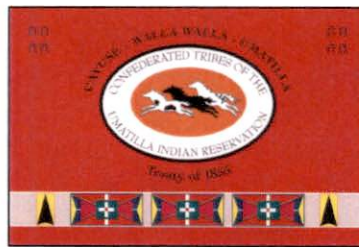


**Confederated Tribes *of the*
Umatilla Indian Reservation**

Board of Trustees



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June 13, 2018

Attn: Kathleen McHugh
United States Department of Health and Human Services
Administration for Children and Families
Policy Division
330 C Street SW
Washington, DC 20024

Dear Ms. McHugh,

The Confederated Tribes of the Umatilla Indian Reservation oppose any changes to the Adoption and Foster Care Analysis and Reporting System's (AFCARS) Final Rule published on December 14, 2016. The Final Rule incorporates requirements that will help ensure the United States has an accurate understanding of data as it relates to Indian Child Welfare Act (ICWA) cases. This includes data related to core issues such as "active efforts", access to culturally appropriate services, strategies to secure extended family and tribal families as resources, and the engagement of tribal nations in ICWA cases and the impact that has on outcomes. Any streamlining, modification, or elimination of these simple data elements will erode the utility of the information collected.

This year marks the 40th anniversary of the Indian Child Welfare Act's adoption. It has been a critical piece of federal legislation in ensuring the safety of native children and the future of tribal nations. However, the federal government has yet to collect, or require states to collect, basic data regarding ICWA cases. This information is critical to informing state and federal policy concerning native children in state child dependency systems.

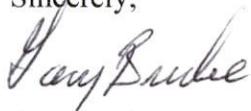
Ample notice has been provided to all interested parties, including states, regarding implementation of the Final Rule. On April 2, 2015 the Administration of Children and Families (ACF) issued a supplemental notice regarding the proposed changes to AFCARS. On April 7, 2016 another supplemental notice was issued proposing the addition of new AFCARS data elements related to native children and families. A Final Rule was then published on December 14, 2016. Tribes have pushed long and hard to get even basic data related to their children in state child dependency systems and the Final Rule is the result of thorough vetting between the federal government, states, and tribes.

Rolling back the rule would be a significant step backward in federal policy as it relates to tribal children and would impede future data driven and data informed laws and policies geared toward the protection of native children. The Government Accountability Office (GAO) itself has indicated the need for improved data in this area. In 2005 the GOA report on ICWA implementation (GAO-05-290) indicated the Office was hindered in their ability to research and understand questions raised by Congress due to unavailability of reliable data. This

lack of basic data is problematic for everyone, unnecessarily cobbles policy development, and prevents lawmakers from understanding the issues. The minor burden the Final Rule may place on states in order to obtain basic and critical information regarding native children in state child dependency systems is minor in comparison to the great need for this information in the development of effective future law and policy at both the state and federal level.

For these reasons the Confederated Tribes of the Umatilla Indian Reservation strongly opposes any roll back of the December 14, 2016 AFCARS Final Rule. If you have any questions feel free to contact Office of Legal Counsel Attorney M. Brent Leonhard at brentleonhard@ctuir.org or 541-429-7406. Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary Burke".

Gary Burke, Chairman of the Board of Trustees
Confederated Tribes of the Umatilla Indian Reservation