Mitigating Childhood Trauma in Indian Country: Community and Policy-level Recommendations

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We will begin at 11:00am (PT) / 2:00pm (ET).

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Federal Coordination

• US Department of Justice
  – Office of the Attorney General
  – Office of Justice Programs
    • Office of Juvenile Justice and Delinquency Prevention
    • Office for Victims of Crime
    • National Institute of Justice
  – Office on Violence Against Women
  – Office of Community Oriented Policing Services
  – Executive Office of US Attorneys

• US Department of Health and Human Services

• US Department of Education
Goals of the Defending Childhood Initiative

• Prevent children’s exposure to violence.

• Mitigate the negative effects experienced by children exposed to violence.

• Develop knowledge about and spread awareness of this issue.
Over $30 M Invested From FY2010 – FY2012

- Research and Evaluation
- Direct Action in Communities
  - Comprehensive Demonstration Project
  - Safe Start Program (www.safestartcenter.org)
  - OVW Children Exposed to Violence grants
- Training and Technical Assistance
- Attorney General’s Task Force on Children Exposed to Violence (www.justice.gov/defendingchildhood/cev-rpt-full.pdf)
- Action Partnerships with Professional Organizations
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Attorney General’s Advisory Committee on American Indian and Alaska Native Children Exposed to Violence

Advisory Committee Report
The Attorney’s General’s Task Force on American Indian and Alaska Native Children Exposed to Violence was established in 2013, based upon a recommendation from the Attorney General’s National Task Force on Children Exposed to Violence.

The charge to the Attorney General’s Advisory Committee on AI/AN Children Exposed to Violence (Advisory Committee) has been to make high-level policy recommendations to Attorney General Eric Holder on ways to address issues around AI/AN children exposed to violence.
Task Force is composed of both Advisory Committee and Federal Working Group

- This American Indian/Alaska Native (AI/AN) Task Force has been anchored by an Advisory Committee consisting of non-federal representatives in the area of AI/AN children exposed to violence and a federal working group which includes federal officials from key agencies involved in issues related AI/AN Children Exposed to Violence.
Final Report: Attorney General's Advisory Committee on American Indian and Alaska Native Children Exposed to Violence
The Advisory Committee report will build upon the record created by two highly relevant reports that preceded it. The 2012 Report of the Attorney General’s National Task Force on Children Exposed to Violence and the 2013 Indian Law and Order Commission Report, “A Roadmap For Making Native America Safer.”
Advisory Committee Core Principles

- Core Principle #1  Empowering Tribes - Support Tribal Sovereignty
- Core Principle #2  Removing Barriers – Fix the jurisdictional morasses
- Core Principle #3  Providing Resources – Ending violence will require an investment
CHAPTER 1:
BUILDING A STRONG FOUNDATION

ADVISORY COMMITTEE REPORT ON AMERICAN INDIAN AND ALASKA NATIVE CHILDREN EXPOSED TO VIOLENCE
Chapter 1 Recommendations

Create accountability within the federal system to implement the recommendations of this report

- Create permanent Office in the White House for Native American Affairs and include a senior position for Children Exposed to Violence

(Page 3, Executive Summary)
• Restore the inherent authority of American tribes to assert full criminal jurisdiction over all persons who commit crimes against AI/AN children in Indian country.

(Page 5, Executive Summary)
Direct sufficient funds to tribes to bring funding for tribal justice systems and tribal child protection systems into parity with the rest of the United States; and remove the barriers that currently impede the ability of tribes to effectively address violence in their communities. The Advisory Committee believes that treaties, existing law and trust responsibilities are not discretionary and demand this action.
Chapter 1 Recommendations

- Mandatory funding
- Sufficient funding levels
- Expand self governance
- Establish base funding and end grant based funding
- DOJ 10% set aside
- Consult with tribes regarding consolidation of justice programs
Chapter 1 Recommendations

Provide training for the Federal employees assigned to work on issues pertaining to AI/AN communities on tribal sovereignty, working with tribal governments, and the impact of historical trauma and colonization on tribes within the first sixty days of their job assignment.

(Page 11, Executive Summary)
CHAPTER 2
PROMOTING WELL-BEING FOR AMERICAN INDIAN AND ALASKA NATIVE CHILDREN IN THE HOME

ADVISORY COMMITTEE REPORT ON AMERICAN INDIAN AND ALASKA NATIVE CHILDREN EXPOSED TO VIOLENCE
Exposure to Violence in the Home

• Every single day, a majority of American Indian and Alaska Native (AI/AN) children are exposed to violence *within the walls of their own homes*. (domestic violence/child maltreatment)

  ○ Contradicts traditional understandings that children are to be protected and viewed as sacred

  ○ Leaves hundreds of children traumatized and struggling to cope over the course of their lifetime.
Systemic problems

- Native children are often removed from their mother for "failure to protect" or because the mother lacks resources to support her child.
- Lack of domestic violence shelters, transitional housing, and permanent housing are an ongoing problem.
- Collaboration across agencies is weak at best.
- Domestic violence agencies often cannot use funding for treatment and services for children.
Systemic Problems

- Too often Native communities fail to hold batterers accountable.
- Treatment for alcohol and drugs that is not available in the community.
- Tribes have inadequate social service departments.
- Culture, tradition, and values are often missing in many tribal social service agencies.
Chapter 2 Recommendations: Indian Child Welfare Act (ICWA)

- The legislative and executive branches of the federal government should **ensure Indian Child Welfare Act (ICWA) compliance and encourage tribal-state ICWA collaborations**

- ACF, BIA and tribes should develop a **modernized unified data collection system** designed to collect Adoption and Foster Care Analysis and Reporting System (AFCARS) (ICWA and tribal dependency) data on all AI/AN children who are placed into foster care and share that data quarterly with tribes

- ACF and BIA should work together collaboratively to **collect data regarding ICWA compliance** in state court systems;

- BIA should **issue ICWA regulations** (not simply update guidelines) and create an oversight board

- DOJ should create an ICWA Specialist position to provide advice to DOJ, support in specific ICWA court cases, and coordinate ICWA training.

*(Page 12, Executive Summary, Rec. 2.1 A-D)*
Chapter 2 Recommendations

• ACF and BIA should *develop and submit a written plan* to work collaboratively and efficiently to provide trauma-informed, culturally appropriate tribal child welfare services in Indian country.

• ACF, BIA and Tribes should collectively *identify child welfare best practices* and *produce an annual report on Child Welfare Best Practices in Indian Communities*

(Page 14. 15, Executive Summary)
IHS, state public health services, and other state and federal agencies that provide pre or post natal services should provide culturally appropriate education and skills training for parents, foster parents and caregivers, of AI/AN children.

(Page 15, Executive Summary)
BIA and tribal/state social service agencies should have policies that permit removal of children from victims of domestic violence for ‘failure to protect’ only as a last resort as long as the child is safe.

(Page 15, Executive Summary)
HHS should increase and support access to culturally appropriate behavioral health and substance abuse prevention and treatment services in all AI/AN communities, especially the use of traditional healers and helpers identified by tribal communities.

(Page 15, Executive Summary)
CHAPTER 3
PROMOTING WELL-BEING FOR AMERICAN INDIAN AND ALASKA NATIVE CHILDREN IN THE COMMUNITY

ADVISORY COMMITTEE REPORT ON AMERICAN INDIAN AND ALASKA NATIVE CHILDREN EXPOSED TO VIOLENCE
Community Violence

- Violence in American Indian and Alaska Native communities occurs at very high rates compared with non AI/AN communities - higher for AI/AN than all other races.
  - Simple assault, sexual assault, and homicide.
  - Suicide,
  - Gang violence,
  - Sex and drug trafficking,
  - Bullying
  - Coupling with the high rate of homelessness
Chapter 3 Recommendations

The recommendations in this chapter speak to increasing capacity and infrastructure in AI/AN communities to allow those communities to confront the impact of current and past violence and to prevent future violence.
Chapter 3 Recommendations

The White House Indian Affairs with Executive Branch Agencies that are responsible for addressing the needs of AI/AN children, in consultation with tribes, shall develop a **strategy to braid (integrate) flexible funding** to allow tribes to create comprehensive violence prevention, intervention, and treatment programs to serve the distinct needs of AI/AN children and families.

(Page 16. Executive Summary)
Chapter 3 Recommendations

- Strategy to braid (integrate) flexible funding needs to include:
  - Holding annual tribal consultations with tribal governments
  - Working with organizations that specialize in treatment/services for traumatized children
  - Developing and implementing federal policy that mandates exposure to violence trauma screening and suicide screening as a part of services offered to children during medical, juvenile justice and/or social service intakes.
DOJ’s National Institute of Justice and other DOJ agencies with statutory research funding should **set aside 10 percent of their annual research budgets** for partnerships between tribes and research entities to develop, adapt, and validate trauma screens for use among AI/AN children and youth living in rural, tribal, and urban communities.

Rec. 3.2 (Page 18, Executive Summary)
Federal agencies should provide AI/AN youth-serving organizations such as schools, Head Starts, daycares, foster care, etc. with the resources needed to create and sustain safe places where AI/AN children exposed to violence can obtain services.

Every youth-serving organization in tribal and urban Indian communities should receive mandated trauma-informed training and have trauma-informed staff and consultants providing school-based trauma-informed treatment in bullying, suicide, and gang prevention/intervention.

Rec. 3.3 (Page 18, Executive Summary)
Chapter 3 Recommendations

HUD should designate and prioritize Native American Housing Assistance and Self-Determination Act (NAHSDA) Funding for *construction of facilities to serve AI/AN children exposed to violence and structures for positive youth activities.*

Rec. 3.4 (Page 19, Executive Summary)
Congress and federal agencies - in consultation with tribes – should develop, promote and fund youth-based after school programs for AI/AN youth.
Chapter 3 Recommendations

HHS should develop and implement a plan to expand access to Indian Health Service, tribal and urban Indian centers to provide behavioral health services to AI/AN children in schools. This should include the deployment of behavioral health services providers to serve students in the school setting.

Rec. 3.6 (Page 19, Executive Summary)
CHAPTER 4
CREATING A JUVENILE JUSTICE
SYSTEM THAT FOCUSES ON
PREVENTION, TREATMENT AND
HEALING

ADVISORY COMMITTEE REPORT ON
AMERICAN INDIAN AND ALASKA NATIVE
CHILDREN EXPOSED TO VIOLENCE
Violence and Juvenile Justice

- 73% to 95% of children in Juvenile Justice Systems exhibit symptoms related to exposure to violence
- A review of 29 randomly-controlled trials found that the standard juvenile justice model increases delinquency rates
Chapter 4 Recommendations

- Congress should adequately fund tribal juvenile justice programs
- Funding should be from block grants and self-governance compacts

(Page 20, Executive Summary)
Chapter 4 Recommendations

- 10% of all OJJDP funding should be set aside for tribal juvenile justice system reform
- USDOJ should move to set aside funds administratively
States adjudicate significant numbers of AI/AN juveniles in their juvenile justice systems.

Individual states should meaningfully consult with the tribes in their jurisdictions for creating culturally-appropriate practices.
Chapter 4 Recommendations

- Congress should direct USDOJ and DOI to determine which agency should both fund and operate tribal juvenile detention facilities
Chapter 4 Recommendations

- Tribal juvenile justice codes should be promulgated/revised to be culturally-appropriate and trauma informed.

- Federal, state and private funding should be utilized to provide technical assistance for tribal juvenile justice codes.
Chapter 4 Recommendations

- Legal representation should be provided to AI/AN children in the juvenile justice system
Chapter 4 Recommendations

- Secure juvenile detention should only be used when child is a danger to themselves or the community.

- Detention, when used, should be:
  - Local
  - Trauma-informed
  - Culturally-appropriate
  - Individually-tailored

- Alternatives should be funded and encouraged:
  - Re-entry services
  - Placement alternatives such as Electronic Home Monitoring/Safe Houses
Chapter 4 Recommendations

- All AI/AN juveniles in tribal/state/federal systems should be screened

- Screens should be trauma-informed and culturally-appropriate

- IHS, tribal, state, and private mental health providers should be regularly training in trauma-informed practices
Chapter 4 Recommendations

- ICWA should be amended to apply to state/federal juvenile justice systems
  - Notice to tribes when states initiate delinquency proceeding for an AI/AN youth for acts taking place in Indian Country
  - Right to intervene and transfer should apply
- Demonstration project in 3 states should be funded by USDOJ
Chapter 4 Recommendations

Congress should amend the Federal Education Rights and Privacy Act to require all schools to provide attendance, performance and discipline information about tribal member children to their tribal education departments.
ENDING VIOLENCE SO CHILDREN CAN THRIVE

CHAPTER 5
EMPOWERING ALASKA TRIBES, REMOVING BARRIERS AND PROVIDING RESOURCES

ADVISORY COMMITTEE REPORT ON AMERICAN INDIAN AND ALASKA NATIVE CHILDREN EXPOSED TO VIOLENCE
So why do we need an Alaska specific chapter?

- Problems with children exposed to violence in American Indian and Alaska Native (AI/AN) communities are severe across the United States but they are systemically worse in Alaska.

- Congress has repeatedly exempted Alaska from significant tribal legislation, including recent legislation aimed at reducing violent crime in Indian country—and thereby reducing AI/AN children’s exposure to that violence. Most recently, Congress exempted Alaska from both the Tribal Law and Order Act of 2010 (TLOA)1 and the Violence Against Women Act 2013 reauthorization (VAWA 2013)
Chapter 5 Recommendations

Promptly implement all five recommendations of the Indian Law and Order Commission’s 2013 Final Report, A Roadmap for Making Native America Safer that address Alaska.

1. Overturn Venetie
2. Amend the definition of “Indian Country” to include Alaska Native land
3. Allow Alaska Native land to be put into trust
4. Repeal the “Alaska Exception” of the VAWA reauthorization
5. Affirm criminal jurisdiction of Alaska Native Tribes over their members

(Page 25, Executive Summary)
Chapter 5 Recommendations

Provide recurring base funding for Alaska Tribes to develop and sustain tribal court systems, assist in the provision of law enforcement and related services, and assist intergovernmental agreements.

1. Conduct and inventory of law enforcement, courts and related services for every Alaska Tribe.
2. Assure the every Alaska Native Tribe has funding needed to address its need for law enforcement and courts
3. Pass legislation to develop Alaska Tribal Courts
4. Improve coordination and collaboration with state to address the public safety needs of children exposed to violence
Chapter 5 Recommendations

The state of Alaska should prioritize law enforcement responses and related resources for Alaska Tribes, and recognize and collaborate with Alaska tribal courts.

1. There must be 1 law enforcement official onsite in each village
2. Prioritize village based women’s shelters, child advocacy centers and substance abuse treatment centers
3. Enforce tribal protection orders
4. Enter into intergovernmental agreements to address public safety and children exposed to violence

(Page 27, Executive Summary)
Respond to the extreme disproportionality of Alaska Native children in foster care by establishing a time-limited, outcome-focused task force to develop real-time, Native inclusive strategies to reduce disproportionality.
Chapter 5 Recommendations

Empower Alaska Tribes to manage their own subsistence hunting and fishing rights, remove the current barriers, and provide Alaska Tribes with the resources needed to effectively manage their own subsistence hunting and fishing.

(Page 29, Executive Summary)
We must transform the broken systems that re-traumatize children into systems where American Indian and Alaska Native (AI/AN) tribes are empowered with authority and resources to prevent exposure to violence and to respond to and promote healing of their children who have been exposed. Current barriers that prevent tribes from leading in protecting and healing their children must be eliminated before real change can begin.
Task Force on American Indian and Alaska Native Children Exposed to Violence Website

http://www.justice.gov/defendingchildhood/aian.html
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