



Early Initiatives Affecting Indian Families





Early Initiatives

- 1600's - Virginia Company encourages settlers to kidnap American Indian children to begin “civilizing” the population.
- 1819 Congress passes the Civilization Fund Act – which authorized an annual fund of \$10,000 to pay benevolent societies to provide schools where American Indian children could be schooled in the ways of “civilization.”

(Prucha, 1990)



Early Initiatives

- 1889 – Commissioner of Indian Affairs detailed a plan for a national system of Indian schools. This began the era of the large scale removal of AI children to boarding schools; an era which lasted into the 1950s and played a major role in the breakup and disintegration of American Indian families. (Adams, 1995)
- 
- 





Boarding School Era

- AI/AN children were taken from their homes and placed in either militaristic governmental boarding schools or in Christian mission schools.
- This removal was seen as compassionate, as it was supposed to lead the AI/AN away from a life of poverty and “savagery.”



Boarding School Era

- Child removal was handled by federal employees who could and would forcibly take children to schools without parent's consent. (Coolidge, 1977)
 - A side effect of boarding school life was the learned physical and sexual abuse of others. (Johansen, 2000; Macqueen, 2000)
 - Abuse was previously unknown to AI, as they traditionally treated their children with great respect. (Cross, 1986; Red Horse, 1997; Red Horse et al. 2000).
- 
- 





Indian Reorganization Act and Tribal Self-Determination

- 1934 – Also known as the Wheeler Act.
- This permitted greater tribal control over reservations.
- Some of the boarding schools began to close, and schools that stayed open became residential facilities for AI/AN children found to be dependent and/or neglected. (George, 1997)




Public Law 280

- During the 1950s, U.S. policy toward AI/AN again moved away from self-governance.
 - P.L. 280 shifted control over most civil and criminal proceedings from tribes in 6 states to state jurisdiction.
 - California, Nebraska, Minnesota (except Red Lake), Oregon (except Warm Springs), Wisconsin and eventually Alaska.
- 
- 




Public Law 280

- Although this law made AI/AN eligible for more state services, it eroded tribal authority and sovereignty and the tribe's capacity to protect its children.
- 1968 – the Indian Civil Rights Act amended P.L. 280 so that no state could assume jurisdiction without consent of the tribe. (Canby, 1998)





Indian Adoption Project 1958-1968

- BIA contracted with the Child Welfare League of American (CWLA) to operate a clearinghouse for interstate placement of AI/AN children with non-Native families.
- The mission was “clear and deliberate” about the placement with Caucasian families far from the reservation. (George, 1997)
- This worked so well that the demand by adoptive parents exceeded the capacity of the project.





Indian Adoption Project 1958-1968

- In the project's lifetime, more children were placed for adoption by the child's home state than by the project itself. (Fanshel, 1972)
 - Indian families were assessed by non-Native workers with no knowledge of Native culture.
 - 'Best interest of child' was served by removing children from poverty, culture and large extended families. (Horesji, Heavy Runner Craig & Pablo, 1992; Ishisaka, 1978; Westermeyer, 1977)
- 
- 



Indian Child Welfare Act of 1978

- 1968 – Devil’s Lake tribal members approached Association on American Indian Affairs (AAIA) with concerns about routine removal of AI/AN children.
 - Other tribes began passing resolutions demanding an end to removal practices.
 - 1969 - AAIA undertook a series of studies of states with large AI/AN populations. (Mannes, 1995)
- 
- 



Indian Child Welfare Act of 1978

- 1974-1978 – Senate subcommittee held hearings on the extent to which current child welfare policies undermined tribal survival through unwarranted removals of AI/AN children to non-Native surroundings.
- 1970 – AAIA survey revealed 25-35% of all AI/AN children had been separated from their families. (George, 1997)

IHS/BIA Child Protection Handbook-2005

Project Making Medicine • Center on Child Abuse and Neglect • University of Oklahoma Health Sciences Center



P.O. Box 26901- CHO 3B 3406 • Oklahoma City, Oklahoma 73190

Indian Child Welfare Act of 1978

- Maine - AI/AN children were placed in foster care at a per capita rate 19 times greater than non-Native children.
- New Mexico – AI/AN children were being separated from their families at a per capita rate 74 times than that for non-Native children. (AAIA, 1977)



Indian Child Welfare Act of 1978

- Given these “shocking” facts, Congress determined that fundamental changes in Indian child welfare policy and practices were necessary.
 - 1978 – the Indian Child Welfare Act was passed.
- 
- 



Indian Child Protection and Family Violence Prevention Act of 1990

- Purpose: to require that reports of abused Indian children are made to the appropriate authorities to prevent further abuse.
- Establishes a reliable database for statistical purposes and authorizes a study to determine the need for a central registry.



Indian Child Protection and Family Violence Prevention Act of 1990

- Called for establishment of treatment programs for victims of sexual abuse.
- Provides training and technical assistance in investigation and treatment of child abuse and neglect cases.
- Established Indian Child Resource and Family Services Centers in each BIA Area Office which consisted of MDTs.





Indian Child Protection and Family Violence Prevention Act of 1990

- Established minimum standards of character for federal and tribal employees (current and/or prospective) who have control over Indian children.
- No funds were appropriated for any part of this Act, therefore this legislation was severely impacted.




Crime Control Act of 1990

- Established mandatory reporting by professionals who see/work with Indian children,
 - Designated an agency to receive reports of child abuse and neglect in Indian Country and what action is to be taken,
 - Provides immunity for good faith reporting,
- 
- 



Crime Control Act of 1990

- Provides penalty for failure to report,
 - Establishes employee background checks and criminal history checks,
 - Mandates employee applications to contain questions of history of criminal behavior, and
 - Encourages voluntary criminal history checks for volunteers working with Indian children on reservation.
- 
- 