



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

FEB 04 2013

The Honorable Ben Ray Luján
Ranking Member, Subcommittee on Indian and
Alaska Native Affairs
House of Representatives
Washington, DC 20515

Dear Representative Luján:

Thank you for your letter dated December 7, 2012, regarding the National Public Radio (NPR) news story about the disproportionate number of Indian children in the State of South Dakota foster care system, and the role of the Bureau of Indian Affairs (BIA). At the outset, I want to assure you that I share my predecessor's commitment to the full enforcement of the Indian Child Welfare Act (ICWA) and to protecting the health and welfare of Native children. Very shortly after my confirmation, my staff briefed me on this issue and I sent the enclosed letter of October 16, 2012, to update Members of the Committee regarding the BIA's involvement and actions taken since my predecessor's commitment. Please accept my apologies for not including you on this earlier correspondence.

In addition to the activities outlined in my letter of October 16, 2012, BIA staff has continued to work closely with tribes in South Dakota and nationally to promote ICWA compliance. In December 2012, the BIA Great Plains Regional Director and the Great Plains ICWA Director met to discuss preparations for an ICWA Summit of the stakeholders in the spring of 2013. I intend to attend the summit and we will invite the State of South Dakota. In January 2013, BIA staff participated in the Tribal-State Relations meeting in Pierre, South Dakota, and the BIA staff continued to collaborate with tribal ICWA directors regarding their needs and set the groundwork for future summits.

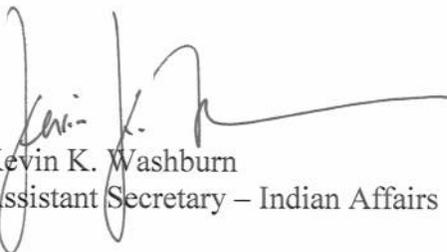
In addition to our work with tribes in South Dakota, the BIA Division of Human Services implemented an ICWA workgroup for BIA employees who are charged with monitoring the tribal ICWA programs. This workgroup meets regularly to review current practices and to collaboratively develop solutions to foster better implementation of the ICWA. Currently, the workgroup is establishing consistent monitoring practices and developing standard operating procedures for providing technical assistance to field staff and tribes.

We are also working closely with Casey Family Programs, the Nation's largest operating foundation focused entirely on foster care and improving the child welfare system. In September 2012, Casey Family Programs sponsored a meeting and training session for the tribal ICWA directors wherein the participants developed a specialized training plan focusing on the Great Plains Region. The BIA Division of Human Services intends to utilize those materials to further refine collaboration between the BIA and the tribal ICWA directors. Finally, Casey Family Programs recently created a National Indian Child Welfare Practice Group (NICWPG) and BIA staff participated in their December 2012 meeting. The BIA Division of Human Services and the Solicitor's Office will continue to take an active role in the NICWPG.

In closing, I want to reaffirm my commitment to implementing our ICWA responsibilities. With regard to South Dakota, we will continue to engage with tribes and the State to promote ICWA compliance. We look forward to continuing to work with you and the Committee on this important issue.

A similar letter is being sent to Representative Edward J. Markey.

Sincerely,



Kevin K. Washburn
Assistant Secretary – Indian Affairs

Enclosure

cc: Congressman Doc Hastings
Congressman Don Young
Congressman Jim Moran
Congressman Dale Kildee
Congressman Tom Cole
Congressman Mike Simpson



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

OCT 16 2012

The Honorable James P. Moran
U. S. House of Representatives
Washington, DC 20515

Dear Representative Moran:

Thank you for your letter dated August 1, 2012, concerning the National Public Radio (NPR) news story about the disproportionate number of Indian children in the South Dakota foster care system and the role of the Bureau of Indian Affairs (BIA) pertaining to this matter.

In early 2012, the BIA Great Plains Regional Office and Crow Creek Agency staff made plans to meet with the Coalition of Sioux Tribes for Children and Families (Coalition). The Coalition's Executive Director is Ray Cournoyer (Yankton Sioux Tribe) and its attorney is BJ Jones, an expert on the Indian Child Welfare (ICWA). We also sought participation from the South Dakota Department of Social Services (SDDSS), but that office was reluctant to participate, citing its concerns about inaccurate reporting and a public forum on sensitive issues.

On March 3, 2012, the Coalition held an informal forum on Indian child welfare matters on the Crow Creek Reservation. The proposed agenda indicated that litigation concerning SDDSS would be discussed. Accordingly, BIA staff did not attend this meeting. We have become aware of two organizations actively involved in discussions concerning the State of South Dakota's compliance with ICWA: the South Dakota Tribal ICWA Directors and the Lakota People's Law Project (LPLP). On April 23, 2012, the attorney representing the two largest tribes in South Dakota, the Oglala Sioux Tribe and the Cheyenne River Sioux Tribe, sent the South Dakota Secretary of Tribal Relations a letter requesting a proposed agreement on ICWA compliance. The letter also indicated that a non-response would result in the filing of a lawsuit in Federal district court. Irrespective of the merits of such a lawsuit, this activity has increased the tension in South Dakota around Indian child welfare matters in all levels of government – Federal, state, and tribal.

At this impasse, the BIA Great Plains Regional Office proposed a meeting with all the South Dakota Tribal ICWA directors to solicit their input on summit content. At the same time, Casey Family Programs proposed a very similar idea and began working with South Dakota ICWA Directors and tribal leaders on a series of listening sessions to isolate specific issues and strategize next steps to improve outcomes for Indian families and children in South Dakota.

On July 19-20, 2012, Casey Family Programs facilitated a listening session on Indian child protection and foster care in Ft. Thompson, South Dakota, with 20 representatives from the South Dakota Tribal ICWA offices and tribal leaders. The Casey Family Programs will issue a report on the listening sessions. In addition, the Tribal ICWA Directors continue to seek a public meeting with South Dakota officials.

The BIA supports these ongoing tribal efforts. The BIA also stands ready to participate in future forums and to collaborate with tribes on any BIA-related priorities and programs. It is important to note BIA's primary roles in this area include funding of tribal ICWA programs, which in turn are limited to state court actions (intervention in ICWA cases and seeking transfer to tribal courts); and regulatory oversight related to the operation of those programs pursuant to 25 CFR Part 20 and the 1979 BIA ICWA Guidelines.

Thank you for following up on this important issue. Similar letters are being sent to each cosigner of your letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin K. Washburn". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Kevin K. Washburn
Assistant Secretary - Indian Affairs