

AFCARS DATA ELEMENTS

In reviewing the data elements as recommended for the AFCARS reporting, I find that the data elements provide information to be clear and specific on a child's demographics, child and family history, health and educational history, and child's future needs. Many of the new data elements are essential to fully understand the status and needs of the child in care. The data elements can be used to justify to Congress the need for additional funding to meet the identified needs of children in state care. In general, I like the proposed AFCARS data elements as proposed.

In regards to the Indian Child Welfare Act (ICWA) data elements, it is critical that American Indian tribes support the new AFCARS data elements specific to ICWA. The data elements require state child welfare agencies to collect ICWA data elements that demonstrate how many American Indian children enter into state child welfare custody, how many are transferred to tribal jurisdiction, and how many remain under state custody. It is critical that federally recognized tribes, National Indian Child Welfare Association, National Tribal Chairmen's Association, and the National Congress of American Indians have access to ICWA data to be used in advocating for resources to assist all federally recognized tribes to be able to establish tribal child welfare standards that will enable them to obtain Title IV-E funding directly or through a state-tribal intergovernmental agreement.

The arguments that the Indian Child Welfare Act (ICWA) falls under the Department of Interior, I argue that the Department of Interior and Bureau of Indian Affairs only provide guideline oversight. The Department of Interior does not provide direct funding for child foster care or child support services. All child welfare funding is provided to States to meet the child welfare needs of all children. Few American Indian tribes receive Title IV-E direct funding. Few tribes have entered into State-Tribal Intergovernmental Agreements for a multitude of reasons. Of primary concern is that a vast number of tribes do not have the resources to develop tribal law and order codes, or develop child welfare standards and tribal licensing procedures that are required to qualify for Title IV-E funding. When ICWA was passed by Congress, no financial provisions were made to assist tribes in the development of a child welfare infrastructure that would enable them to either apply directly for Title IV-E funding or to be able to meet the State Title IV-E guidelines to qualify for an intergovernmental agreement.

State child welfare agencies have historically included American Indian population figures in the state's federal request for child welfare funding. Therefore, the states should be held accountable for collecting all ICWA data elements. How else can Congress, Department of Health and Human Services, and the Administration for Children and Families ensure that

state child welfare agencies are in compliance with ICWA guidelines and inclusion of tribes in the ICWA child welfare process in state courts and the service provisions for Indian children?

Although States may argue that ICWA data has no value to the State, we as American Indians are also members of the States in which we reside; therefore the data is essential in determining if the State is in compliance with ICWA guidelines and policy, and to inform tribes as to the number of Indian children in State custody, collaboration with tribes and the status of the Indian children and services provided. We as American Indians need to monitor the data elements to ensure states are making diligent efforts to inform tribes of the Indian children in their custody and efforts made to reunite children with their Indian families or Indian homes. For Indian children who remain in state custody, the data elements provide information on where the Indian child is placed, services provided, and efforts to maintain a cultural connection between the child and the tribe.

Data collection should not be a burden to the states provided an adequate data reporting system is established and staff is trained on the data entry process. The training also needs to be provided for tribes who receive Title IV-E funding as well. A system that permits data to be entered during the process of establishing and updating a child's case file will reduce time efforts. In regards as to the state allegations that this will be a burden to them, please keep in mind they already have to report to AFCARS, the new data elements are a small addition to the invaluable data to be collected.

Respectfully submitted:

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