

CHAIRMAN'S REPORT

Tribal Child Welfare Program

In this issue of *Siletz News*, I would like to touch on a topic that is of basic importance to the Siletz Tribe – the present and future welfare of our children. In fact, the issues involved were of such critical importance to tribes across the country over many years that the U.S. Congress in 1987 passed the Indian Child Welfare Act (ICWA).

In the preamble to the act, Congress stated that “an alarmingly high percentage of Indian families are broken up by the removal, often unwarranted, of their children by non-tribal public and private agencies and that an alarmingly high percentage of such children are placed in non-Indian foster and adoptive homes and institutions.”

The act declared that, “The congress through statutes, treaties, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes, and their resources; that there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children and that the U.S. has a direct interest, as trustee, in protecting Indian children who are members of and are eligible for membership in an Indian tribe.”

The ICWA states further that it is “the policy of the nation to protect the best interest of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture ...”

In order for tribes to implement this policy, Congress provided grants for “assistance to Indian tribes in the operation of child and family service programs.”

The Siletz Tribal child welfare program was established consistent with the provisions of the act and ever since its establishment has actively implemented child welfare services as a high tribal priority.

Under the program, an effort is made to first resolve issues within the home, which may include abuse and abandonment, but when they cannot be resolved by an in-home agreement, children are removed from the home for their own protection. The removals are often not with the consent of the parents or families.

Whenever possible, however, children are placed with their own family members or with tribally certified foster homes. Sometimes children are placed with non-Indian family members. Every placement, however, always is carefully reviewed by a team of competent ICW staff before placements are made. Parents must agree to follow certain conditions before their children can be returned to their care.

Some cases require placement in treatment centers and before treatment has been completed must be certified



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that the prescribed program has been completed, which may include clinical urinalysis testing for a period of time.

Results of the evaluation will determine whether or not the child/children will be allowed to be returned to their parents' care. This often involves a lengthy process and not everyone meets the standards to be eligible to have their children returned to them.

It is the tribe's job to be assured that children are placed in a safe, healthy home that will ensure their proper care and development. Although there are obviously many obstacles, the prime focus of the process is the protection of our tribal children.

Funding is made available to the tribe through the BIA ICW program, through the state Title IV-E program as well as through supplemental tribal resources. The Tribal Council receives a monthly update from staff on all open state and tribal cases.

Currently there are 41 cases, of which 23 are the direct result of meth use, six are neglect, other cases are a combination of other drug abuse, physical abuse, sex abuse, and child abandonment. Of the 41 cases, 26 are Title IV-E eligible, meaning the funding to care for the children comes from the state.

The Siletz Tribe is fortunate to have a competent and dedicated staff that must deal on a daily basis with very difficult, highly emotionally charged, often controversial family and personal issues.

The Tribal Council often hears from family members who are anxious to have children returned and who have been through the courts in an effort to re-establish their families. The Tribal Council reviews those cases to be assured that the proper steps are being followed.

The National Indian Child Welfare Association recently completed an audit of the program and found it to be in compliance – and they stated that it was a model program.

National Issues Awaiting Congressional Action

There are critical Indian issues yet to be acted on by the U.S. Congress. What action is taken or not taken by

Congress has the potential to dramatically affect the Siletz and other tribes.

Health Improvement Act Amendments

The Health Improvement Act amendments, which were reported out of the Senate Indian Affairs Committee and other Senate committees four months ago, are being held up on the Senate floor by the administration, which has consistently opposed the bill that is so vital to the welfare of tribes across the country.

Tribal Governmental Tax-Exempt Bond Parity Act

A bill introduced on June 26 by Oregon Sen. Gordon Smith and Max Baucus of Montana is the Tribal Government Tax-Exempt Bond Parity Act (S3567).

According to the Senate Finance Committee, the “Indian Tribal Governmental Tax Status Act (ITG TSA of 1982) does not allow tribes to issue tax-exempt bonds because the ‘essential governmental functions’ for which bonds must be issued are generally defined as projects of state and local governments only.”

The bill introduced by Smith and Baucus is designed to correct the omission.

It so happens that the purpose of the current S3567 is basically the same as S1637, the Jumpstart Our Business Strength Act, which was passed by the U.S. Senate on May 11, 2004, but failed to become law. I wrote letters dated May 20, 2004, to Congress in support of the bill.

I am pleased that Sens. Smith and Baucus have taken up the challenge of getting S3567 enacted. The effort has been ongoing by certain legislators, intertribal organizations, and individual tribes like the Siletz Tribe for more than two years.

S2073: Sen. McCain's Gaming Bill

Based on some concerns expressed by Republican members of the Senate Indian Affairs Committee, Sen. John McCain, committee chairman, prepared revisions to his bill. These were circulated among Republican members but not among Democratic members until July 10, which generated understandable Democratic complaints.

Various potential revisions, including those proposed by the National

Indian Gaming Association, were expected to be introduced.

The McCain Gaming Bill is certain to be a major item on the agenda of the September meeting of the Affiliated Tribes of Northwest Indians.

54th Annual ATNI Conference

On Sept. 11-14, our tribe will host the 54th Annual Affiliated Tribes of Northwest Indians (ATNI) conference at Chinook Winds. Just think! The Siletz Tribe has been an active participant of the ATNI from the time we sought recognition, almost 30 years ago.

In the mid-1970s, Joe De la Cruz, Roger Jim, and other tribal leaders had organized a Committee of the Affiliated Tribes to work with the then Northwest Federal Regional Council. The council, headquartered in Seattle, was at that time the federal body representing all the federal agencies in the Northwest to promote policy and program coordination.

The purpose of the Affiliated Tribes committee was to get federal agencies to understand, and be more responsive to, the needs of Indian tribes and for the tribes to be more knowledgeable of and gain better access to federal resources.

Soon after the Siletz Tribe was restored, we were invited to attend those federal regional council meetings. Pauline Ricks and Art Bensell represented the Siletz Tribe at those meetings.

The Northwest Regional Council is no more, but the Affiliated Tribes is a thriving inter-tribal organization of which the Siletz Tribe has been an active member.

As the host tribe of the 54th annual conference, we will have an opportunity on the morning of the first day to present highlights of our history as well as local issues.

The agenda will certainly include discussion of the current status of the 2007 Interior appropriations and how the funding levels will affect tribal programs and services. Also on the agenda will be the issue of methamphetamine – an issue about which I have written previously in *Siletz News* and which is of major concern to tribes generally.

The balance of the meeting will cover national as well as local issues that affect the Northwest tribes. It's expected that about 400 people will attend, representing about 43 tribes.

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