare Services, are required to engage in the ongoing process of coordination and collaboration efforts conducted across the entire spectrum of the child and family service delivery system to provide services to tribal children.

ICWA: The Children's Bureau is supporting efforts to strengthen understanding of and compliance with ICWA. The Child Welfare Capacity Building Center for Courts (CBCC) has undertaken two important national initiatives to increase ICWA knowledge and enhance ICWA practice among child welfare attorneys and the judiciary.

(1) The CBCC has convened and operates an ICWA constituency group composed of state and tribal court improvement directors and practitioners to discuss ICWA work from a systems improvement perspective. The group meets bimonthly using a highly interactive virtual platform. Meetings create an opportunity for CIPs to share their work and resources, including lessons learned from ICWA assessment projects, training efforts, and state and tribal court coalition work.

(2) The CBCC is also in the final stages of completing a state of the art online ICWA learning experience for judges and attorneys. The curriculum will be composed of a number of modules

that can be taken as a series or individually. It is slated for completion in early FY 2017 and will be available to judges and attorneys nationally.

The Capacity Building Center for States, in conjunction with the Capacity Building Center for Tribes and Children's Bureau staff, has been working on a learning experience that will be coached jointly on the regional level by a team of state and tribal coaches. The learning experience is to develop and strengthen partnerships between states and tribes, and tribal and state child welfare agencies, so that AI/AN children, youth, and families are better served and compliance with the Indian Child Welfare Act is achieved. This is planned to be piloted in fall 2017.

In addition, in September 2016, the ACYF/Children's Bureau will award 5-year grants to support the creation of effective practice model partnerships between states and tribes to support effective implementation of the Indian Child Welfare Act [\[MHG1\]](#).

Through Family Violence Prevention and Services Act funding, the National Indigenous Women's Resource Center collaborated with the National Center on Domestic Violence, Trauma, and Mental Health to develop training tools on understanding and providing trauma-informed care in the context of domestic violence in tribal communities. The tribal-specific resources were developed with input from several tribal programs. Parts of the training may be relevant to the efforts that are more focused on supporting children and youth. The training is designed to help children who have witnessed domestic violence or experienced historical trauma, and to develop communities to help individuals in need to heal and become resilient.

TOPIC: Tribal Data

COMMENTS:

Mr. Jerl Thompson of Standing Rock, Sioux tribe, expressed concern about the inability of tribes to collect and keep their own data. He noted that some data is private and programs are unable or reluctant to share it across tribal programs for fear of violating privacy. There is a lack of clarity on what data can be shared. (Meeting Transcripts, page 34)

His suggestions are: 1) to modernize data collection and storage so it is usable; 2) provide some funding and/or provide guidance on data collection to tribes; 3) and make sure the tribe is in control of the data. There are trust issues with federally collected data like the Census. (Meeting Transcripts, pages 19-21)

Mr. Walks Along from Northern Cheyenne Tribe also mentioned that programs are reluctant to share data with each other and with the grants office. (Meeting Transcripts, page 48)

FEDERAL RESONSE:

Shannon Rudisill (ECD) mentioned the Tribal Early Learning Initiative, which is a small amount of money meant to help encourage tribes to break down silos in early learning programs. There are some peer learning and models that ECD could share.

Acting Assistant Secretary Greenberg mentioned that ACF put out a confidentiality toolkit that outlines where and how it is possible to share ACF data.

Commissioner Lopez (ACYF) said that ACYF is currently looking to modernize their Adoption and Foster Care Analysis Reporting System (AFCARS) to modernize ACYF's data collection systems. Collecting ICWA data will help ACF more effectively and proactively target their own oversight and training and technical assistance resources in this area. There is a dearth of consistent, reliable, high quality data. The ICWA data elements will collect information on: 1) Why children are being removed, 2) Child Custody hearing notifications made to tribes and parents, and 3) Active efforts on the prevention of removal and efforts to reunify. This data will be reported publicly, openly, and transparently.

FEDERAL FOLLOW-UP:

(ECD)

Here is the link to the TELI page for more information:

<http://www.acf.hhs.gov/e cd/tribal-early-learning-initiative>.

(CB)

Children's Bureau staff work directly with tribal title IV-E grantees specifically around data including helping tribes identify data needs generally and prepare for mandatory submissions of data to AFCARS. Children's Bureau also discusses issues around data sharing and confidentiality.

In addition, ACYF is interested to learn from tribal leaders and communities whether there examples of data elements tribes need to collect from the programs and how it would be used.

TOPIC: HHS Policy to Address Complex Trauma in Indian Country

TRIBAL COMMENTS:

Mr. Walks Along from Northern Cheyenne Tribe: Historical trauma is still present in the lives of the people. Language preservation and culture in the programs (Head Start and other educational programs) are very important. The language is the core of their identity and ceremonies; they need it to exist as a people. (Meeting Transcripts, pages 49-50)

Southcentral Foundation has a model for screening and integrating behavioral health specialists into the primary care teams to allow for nearly universal screening and immediate access to services at primary care visits and a warm hand off. They use ACF funding to develop a plan to ensure that all behavioral health providers and programs are trauma informed. (Meeting Transcripts, page 37)

Ms. Aliza Brown, Quinault Indian Nation, provided examples of culture and language helping to heal from trauma. (Meeting Transcripts, pages 57-59)

Ms. Carolyn Crowder, Norton Sound Health Corporation, is recommending a historical trauma survivors group, to provide energy for people to be change makers in their community. In the Aleutian Islands, the community held wellness gatherings for survivors of Japanese bombings and internment. (Meeting Transcripts, page 77)

Administration for Children and Families 2016 Annual Tribal Consultation Report: (LINK to report online)

Ms. Fink, North Fork Rancheria, pointed out that trauma happens in the schools to every generation and it affects health, behavioral health, and mental health. (Meeting Transcripts, page 87)

FEDERAL RESPONSE:

None at the time.

FEDERAL FOLLOW-UP:

- HHS testified at a Senate Indian Committee field hearing on August 17, 2016.
- HHS held a listening session at the IHS Behavioral Health Conference August 19, 2016.
- HHS will hold an additional listening session at the National Indian Health Board Conference September 19.

TOPIC: ANA's Policy on limiting one grant per CFDA number at a time.

TRIBAL COMMENTS:

Mr. Alex Cleghorn, General Counsel at Southcentral Foundation of Anchorage, Alaska, discussed the implication of limiting grant funding to one CFDA number at a time on their efforts to "eliminate family violence and child maltreatment" in tribal communities. He expressed concern that the approach of using the funds from the ANA grant to address this problem precludes their ability to apply for other grants due to the policy of funding one grant application per CFDA number. (Meeting Transcripts, page 39)

Mr. Cleghorn recommended that ANA/ACF reconsider its policy of one grant per CFDA number. (Meeting Transcripts, page 40)

FEDERAL RESPONSE:

The ANA Commissioner stated that the policy was put in place in order to extend the funding opportunities to as many communities as possible. ANA will study the trends in terms of the policy goals to see if the policy needs to be adjusted. The Commissioner noted that it would take some time before policy changes (if any) could be effected because it requires some time to analyze the data. (Meeting Transcripts, pages 42-43)

FEDERAL FOLLOW-UP:

None at this time.

TOPIC: Language Preservation

TRIBAL COMMENTS:

Mr. Walks Along of the Northern Cheyenne Tribe stressed the importance of language preservation and recommended that the policy should be incorporated into the Head Start program and other early childhood education programs. (Meeting Transcripts, page 48)
Ms. Fink, North Fork Rancheria, also commented on the importance of language, to bring respect back for tribal traditions and elders. (Meeting Transcripts, page 87)

FEDERAL RESPONSE:

Dr. Enriquez, Office of Head Start (OHS), said the Head Start program has new funding for Early Head Start Child Care Partnerships, is supporting tribal language revitalization in the new performance standards, and recently announced a dual language learner's policy declaration that includes the support for tribal language revitalization.

FEDERAL FOLLOW-UP:

ANA continues to partner across ACF and with the Department of Interior Bureau of Indian Education and the Department of Education under the Interagency Memorandum of Agreement on Native American Languages. The agencies plan to issue a report this fall.

ACF, in collaboration with the Department of Interior Bureau of Indian Education and the White House Initiative on American Indian and Alaska Native Education, will host the third consecutive Interagency Native American Languages Summit on October 5, 2016, at the National Indian Education Association Convention in Reno, Nevada. The purpose of the summit is to provide updates on what the three Memoranda of Agreement partners are doing to support tribe's efforts at language revitalization both separately and in partnership with each other. In addition, there will be panel presentations and discussions geared to helping tribes and language programs make further progress.

TOPIC: Cost Sharing

TRIBAL COMMENTS:

Both Mr. Thompson and Mr. Walks Along raised the issue of grant affordability for different tribes based on the type of cost sharing required. Most grants require 20 percent non-federal match from potential applicants; which can be a challenge for many small/poor tribal communities. (Meeting Transcripts, pages 52-53)

FEDERAL RESPONSE:

The Office of Child Support Enforcement (OCSE) is reviewing its waiver authorities in relation to child support and may rewrite some of the rules about waivers.

Acting Assistant Secretary Greenberg stated that ACF would put this on the follow up list to determine what discretion or flexibility ACF has to grant waivers.

FEDERAL FOLLOW-UP:

OCSE will begin conversations about changes to regulations and will consult appropriately before making any changes.

TOPIC: Reimbursement versus forward funding

TRIBAL COMMENTS:

In some cases, grantees are required to operate and pay for the program for certain period of time before receiving reimbursement from the grantor agency. Title IV-E was identified as one such program. (Meeting Transcripts, page 44-45)

FEDERAL RESPONSE:

None at the time.

FEDERAL FOLLOW-UP:

None at this time.

TOPIC: Adequate funding to meet needs.

TRIBAL COMMENTS:

As mentioned by multiple tribes in the title IV-E program, it is difficult to adequately respond to ICWA cases and provide the necessary supports to keep families intact. (Meeting Transcripts, pages 25-26, 46, 59, 83)

FEDERAL RESPONSE:

Commissioner Lopez wanted to point out that there are increases to title IV-E and title IV-B funding in the President's proposed budget that would directly benefit tribes. This is something that Congress has the authority to act on.

FEDERAL FOLLOW-UP:

None at this time.

ACF Tribal Consultation ATTENDEES

NAME	TITLE	Organization
Mark Greenberg	Acting Assistant Secretary, Administration for Children and Families	Administration for Children and Families
Lillian Sparks Robinson	Commissioner, Administration for Native Americans	Administration for Children and Families
Rafael López	Commissioner, Administration for Children Youth and Families	Administration for Children and Families
Rachel Schumacher	Director, Office of Child Care	Administration for Children and Families
Paige Hausburg	Tribal Coordinator, Office of Child Support Enforcement	Administration for Children and Families
Yolanda Butler	Deputy Director, Office of Community Services	Administration for Children and Families
Susan Golonka	Acting Director, Office of Family Assistance	Administration for Children and Families
Dr. Blanca Enriquez	Director, Office of Head Start	Administration for Children and Families
Katherine Chon	Director, Office on Trafficking in Persons	Administration for Children and Families
Kimberly Romine	Deputy Commissioner, Administration for Native Americans	Administration for Children and Families
Shannon Rudisill	Associate Deputy Assistant Secretary, Early Childhood Division	Administration for Children and Families
Moushumi Beltangady	Senior Policy Advisor, Early Childhood Division	Administration for Children and Families
Judy Elaine Fink	Vice Chairwoman	North Fork Rancheria
Carolyn Crowder	Self-Governance Liaison	Norton Sound Health Corporation (AK)
Aliza Brown	Third Councilwoman of Quinault Nation	Quinault Nation
Jerl Thompson	Director, Child Support Enforcement Agency	Standing Rock Sioux Tribe
Alex Cleghorn	General Counsel	Southcentral Foundation
William Walks Along	Tribal Administrator	Northern Cheyenne Tribe