

**IMPRINT, May 17, 2023**

## **Congress Considers Increased Funding for Tribal Child Welfare and Court Systems**

BY [NANCY MARIE SPEARS](#)



Rep. Sydney Kamlager-Dove, who introduced the Tribal Family Fairness Act, co-chairs the Congressional Caucus on Foster Youth.

Bipartisan legislation now before Congress would enhance funds available to tribal courts and child welfare systems, support tribal ways of adopting children and ease administrative burdens necessary to access the resources.

The Tribal Family Fairness Act would increase the ability of tribes to draw down Social Security Act funds for court improvement and other social service needs. A press release describing the bill noted the legislation would also “remove long standing barriers to Federal funding to support children and families for small tribes who often have the greatest need while ensuring that larger tribes do not experience a decrease in Federal funding if more tribes participate in the program.”

The [legislation](#) was introduced April 21 by Reps. Sydney Kamlager-Dove, a California Democrat; Don Bacon, a Republican from Nebraska; Brian Fitzpatrick, a Pennsylvania Republican, and Kansas Democrat Sharice Davids.

California Democrat Rep. Karen Bass was among those who first introduced the bill in 2021.

•  
There are roughly 9,300 Native American children in foster care and 574 federally recognized tribes in the U.S., according to federal statistics, a demographic group more likely than all others to be investigated by social workers and removed from home following allegations of child maltreatment.

Rep. Kamlager-Dove, who co-chairs the Congressional Caucus on Foster Youth, stated in a [press release](#) that it is her honor to “protect and uplift” children in foster care. Highlighting the necessity for the Tribal Family Fairness Act, she emphasized the importance of well-funded court and child welfare agencies run by tribes.

“Our Native children and their families deserve better,” she said. “They should be in homes that honor their traditions and cultural heritage.”



Rep. Sharice

Davids, one of the first two Native women in Congress, said the bill will help tribes administer more culturally appropriate services for families. Provided photo.

Sarah Helvey, child welfare program director and staff attorney at the nonprofit Nebraska Appleseed, agreed.

“Tribal child welfare systems and tribal court systems know what is best for preserving and strengthening Tribal families,” she said. “We support efforts to increase the resources and tools at hand to the tribes in Nebraska who are working tirelessly to support Native children and families.”

The Tribal Family Fairness Act would increase federal court improvement funds to tribes by expanding total amounts spent nationwide from \$30 million to \$34 million. For the first time, it would allow Social Security Act funding to be used for supporting and facilitating adoptions and similar processes conducted within the traditions and laws of Indigenous communities. Such placements often don’t require terminating parental rights, and can be an option that better aligns with a tribe’s specific family values.

“By providing tribal court systems the resources and infrastructure needed to administer culturally appropriate services for families, this bill will improve child welfare outcomes in tribal communities,” Rep. Davids stated in a press release. Davids is one of the first two Native women in Congress, and an enrolled member of the Ho-Chunk Nation of Wisconsin. She said the legislation gives tribes the ability to have the final say in what is best for their communities.

Rep. Bacon’s name is on five other pending child welfare bills, tackling issues that focus on missing youth in foster care, sibling separation and childhood sexual abuse. Bacon is co-chair of the Congressional Caucus on Foster Youth and often speaks publicly about his experience adopting a sibling group from foster care.

“I know how important it is to ensure some normalcy to foster children, which is accomplished by making sure they have access to their cultural traditions,” he stated in a press release.

Misty Flowers, executive director of the Nebraska Indian Child Welfare Coalition called the pending legislation a “great step forward.” Flowers, a member of the Santee Sioux Nation of Nebraska and a descendant of the Tlingit of Alaska, said her organization hopes the legislation will provide opportunities for ongoing conversations about the systemic underfunding of tribal social services.

The Tribal Family Fairness Act “would certainly help shore up support for Tribes and Tribal courts to take control of custody cases by increasing funding for the court improvement program,” Flowers said. She also praised the

legislation's support for "tribal customary adoptions by recognizing those adoptions as legal and binding in the state where they take place."

*Michael Fitzgerald contributed to this report.*