

FACT SHEET American Indian and Alaska Native Grandfamilies:

Helping Children Thrive Through Connection to Family and Cultural Identity



Summary

When children cannot remain with their parents, they do best when they are raised by relatives. American Indian and Alaska Native (AI/AN) children are disproportionately removed from their families and placed in state foster care at a rate of over two times their population nationally. When placed in state foster care with non-relatives, they often lose connections to their cultural identity and experience poor outcomes. Providing culturally relevant services and prioritizing relatives and tribal placements for children who cannot remain with their parents benefit children in three ways: Improved Well-Being, Preserved Cultural Identity, and Reduced Disproportionality of Native Children in Foster Care.

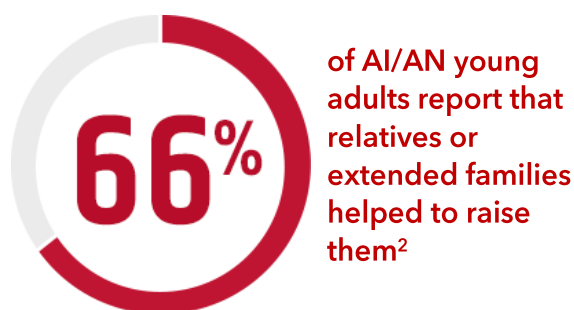
The Importance of Family and Culture to Native Children

Babies, children, and youth belong in families. They want and deserve to know they have family who love them, care for them, tend to their hurts, go to events and meetings at school, and celebrate their successes. They want to know and feel connected to their heritage and cultural identity. They need to feel they belong.

When a child's parents cannot care for them, they do best when they are raised by supporting and caring relatives, extended family members or close family friends. Compared to children in foster care with non-relatives, children with relatives have better mental health and behavioral outcomes, more stability and a greater chance of having a permanent home. They are more likely to maintain connections with their siblings and their cultural identity, and to report that they "always feel loved."¹

American Indian and Alaska Native (AI/AN) family structures differ from European American norms. Native families traditionally engage extended family in child rearing and do not require one to be related by blood or marriage in order to be considered a close relative. Although this is true of tribal cultures, each tribe has their own kinship structures and cultural norms that determine the intricacies of familial relationships. In a recent survey of AI/AN young adults ages 18-24 by the Center for Native American Youth, approximately 66% reported that relatives or extended families helped to raise them.² These extended family and tribal connections help preserve cultural and family connections, which are common values central to AI/AN communities.

Culture informs child rearing and caregiving practices. Traditions and ceremonies mark important transitions in childhood. They celebrate when children are able to take on new responsibilities and roles in the family and community. Research shows that a secure sense of cultural identity for AI/AN children is associated with higher self-esteem, better educational attainment (grades and going to college), and is protective against mental health problems, substance use and other issues.³



"I grew up on the Yakama Indian Reservation in the Tribal Foster System. I entered when I was only 4 years old and I aged out at 18. While I was in care I was able to stay with 2 of my biological younger siblings, and I lived with my auntie for 10 years. I can say that my family is my motivation in life."

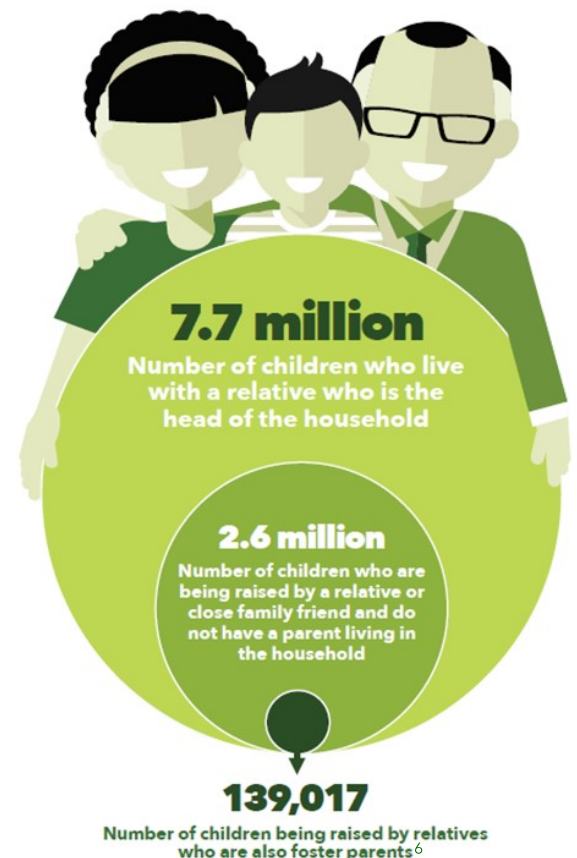
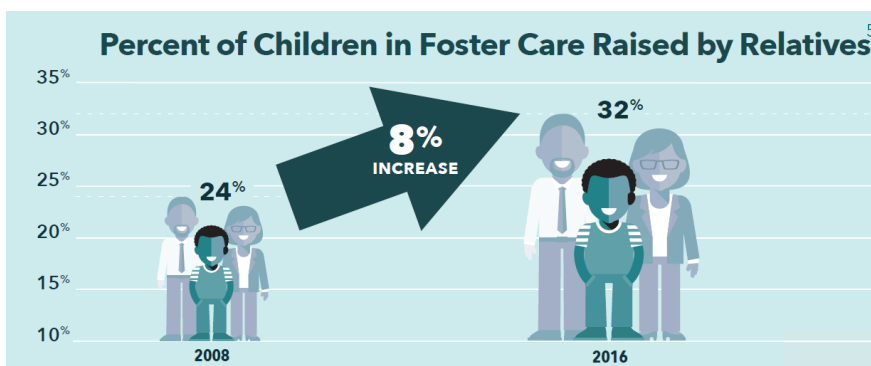
- Jade Tillequots, Native Foster Youth Advocate

Impact of Separation from Family and Culture

Too commonly AI/AN children are removed from their birth families and placed in state foster care with non-Native families where they become disconnected from their culture and traditions. The practice of removing Native children from their families and placing them with white families dates back over a hundred years when thousands of Native children were forcibly removed from their homes and sent to boarding schools. Children were prevented from speaking their native languages, practicing their religion, or participating in other cultural traditions or customs. As a result, AI/AN children lost touch with their culture, traditions, and families. Many children attending these schools suffered physical and emotional abuse and the effects are still being felt in tribal communities today. This experience left entire generations disconnected from their cultural identity, families, and tribes. At the same time, older generations were left grieving the loss of their children and not being able to pass on their culture to future generations. These events presented a very serious threat to the integrity of tribal families and communities.

The adverse effects of this historical trauma, discrimination and unresolved grief transmitted between generations has been shown to be strongly connected to challenges facing children and families in Native American communities today. AI/AN children continue to be removed from their families and placed in foster care at rates that are disproportionate to those of white children. In fact, AI/AN children are in foster care at a rate of over two times their population nationally and as much as 12 times their population in select states.⁴

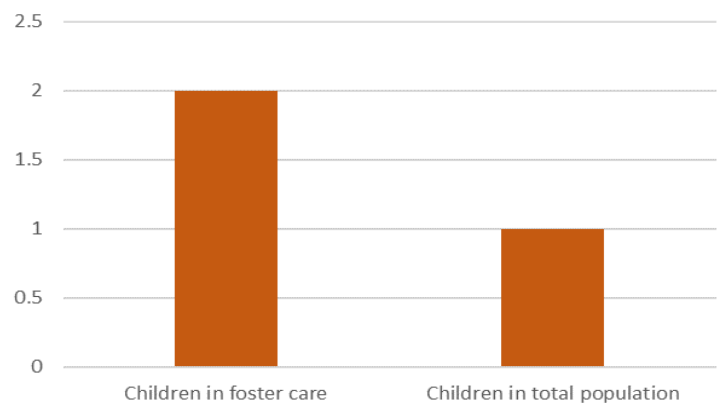
Despite the historical and intergenerational trauma faced by Native communities, there are many opportunities to integrate culture and tradition into service delivery. Services and supports that are offered can be culturally adapted to be centered around tribal values and include tribal teachings. While tribes currently have limited access to federal child welfare funding, some tribes have developed independent funding to run child welfare programs. Additionally, tribes can enter government-to-government agreements to receive funding from states to provide culturally specific services. Policies and program leaders should support approaches that promote the development of such culturally appropriate services.



Policies to Prioritize and Support Relative and Tribal Connections for Native Children

Indian Child Welfare Act: Child welfare practice has been slow to keep pace with research that shows the benefits of prioritizing relatives and preserving cultural connections, but increasingly public policies are directing improved supports and services. One of the first federal laws that acknowledged the importance of family and relative caregivers was the Indian Child Welfare Act⁸ of 1978 (ICWA) which prioritizes placement of Native American children with their relatives or tribes except in the rarest circumstances. It also requires states to provide active efforts to prevent the removal of AI/AN children and the breakup of the family. The 2016 ICWA regulations and guidelines provide a framework and practice examples of how states can provide active efforts and incorporate the child's extended family and tribe in ensuring tribal families are provided support and opportunities to care for their children.⁹ As a demonstration of how ICWA is viewed within the field of child welfare, leading child welfare advocacy organizations have characterized ICWA as the "gold standard" in child welfare practice with children and families.¹⁰

American Indian & Alaska Native Children in Foster Care Compared to Their Percentage of All Children⁷



Fostering Connections Act: The Fostering Connections and Increasing Adoptions Act of 2008 includes provisions requiring states to identify and notify adult relatives of children when children are removed from their parents' care. It also makes federal support for guardianship assistance programs available to states, tribes operating Title IV-E programs and tribes with Title IV-E agreements with states. This makes ongoing financial support available for more relatives who secure guardianship of children when adoption or reunification with their parents is not appropriate. Guardianship aligns with the AI/AN tradition of extended family caregiving while respecting AI/AN cultural beliefs that parental rights should not be terminated.

Family First Prevention Services Act: In recent years additional child welfare laws have been enacted that recognize the importance of preserving family connections and require child welfare agencies to look first for relatives for children who must be placed in foster care. Most recently, the Family First Prevention Services Act (P.L. 115-123, Division E, Title VII) provides federal help to children, parents and caregivers in grandfamilies in three major ways:

- **Federal Support for Prevention Services to Help Children at Imminent Risk of Entering Foster Care:** States and tribes operating the Title IV-E program and tribes with agreements with states to operate the Title IV-E program can receive federal funds to offer birth parents, children and kinship caregivers of children at imminent risk of entering foster care with mental health services, substance use treatment and prevention, and in-home skill-based training.
- **Federal Support for Kinship Navigator programs:** These programs connect kinship families to supports and services to help them. States, tribes and tribes with state agreements may access these funds.
- **Addressing Barriers to Licensing Relatives as Foster Parents:** States must measure their licensing standards against model family foster care standards with a special eye toward addressing unnecessary barriers to licensing relatives. ICWA provides that tribal licensing standards are equivalent to state licensing standards, which supports the use of tribally-licensed foster care homes¹¹ with AI/AN children in state foster care systems. Often, states work cooperatively with tribal child welfare programs that often have greater access to AI/AN extended family members than state child welfare systems.

These policies mark significant steps toward providing needed support for children, parents and caregivers in grandfamilies, but more is needed. States, local and tribal child welfare agencies must implement the policies and additional federal support is needed to ensure families have adequate supports.

Recommendations

Supporting and prioritizing relatives for American Indian and Alaska Native children will benefit children by improving their well-being, preserving their cultural identity and reducing disproportionality. Policymakers and advocates can help by:

- Facilitating and advocating for compliance with the Indian Child Welfare Act
- Ensuring early and active engagement with the child's tribe with regard to family services, addressing cultural needs of the child and family, and locating placement resources
- Providing prevention and post permanency services to grandfamilies such as those available through the Family First Prevention Services Act
- Providing kinship navigation services
- Complying with the Title IV-E requirement to notify all adult relatives of a child within 30 days of removing the child from their home¹²
- Addressing barriers to licensing relatives as foster parents¹² and utilizing the authority to waive non-safety requirements in licensing of relative homes under Title IV-E
- Offering financial and other support to grandfamilies in need
- Implementing Guardianship Assistance Programs and Tribal customary adoption
- Offering programs to promote culture and address racism and bias in child welfare services delivery and decision-making.

ENDNOTES:

¹ Generations United. (2016) Children Thrive in Grandfamilies. Retrieved from <http://www.grandfamilies.org/Portals/0/16-Children-Thrive-in-Grandfamilies.pdf>.

² Center for Native American Youth (2017). Gen-I National Native Youth Network Survey. Additional survey details available in Center for Native American Youth. "Our Identities as Civic Power: The State of Native Youth 2017." State of Native Youth Report. Washington, D.C.: Center for Native American Youth at The Aspen Institute, November 2017

³ LaFromboise et al. (2006). Family, Community, and School Influences on Resilience among American Indian Adolescents in the Upper Midwest. *Journal of Community Psychology* 34:2, p. 193-209; Walls M, Whitbeck L, and Armenta B. (2016). A Cautionary Tale: Examining the Interplay of Culturally Specific Risk and Resilience Factors in Indigenous Communities. *Sociology Department, Faculty Publications*. Paper 291; Martinez, R. O., & Dukes, R. L. (1997). The effects of ethnic identity, ethnicity, and gender on adolescent well-being. *Journal of Youth and Adolescence*, 26(5), 503-516; Roberts et al. (1999). The structure of ethnic identity of young adolescents from diverse ethnocultural groups. *Journal of Early Adolescence*, 19(3), 301-322; and Schweigman K, Soto C, Wright S, Unger J. (2011). The relevance of cultural activities in ethnic identity among California Native American youth. *J Psychoactive Drugs*; 43(4):343-8.

⁴ Woods, S. & Summers, A. (2016). Technical assistance bulletin: Disproportionality rates for children of color in foster care (Fiscal Year 2014). National Council of Juvenile and Family Court Judges: Reno, NV.

⁵ U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. The AFCARS Report No. 24. Retrieved from <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport24.pdf>

⁶ U.S. Census Bureau. 2016 American Community Survey 1-Year Estimates. Retrieved from https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_16_1YR_S0901&prodType=table&tid=AC16_1YR_S0901&prodType=table. Annie E. Casey Foundation Kids Count Data Center. 2014-2016 Current Population Survey Annual Social and Economic Supplement (CPS ASEC). Children in Kinship Care. Estimates represent a three-year average. Retrieved from <http://datacenter.kidscount.org/data/tables/7172-children-in-kinship-care?loc=1&loc=1#detailed/1/any/false/1564/any/14207,14208>. U.S. Department of Health and Human Services, Children's Bureau. The AFCARS Report No. 24.

⁷ U.S. Department of Health and Human Services, Children's Bureau. The AFCARS Report No. 24.

⁸ 25 U.S.C. 1901 et seq

⁹ Indian Child Welfare Act Proceedings, 25 CFR 23 (2016). and U.S. Department of the Interior, Office of the Assistant Secretary - Indian Affairs, Bureau of Indian Affairs. (2016). Guidelines for Implementing the Indian Child Welfare Act. Washington, D.C. Retrieved from: <https://www.bia.gov/sites/bia.gov/files/assets/bia/ois/pdf/1dc2-056831.pdf>

¹⁰ Brief of Casey Family Programs et al. as Amici Curiae in Support of Respondent Birth Father at 2, *Adoptive Couple v. Baby Girl*, 133 S. Ct. 2552 (2013) (No. 12-399), 2013 WL 1279468, at *1

¹¹ 25 U.S.C. 1931(b)

¹² 42 U.S.C. 671(29)

¹³ 42 U.S.C. 671(10)

Sonya Begay helped to care for her grandchildren from the time they were young.

One weekend when Sonya was caring for two of her grandchildren, she received a phone call from Child Protective Services. They told her that her son and the children's mother were drunk driving and got in a car accident with her other granddaughter in the car. They told her they had the child in protective custody and were coming to pick up the other two children. The children were just 18 months, 4 and 6 at the time.

Sonya was employed and had a home for them and was ready to raise them. Still, the child welfare agency in Madison County, Kentucky placed the children in a foster home with people who were not known to them. The day after the children were placed in foster care, the foster parents cut the oldest grandson's long hair, disrespecting a Native American cultural tradition. While in foster care, the children also experienced physical, emotional, and verbal abuse.

Sonya and her grandchildren were then and still are registered members of the Navajo Nation. The federal Indian Child Welfare Act (ICWA), requires that child welfare agencies work with the Navajo Nation to identify a placement with family or a member of the Navajo Nation, but the Kentucky child welfare agency did not follow ICWA as required. Sonya fought the child welfare agency for 8 months to get custody of her grandchildren. The judge in the case ultimately released the children to Sonya's care after recognizing that the child welfare agency did not comply with federal law.

After the children came into Sonya's care, she began attending the Madison County Grandparents as Parents meetings where she learned how little support was available for grandfamilies in Kentucky. Sonya began advocating for families like hers at both the state and federal level by speaking up at public forums. She raised her voice about the challenges and needs of grandfamilies with local schools and social service agencies.

In 2016, Sonya secured a full-time job with the U.S. Department of Health and Human Services, moved to Frederick, Maryland and started to create a grandfamilies support group in the area. Her two youngest grandchildren, Lea and Kayle, moved with her and are thriving in high school. Sonya's oldest grandchild Damian is in the Job Corps program in Kentucky and is pursuing a pharmacy technician certification. This success story of Sonya and her grandchildren is just one of the many that can result from keeping Native families together.



Courtesy of Sonya Begay