



COMMISSION TO ELIMINATE
CHILD ABUSE AND NEGLECT FATALITIES

ARIZONA PUBLIC MEETING HIGHLIGHTS—MARCH 25-26, 2015

The Commission to Eliminate Child Abuse and Neglect Fatalities held a public meeting at the Talking Stick Resort on the Salt River Pima-Maricopa Indian Community in Scottsdale, Arizona on March 25-26, 2015. Approximately 100 people attended via teleconference or in person. This brief provides highlights from the meeting, which focused on key issues related to addressing and preventing child abuse and neglect fatalities in Indian Country.

The meeting opened with a prayer and introductory remarks by Martin Harvier, vice president of the Salt River Pima-Maricopa Indian Community. He provided some brief historical context of the tribes' origins and discussed the importance of parents' responsibility to protect and teach their children. Chairman David Sanders then introduced the focus and significance of this meeting, noting that American Indian/Alaska Native (AI/AN) children die from child abuse and neglect fatalities at twice the rate of white and Hispanic children. Understanding the unique challenges and opportunities faced by tribal communities is essential to the Commission's mission to reduce and eliminate these deaths. He also acknowledged the work of Commissioners Patricia Martin and Marilyn Zimmerman in organizing the day's agenda.

Presentations covered the following topics:

- The impact of historical trauma
- Jurisdictional issues
- Data collection needs and opportunities
- Best practices in tribal communities
- The federal response to tribal issues

For the remainder of the meeting, Commission members continued their discussion of the work plans of Commission subcommittees, information obtained to date, and emerging high-level recommendations.

A full transcript and meeting minutes will be available on the Commission's website at <https://eliminatechildabusefatalities.sites.usa.gov/event/arizona-public-meeting/>

THE IMPACT OF HISTORICAL TRAUMA

The first panel was presented by two Native American youth advocates, Megan Gregory and Philandrian Tree, who shared with Commissioners their personal experiences of growing up in communities impacted by historical trauma, language and cultural losses, substance abuse, and high suicide rates. Some of their key recommendations included the following:

- When possible, help children and youth find and remain in safe places within their extended families and/or communities, rather than removing them.

- The National Council of Young Leaders (of which both speakers are members) offers one possible platform for discussions about how to enhance the well-being of, and opportunities for, AI/AN youth.
- Schools are a critical lever for change, both for Native American youth and their families (as a place to teach financial literacy and other practical skills), and for the education of non-Native people about AI/AN history and culture. Early education also is critical—we must reach children and families when they are much younger.
- Commissioners were urged to seek guidance from traditional medicine practitioners on how to best help AI/AN children.

JURISDICTIONAL ISSUES

The first speaker on the jurisdiction panel, Judge William Thorne, shared his perspective from 34 years as a federal and tribal judge. He noted that tribes vary tremendously in membership and resources. He also described some of the many factors that affect jurisdiction for tribes, including whether the offender and victim are Indian or non-Indian, and where the crime took place. Investigation and prosecution are further complicated by historically strained communication and relationships between tribal and federal law enforcement agencies. Judge Thorne’s proposed solutions included providing more resources to support tribes in investigating crimes and assisting victims, increasing tribal access to criminal databases and other sources of information, ensuring tribal authority to prosecute non-Indian offenders, and building resilience among tribal children and youth.

Dimitra Sampson, director of the Violent Crime Section of the U.S. Attorney’s Office in Arizona, then shared information about the ways that her office is working to partner with tribes to more effectively prevent and respond to violent crime. Her office has three tribal liaisons that regularly conduct community outreach and training and participate on tribal multidisciplinary teams to address child safety. Initiatives arising from this enhanced cooperation have addressed drug and gang offenses, domestic violence prevention and intervention, and data sharing.

Finally, Hannah Smith, Attorney General for the Eastern Band of Cherokee Indians, encouraged tribes to take active responsibility for the safety of their children regardless of criminal jurisdiction. She described a communitywide effort (financially supported by the Office of Juvenile Justice and Delinquency Prevention [OJJDP]) that created a common framework and language across multiple agencies and programs involved with the tribe’s juvenile justice system. This framework focuses on the common goal of keeping children safe by bringing community service providers together, developing common indicators and performance measures, and holding providers accountable for population-level outcomes. Smith emphasized the importance of data sharing, noting that there should be no law or policy that prevents tribes from having access to every piece of available information about their families (including criminal prosecution, medical treatment, behavioral health, and social services).

DATA COLLECTION NEEDS AND OPPORTUNITIES

The next panel discussed how data can be used more effectively to support tribal children and families. Captain Francis Frazier, acting director of the Office of Public Health Support for the Indian Health Service (IHS), led the discussion by providing an overview of IHS data systems. Although IHS currently has some ability to report child abuse and neglect data based on clinical encounters documented in its National Data Warehouse (NDW), these data are limited because many tribes choose not to report to the NDW. Child abuse and neglect fatalities are currently not captured within this system at all, and IHS would need to consult with tribes before adding any new data elements to the NDW. CAPT Frazier recommended that HIS develop child abuse and neglect-related policies,

procedures, and clinical measures to improve counting and services. He also advocated for further improvements in collaboration among local, tribal, state, and federal authorities for intervention and research.

David Foley, an epidemiologist with the Navajo Epidemiology Center (one of 12 tribal epicenters funded by IHS), next provided an overview of his center's data sources and reporting. He discussed the limited relevant data currently available in the Navajo National Mortality Report (data are from 2006-2009 and are not specific to child abuse and neglect fatalities). Currently, details about the circumstances of deaths captured by this report are very scarce. Challenges to accurate data collection for this report include working from ZIP codes (that may include PO Boxes that are located some distance from where residents actually live), tribal identification concerns, and the lack of current data-sharing agreements with state partners. The Navajo Nation hopes to develop its own Office of Vital Statistics within the next five years, which would eliminate the need to go to the states for this data in the future. The Epidemiology Center also tries to generate some of its own data through surveys.

Gladys Ambrose, a department manager for Navajo Department of Family Services, then provided information about the history and development of the tribe's child fatality review (CFR) team, the first independent tribal CFR team in the country. She related challenges that the tribe has faced in gathering data for the reviews, due to inconsistent state, tribal, and federal laws (and varying interpretation of those laws). She also outlined opportunities for improvement. Her recommendations included the following:

- Research and begin to understand the tribal communities in each state (including tribal government structures).
- Recognize and honor differences among tribes.
- Invite tribes to a dialogue about taboos regarding death, cultural practices, and beliefs.
- Recognize that all children are important, regardless of ethnicity.
- Create an environment to foster a collaborative relationship.

BEST PRACTICES IN TRIBAL COMMUNITIES

This panel provided examples of best practices in Indian Country and spoke to some of the challenges tribes face when developing and sustaining efforts that optimally support Native children and their families. The first speaker was Sheri Freemont, director of the Family Advocacy Center (FAC) of the Salt River Pima-Maricopa Indian Community. After the community lost two children to child maltreatment fatalities in 2008, the tribe decided to make child safety its top priority. This was mandated for every tribal employee, regardless of position. The tribe's FAC functions as a trauma-informed, culturally aware, co-located multidisciplinary team that reviews *all* referrals relating to children by gathering all available information about what is happening for the family (including criminal, education, health, behavioral health, and social services) and jointly determining how the service system can intervene to prevent a more serious incident. The FAC's model is outcomes-based and -measured, and it operates with the expectation of complete information sharing. Since this model was implemented, there have been no further deaths from child abuse and neglect reported in the tribe.

Dr. Earl Sutherland, medical director of the Bighorn Valley Health Center, related the story of starting a child advocacy center on the Crow reservation in Montana, which is now closed due to lack of administrative support. Dr. Sutherland reiterated the point made by earlier speakers that tribes must take responsibility for their own children, regardless of jurisdiction. He described several challenges on the Crow reservation, including an acute housing shortage and methamphetamine use by parents. He also emphasized the importance of providing safe places for children within their communities and focusing on healing for children, families, and communities.

Finally, Tina Saunooke, program manager for the Safe Babies Program for the Eastern Band of Cherokee Indians, presented on the impact of toxic stress on the developing brains of vulnerable infants and toddlers. She urged Commissioners to consider both risk and protective factors that impact children in the child welfare system and described some of the programs that ZERO TO THREE has implemented, including an integrated court teams strategy that supports the well-being of children who have been removed by promoting increased visitation with birth families and reducing time to permanency.

FEDERAL RESPONSE TO TRIBAL ISSUES

Earlier in the day, Catherine Pierce, a senior advisor to the Administrator of OJJDP, noted that OJJDP shares many common goals and concerns with the Commission, because Native youth are 2.5 times more likely than their non-Native peers to experience violence. She cited two recent task force reports that found Native children lacked many necessary services and supports to prevent violence. Pierce also described a number of relevant programs funded by the Department of Justice, including funding for children's advocacy centers, the Native American Children's Alliance, National Center for Missing and Exploited Children programs, a National Institute for Justice survey about exposure to violence, and Children's Justice Act Partnership for Indian Communities grants. In her remarks, she emphasized the importance of communities coming together in a collaborative, non-blaming way to build strong, respectful relationships and seek better solutions for children and families.

A second panel in the afternoon further explored how federal agencies and tribes are working together. Dr. Beverly Cotton, director of the IHS Division of Behavioral Health, first provided an overview of IHS's role in addressing child maltreatment. She informed the Commissioners that the Indian Health Manual provides policy guidance, but tribes develop their own health policies. In addition to a policy specifically addressing identification and treatment of child abuse and neglect (currently being drafted), IHS also provides workforce development support for tribal programs and referral health care facilities. The agency also is a partner in federal initiatives to develop and implement community-driven, culturally appropriate services to address methamphetamine use, suicide, and domestic violence. Dr. Cotton noted that funding is important, but so is a focus on building the next generation of leaders to run these programs.

Sarah Kastelic, Ph.D., executive director of the National Indian Child Welfare Association (NICWA), briefly reviewed the complicated nature of tribal jurisdiction, noting that many tribes are working to clarify and reinstate their authority. In the meantime, crimes against children continue to fall through the cracks. Dr. Kastelic discussed a number of challenges within the current federal framework, including a lack of system coordination, funding, meaningful training and technical assistance, and support for data collection. She reviewed the recommendations of two recent federal task forces— the Attorney General's Advisory Committee on AI/AN Children Exposed to Violence and the Tribal Law and Order Commission—and provided five additional recommendations from NICWA:

- Recognize tribal jurisdiction in cases of child abuse and neglect in Indian Country, regardless of the perpetrator's race.
- Provide adequate funding for tribes to report, investigate, and intervene in cases of child maltreatment.
- Ensure that mandates on tribal child protection programs are the minimum necessary to ensure accountability and child safety.
- Mandate, facilitate, and incentivize coordination among jurisdictions.
- Create a pilot program to support the coordinated collection of child welfare criminal justice data regarding fatalities in select communities.

Diedra Henry-Spires, CEO of the Dalton Daley Group, a nonprofit advocacy organization, spoke about the history of direct access to title IV-E funding for tribes. Such access was first granted by

legislation in 2008. At that time, 80 tribes expressed interest. Of these, 27 had received funding by 2014, but only five currently run their own title IV-E programs. Some of the barriers encountered by tribes, as described by Henry-Spires, include a lack of flexibility for culturally relevant adaptations to title IV-E requirements, data collection challenges, a complex cost allocation system, and staffing and regulatory issues. Her recommendations to address these challenges included the following:

- Consider building in program flexibility, in consultation with tribes.
- Create and document consistent title IV-E guidance for tribes.
- Improve timeliness of assistance and reviews for tribes.
- Engage in nation-to-nation conversation with tribes as sovereign entities.
- Create an infrastructure of knowledge about tribal issues in Congress and the Executive Branch, to support coordination of tribal policy across every department.

COMMISSIONER DELIBERATIONS

On the second day of this public meeting, Commissioners first discussed a proposed framework for recommendations from the Child Protective Services (CPS) Subcommittee. The framework includes recommendations in three general categories: policy and law, practice, and research and data. Commissioners raised a number of questions and concerns about the framework as presented, leading to the following suggestions:

- Recommendations need to be actionable and attainable. There is still work to be done to identify the federal policy lever for each recommendation, address resource questions, identify current programs that may be ineffective, and spell out whether and how these recommendations could be implemented in a standardized way across jurisdictions.
- Look for potential unintended consequences of each recommendation.
- Consider the balance between protecting children and ensuring due process for families.
- Make sure recommendations address the unique vulnerabilities of young children (ages 0-5).
- Ensure equal emphasis on safety and support of at-risk families, including the role of community.

Commissioners then discussed implications of the prior day's testimony for recommendations that are currently in development across subcommittees. There was general agreement that recommendations of all subcommittees will need to take into consideration tribal sovereignty, history, culture, and resources in a way that respects the vast diversity among tribes.

Deliberations and discussion of proposed recommendations from other subcommittees will continue during upcoming state public meetings, each of which will include approximately four hours of presentations and a full day for deliberations.