

Congress of the United States

Washington, DC 20515

November 1, 2011

Honorable Larry Echo Hawk
Assistant Secretary for Indian Affairs
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Honorable Ignacia S. Moreno
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Mr. George Sheldon
Acting Assistant Secretary
Administration for Children and Families
U.S. Department of Health and Human Services
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

Dear Assistant Secretary Echo Hawk, Assistant Attorney General Moreno, and Acting Assistant Secretary Sheldon:

We are extremely troubled by a recent radio story, which reported that states are disregarding the Indian Child Welfare Act, removing Indian children from their homes, and placing those children with non-Indian families. In many cases, it appears that removal of the Indian children from their homes was unnecessary. In those cases where removal was necessary, the state seemed to ignore the statute's requirement that Native American children be placed in Native American homes.

It is clear that the federal government must step up its enforcement of the Indian Child Welfare Act, and, where necessary, directly intervene on a tribe's behalf where that tribe lacks the legal resources to advocate for its children and families.

The National Public Radio (NPR) investigative report revealed the following key findings:

- Each year, South Dakota removes an average of 700 Native American children from their homes. While Indian children account for less than 15 percent of the State's child population, they make up more than half the children in foster care.

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- Native American children are more than twice as likely to be sent to foster care as children of other races, even in similar circumstances.
- Nearly 90 percent of Native American children sent to foster care in South Dakota are placed in non-Native homes or group care.
- Physical or sexual abuse by a family member, normally the leading cause for state intervention, was cited in less than 12 percent of cases for Native American children in South Dakota, which is below the national average.
- A close review of South Dakota's budget shows that the State receives almost \$100 million a year in federal funding to support its foster care program.
- States receive about \$4,000 in federal funds for moving children from foster care into adoption. States like South Dakota have classified all Native American children as "special needs," upping the state payment to \$12,000 for each Indian child, creating a perverse incentive to remove more Indian children from their homes.

No ethnic group or nationality is more unfairly targeted by child welfare authorities than Native Americans. The Indian Child Welfare Act requires that the best interests of Indian children and families be promoted through child placement with Indian families. The federal government's policy of removing Indian children from their Indian families ended in 1978 with the Indian Child Welfare Act. Unfortunately, the statistics show that these inexcusable child-removals frequently occur in some states. Additionally, the system of federal funding establishes a perverse budgetary incentive for states, where they receive a budgetary windfall the more Indian children they remove from Indian homes.

I urge you to review NPR's investigative report and move forward immediately with corrective actions. The Bureau of Indian Affairs (BIA), Department of Justice (DOJ), and the Administration for Children and Families (ACF) cannot stand by and do nothing. Our trust responsibility to tribes and their members requires affirmative federal action to enforce federal law. At a minimum, the federal government should be detailing federal attorneys in sufficient numbers to assist tribes that lack adequate resources to stop this systemic pattern of abuse from occurring in Indian country. Detailing federal attorneys to Indian tribes is authorized by law. BIA, DOJ, and ACF should be protecting Indian children and the cultural prerogative of tribes to raise their children in tribal traditions.

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Every effort must be made to ensure Indian children stay with Indian families. Please respond with specific, concrete steps the BIA, DOJ, and ACF are taking to halt this troubling practice.

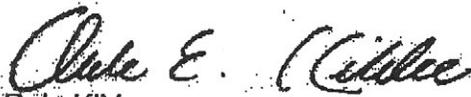
Sincerely,



Jim Moran



Mike Simpson



Dale Kildee



Tom Cole

cc: Mr. Tracy Toulou, Director, DOJ Office of Tribal Justice