



## CALIFORNIA TRIBAL FAMILIES COALITION

April 17, 2023

### *Via Electronic Transmission*

The Honorable Xavier Becerra  
Secretary of Health and Human Services  
U.S. Department of Health and Human Services  
200 Independence Avenue SW  
Washington, DC 20201

Ms. Kathleen McHugh  
Director, Policy Division, Children's Bureau  
Administration for Children and Families  
U.S. Department of Health and Human Services  
330 C Street SW  
Washington, DC 20201

### **Re: RIN 0970-AC91; Separate Licensing Standards for Relative or Kinship Foster Family Homes Notice of Proposed Rulemaking**

Dear Secretary Becerra and Ms. McHugh:

The California Tribal Families Coalition ("CTFC") is a 501(c)(4) non-profit membership association of 46 federally recognized tribes and three Tribal Leaders' Associations located in California. Nearly a fifth of federally recognized tribes are in California, which is home to approximately 723,000 persons identifying as Native American.<sup>1</sup> CTFC's broad mission is to promote and protect the health, safety, and welfare of tribal children and families, which are inherent tribal governmental functions and at the core of tribal sovereignty and governance.

CTFC was formed to carry out the recommendations of California's ICWA Compliance Task Force ("Task Force"), an independent and tribal-led group comprised of tribal leaders, representatives, and advocates. Convened in 2015 at the invitation of the California Attorney General, the Task Force's central objective was to identify ways to improve the implementation of the Indian Child Welfare Act ("ICWA") and California's corresponding state legislation for the benefit of tribes, Indian families, and their children. The

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<sup>1</sup> California ICWA Compliance Task Force, *Report to the California Attorney General's Bureau of Children's Justice*, (2017), <https://caltribalfamilies.org/wp-content/uploads/2020/12/ICWAComplianceTaskForceFinalReport2017.pdf>.

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Task Force recognized that tribal rights under ICWA continue to be frustrated four decades after the statute's enactment, leaving tribes unable to effectively protect their member children in state child welfare systems or prevent their children from being removed from their communities unnecessarily.

CTFC submits this comment in response to the U.S. Department of Health and Human Services' ("HHS" or the "Department") Administration for Children and Families' ("ACF") February 14, 2023 notice of proposed rulemaking ("NPRM"), Separate Licensing Standards for Relative or Kinship Foster Family Homes (the "Proposed Rule").<sup>2</sup> This Proposed Rule would revise the definition of "foster family home" and specify that states and tribes have the ability and discretion to create a distinct set of licensing standards for relative or kinship foster family homes, separate from those used to license non-relative foster family homes. This comment addresses (1) the importance of kinship care for Native children and families, (2) how this Proposed Rule will increase financial resources available for kinship caregivers, preserve traditional tribal values and culture, and improve health outcomes for foster youth, and (3) propose changes to further strengthen this Proposed Rule. CTFC appreciates the opportunity to submit comments on this NPRM.<sup>3</sup>

### **I. Prioritization of kinship care is critical for Native American families and tribes.**

Native American children are—and historically have been—vastly overrepresented in the child welfare system. Congress itself recognized in 1978 that "[t]he wholesale separation of Indian children from their families is perhaps the most tragic and destructive aspect of American Indian life today."<sup>4</sup> As the Department notes, a 2017 CTFC report concluded that, across the United States, American Indian and Alaska Native ("AI/AN") children are overrepresented in foster care at a rate 2.7 times greater than their proportion in the population.<sup>5</sup> A more recent report issued by the

<sup>2</sup> Separate Licensing Standards for Relative or Kinship Foster Family Homes, 88 Fed. Reg. 9411 (Feb. 14, 2023), available at

<https://www.federalregister.gov/documents/2023/02/14/2023-03005/separate-licensing-standards-for-relative-or-kinship-foster-family-homes>.

<sup>3</sup> This comment was prepared with the assistance of Maddy Gitomer of the Democracy Forward Foundation.

<sup>4</sup> H.R. Rep. No. 95-1386, at 9 (1978).

<sup>5</sup> California Tribal Families Coalition, *2020 Child & Family Teams Report*, at 3 (Dec. 2020), <https://caltribalfamilies.org/wp-content/uploads/2020/12/CTFC-Child-and-Family-Team-Report-December-2020-4-1.pdf>.

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California Legislative Analyst's Office found that "recent research on cumulative child welfare involvement of California's 1999 birth cohort found nearly one in two Black and Native American children experienced some level of child welfare involvement by the time they turned 18."<sup>6</sup> The report also found that the "proportions of Black and Native American youth in foster care are around four times larger than the proportions of Black and Native American youth in California overall." Further, and of particular relevance here, despite overrepresentation in the foster care system, AI/AN children are placed into kinship care at rates much lower than other children.<sup>7</sup> Despite the passage of ICWA in 1978 and some state efforts to comply with ICWA and related state law, significant work is necessary to preserve tribal families.

In many cases, this means advocating against the removal of children from their family home.<sup>8</sup> However, in instances where a child is removed from their home, placement in a kinship or relative care setting is of critical importance for tribal families. In particular, "continued research confirms that it is generally in the best interests of Indian children to be raised in Indian homes."<sup>9</sup>

There are unique benefits and considerations for Native children who are placed in kinship care that warrant special consideration. Research consistently demonstrates that placing Native children in an environment that fosters Indian identity is imperative for their long-term cultural, spiritual, and emotional health, in addition to leading to better outcomes.

"[R]esearchers have established that Indian children benefit from the formation of an Indian identity through the process of enculturation—a process that involves engaging with one's own heritage and applying those traditional norms to everyday living."<sup>10</sup> On the other hand, studies find that for AI/AN children placed outside of kinship care have the opposite effect, "the almost complete lack of recognition of culture as a determinant of health and the lack of access to culturally competent care results in an

<sup>6</sup> Legislative Analyst's Office, *Update on Analysis and Key Questions: Racial and Ethnic Disproportionalities and Disparities in California's Child Welfare System*, at 1 (Mar. 22, 2023),

<https://lao.ca.gov/handouts/socservices/2023/Disproportionalities-in-CWS-032223.pdf>.

<sup>7</sup> NICWA, *Understanding ICWA Placements Using Kinship Care Research*, (Dec. 2019), [https://www.nicwa.org/wp-content/uploads/2022/04/2019-Understanding-ICWA-Placements-Using-Kinship-Care-Research\\_updated.pdf](https://www.nicwa.org/wp-content/uploads/2022/04/2019-Understanding-ICWA-Placements-Using-Kinship-Care-Research_updated.pdf).

<sup>8</sup> *Report to the California Attorney General's Bureau of Children's Justice*, *supra* note 1, at 18.

<sup>9</sup> Brief for the American Psychological Association et al. as Amicus Curiae at 10, *Haaland v. Brackeen*, 142 S. Ct. 1205 (2002), (Nos. 21-376, 21-377, 21-378, 21-380), <https://turtletalk.files.wordpress.com/2022/08/apaamicus.pdf>.

<sup>10</sup> American Psychological Association Brief, *supra* note 9, at 10.

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alienating and disheartening experience.”<sup>11</sup> Further, extended family and the broader tribal community often already play a role in the life of a child, and family structures are such that kinship care may be easier to establish and less disruptive for the child.<sup>12</sup> In many cases, grandparents “play a major role in the raising of grandchildren,” and children are believed to benefit from such intergenerational care.<sup>13</sup> “For Indian children, kin caregivers take pride in ‘the ability to pass on traditional values, culture, and ways of living’ and that such caregiving may succeed in part because it ‘ensure[s] cultural continuity.’”<sup>14</sup> This research is consistent with CTFC member tribes’ experiences with children in the child welfare system.

Evidence also shows that kinship care is beneficial for all children. One study found that children placed in kinship care, as opposed to nonkinship foster care, had “fewer behavioral problems, fewer mental health disorders, better well-being, and less placement disruption.”<sup>15</sup> Another study found that “there are profound and enduring benefits to kinship foster care,” and “children in kinship care were more likely to be employed or enrolled in formal education at age 21 and less likely to require public assistance, be homeless, or be incarcerated compared to children who had been placed in non-kin foster care.”<sup>16</sup>

### **II. Despite the critical role ICWA plays, tribal communities would benefit from additional policies and regulations prioritizing kinship care.**

ICWA is a critical law providing guidance on placing children in foster or adoptive homes that reflect Native American culture, including giving preference to extending family as well as other members of an Indian child’s tribe. However, there is still much work to be done to preserve AI/AN families, including greater tracking of ICWA-related child welfare cases and placements, as well as ICWA compliance, and additional state and federal

<sup>11</sup> James Knibbe-Lamouche, *Culture as a Social Determinant of Health, in Leveraging Culture to Address Health Inequalities: Examples from Native Communities: Workshop Summary 1*, 65 (2012), available at <https://www.ncbi.nlm.nih.gov/books/NBK201298/>.

<sup>12</sup> Brief for the American Academy of Pediatrics and American Medical Association as Amicus Curiae at 20, *Haaland v. Brackeen*, 142 S. Ct. 1205 (2002), (Nos. 21-376, 21-377, 21-378, 21-380), [https://www.supremecourt.gov/DocketPDF/21/21-376/234042/20220819140750948\\_21-376.amics.brief.FINAL.pdf](https://www.supremecourt.gov/DocketPDF/21/21-376/234042/20220819140750948_21-376.amics.brief.FINAL.pdf).

<sup>13</sup> Kathy Deserly, *Kinship Care and Child Only Cases*, Nat’l Res. Center for Tribes, [https://peerta.acf.hhs.gov/sites/default/files/public/uploaded\\_files/Kathy%20Deserly.pdf](https://peerta.acf.hhs.gov/sites/default/files/public/uploaded_files/Kathy%20Deserly.pdf).

<sup>14</sup> American Psychological Association Brief, *supra* note 9, at 23 (quoting Puneet Chawla Sahota, *Kinship Care for Children who are American Indian/Alaska Native: State of the Evidence*, 97 *Child Welfare* 63, 71, 74 (2019)).

<sup>15</sup> *Understanding ICWA Placements Using Kinship Care Research*, *supra* note 7, at 2.

<sup>16</sup> *Id.*

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policies to prioritize kinship care.<sup>17</sup> In some instances, children are not reliably being identified as Indian children under ICWA, and thus, states do not apply ICWA protections.<sup>18</sup> In other circumstances, poor training, lack of tribal respect, and administrative challenges have contributed to failures to appropriately comply with ICWA.<sup>19</sup> As we have documented, “when tribes don’t intervene in cases, the law is rarely followed with fidelity, and...too often the tribes lack the resources to step in.”<sup>20</sup>

Addressing these obstacles is essential to enable all Native children to thrive. CTFC works closely to this end with other advocates, tribal representatives, lawmakers, and workers involved in the child welfare system. Policies that encourage and remove obstacles to kinship care, like the Proposed Rule, will benefit AI/NA children and families and increase the likelihood of preserving family and tribal placement.

### **III. The Proposed Rule provides tribal and state child welfare agencies with increased flexibility to facilitate kinship care placements without compromising safety.**

While the current statutory and regulatory framework encourage Title IV-E agencies—state and tribal child and family service program administrators (“agencies”)—to consider giving preference to kinship caregivers, there are barriers to such placements. These barriers include the application of licensing standards to kinship caregivers that may not be appropriate or necessary.<sup>21</sup> For example, some standards impose strict age

<sup>17</sup> Plaintiff’s Memorandum in Support of Motion for Summary Judgment at 2, *CTFC v. Azar* (2021), (No. 3:20-cv-6018-MMC), [https://democracyforward.org/wp-content/uploads/2021/05/CTFC-v.-HHS-AFCARS\\_MSJ\\_05.17.21.pdf](https://democracyforward.org/wp-content/uploads/2021/05/CTFC-v.-HHS-AFCARS_MSJ_05.17.21.pdf) (“collecting ICWA-related data in AFCARS is a step in the right direction to ensure that Indian families will be kept together”).

<sup>18</sup> Setting the Record Straight: The Indian Child Welfare Act Fact Sheet, Nat’l Indian Child Welfare Ass’n (Sept. 2015), <https://www.nicwa.org/wp-content/uploads/2017/04/Setting-the-Record-Straight-ICWA-Fact-Sheet.pdf>; see also Kathryn E. Fort & Adrian T. Smith, *The Indian Child Welfare Act During the Brackeen Years*, 74 *Juvenile & Family Court J.* 9, 14 (2023), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4339489](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4339489) (“It is also important to note that 51 % (85/164) of the cases parents appealed involved an initial determination of ICWA’s application, whether that be through inquiry, notice or the court’s determination of whether the child involved is an Indian child”).

<sup>19</sup> 2020 *Child & Family Teams Report*, *supra* note 5, at 11.

<sup>20</sup> Nancy Marie Spears et al., *With ICWA Under Threat, More States Shore Up Laws to Protect Native Families from Foster Care Separation*, *The Imprint* (Apr.6, 2022), <https://imprintnews.org/foster-care/states-enact-icwa-type-laws/64018>.

<sup>21</sup> See, e.g., Ana Beltran & Heidi Redlich Epstein, *Improving Foster Care Licensing Standards around the United States: Using Research Findings to Effect Change*, *Generations United & ABA Center on Child. and the Law*, (Feb. 2013), available at <https://www.grandfamilies.org/Portals/0/Documents/Foster%20Care%20Licensing/Improving%20Foster%20Care%20Licensing%20Standards.pdf>.

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and/or education requirements that may disqualify family kinship caregivers.<sup>22</sup> Experts agree that these standards are inappropriate in the context of kinship care: they “hold families of color and families in poverty to standards that do not equate to safety.”<sup>23</sup> To address such unnecessary limitations, many agencies have waived or changed standards (consistent with applicable law) on a case-by-case basis. Such case-by-case decisions are inefficient for agencies, which often have large caseloads, leading to an inability to obtain, or a delay in obtaining licensure for certain families. Revising the definition of “foster family home,” to give Title IV-E tribes and states the option to establish a set of foster family home licensing or approval standards for relative or kinship foster family homes that is different than the standards used to license or approve non-relative foster family homes, is essential to supporting relative and kinship families.

Families also face unnecessary licensure challenges related to the required home study. Home studies often include standardized criteria such as having a certain number of bedrooms or requiring certain repairs. But the suddenness of the need to place a child newly in the child welfare system with family could mean that kinship caregivers are not immediately able to meet these requirements.<sup>24</sup> However, “[f]ailing the home study due to strict licensing standards and inadequate information places relatives at a disadvantage and reduces the positive effects associated with kinship care.”<sup>25</sup>

Other states may impose income requirements, limitations on home businesses, education and literacy requirements, or proof of citizenship or residency, all of which may disincentivize or prohibit kinship caregivers from becoming licensed.<sup>26</sup> The Proposed Rule would properly allow states and

<sup>22</sup> *Id.*; See also Sharon McDaniel et al., *We’re Building a New Path to Prioritize Kin*, The Imprint (Mar. 7, 2023), <https://imprintnews.org/opinion/were-building-a-new-path-to-prioritize-kin/239153> (“In states where licensure is required for placement, children who could be living with loving, able and willing kin are instead living in institutions or outside of their families, often for reasons that have nothing to do with safety. These children could be in homes with family, filled with love, but because their kin homes have bunk beds or the ‘wrong’ number of points of egress, they must live elsewhere”).

<sup>23</sup> Michael Fitzgerald, *Biden Administration Proposes Easing Foster Care Licensing Barriers for Relatives*, The Imprint (Feb. 17, 2023), <https://imprintnews.org/top-stories/biden-administration-proposes-easing-kinship-caregiver-barriers/238626>.

<sup>24</sup> Casey Family Programs, *How can we prioritize kin in the home study and licensure process, and make placement with relatives the norm?*, (Aug.12, 2020), <https://www.casey.org/adapting-home-studies-for-kin/>.

<sup>25</sup> *Id.*

<sup>26</sup> Beltran & Epstein, *supra* note 21, at 4.

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tribes to waive certain of these non-safety requirements for kinship caregivers.

Additionally, and for tribal families in particular, current licensure standards can “seem intrusive and burdensome.”<sup>27</sup> Some standards may “require foster parents to limit visits by family or community members or prohibit the foster parent from allowing adult relatives to live in the home,” which can “directly conflict with important tribal values related to interactions with and caring for kin.”<sup>28</sup> Other standards may be infeasible for certain families attempting to obtain licensure in a short timeframe. For example, CTFC works with families attempting to obtain foster care licensure who live in a rural California county. To be approved for licensure, these families are required to travel for almost four hours to participate in multiple required training sessions. This has been an incredible barrier for these families and has led to numerous relatives opting out of the approval process.

Creating standards specific to kinship and relative caregivers would also more effectively prepare kinship caregivers for child placements. As the Proposed Rule states, “relative caregivers may require a different level or type of foster parent training to take care of their kin, particularly when they already know the child for whom they are going to provide care.”<sup>29</sup> While non-kinship caregivers may need training on identifying a child’s interests or hobbies, a kinship caregiver may already be quite familiar with the child. Instead, a kinship caregiver may benefit from training “on topics that would have helped them better understand their foster children’s mental health conditions or special needs.”<sup>30</sup> In addition, many kinship placements are done on an emergency basis, so expedited or abridged training would also be helpful to preparing caregivers to support children in their home.

Importantly, the changes in the Proposed Rule do not come at the expense of safety. This Proposed Rule permits agencies to waive non-safety-related licensing or approval standards but does not allow for changes that “compromise child safety and well-being.”<sup>31</sup> All standards related to “safety, sanitation, protection of civil rights, and use of the reasonable and prudent parenting standard” must be preserved, and foster parents must still meet applicable requirements “concerning criminal background checks.”<sup>32</sup>

<sup>27</sup> National Child Welfare Resource Center for Tribes, *Tribal Foster Care and Adoption Findings*, <http://www.nrc4tribes.org/Tribal-Foster-Care-and-Adoption-Findings.cfm>.

<sup>28</sup> *Id.*

<sup>29</sup> 88 Fed. Reg. at 9412.

<sup>30</sup> *Tribal Foster Care and Adoption Findings*, *supra* note 27.

<sup>31</sup> 88 Fed. Reg. at 9413.

<sup>32</sup> 88 Fed. Reg. at 9414.

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## CALIFORNIA TRIBAL FAMILIES COALITION

### IV. The Proposed Rule changes will help provide AI/AN kinship caregivers with essential services and resources.

Across the country, and in tribal communities in particular, relatives will often take in children on an informal basis without obtaining licensure. For example, in many tribal communities, kin caregivers will pursue temporary guardianships through tribal courts because the child protective services system threatens that they may not be chosen for placement of the child.<sup>33</sup> Informal placements may also occur because a family knows that it is unable to meet licensing requirements but prioritizes familial placement, or it may be because the placement is made on an emergency basis, leaving no time for licensure. Indeed, there are myriad reasons why a child may be cared for by a kinship caregiver on an informal basis. This often means forgoing payments and resources that can be incredibly helpful in caring and providing for the child. A 2020 report documented that in California, a child placed with a relative in foster care “receives a minimum of \$1,000 in monthly assistance... By comparison, the maximum amount of financial support available to support a child in informal kinship care is \$606 per month.”<sup>34</sup>

These placements may also mean forgoing other protections—for example, a child placed with a kinship caregiver licensed for foster care “has the right to attend their school of origin,” as well as to obtain funding for transportation to that school.<sup>35</sup> Without licensure, these families may forgo Medicaid coverage and vouchers for furniture and clothing to help care for the child.<sup>36</sup> “Kinship caregivers report significantly fewer support services than other foster caregivers, such as parent training, peer support, and respite care.”<sup>37</sup> Streamlining the licensing process will enable more kinship caregivers to have access to additional financial resources that support child safety and healthy development.

Providing reduced (or no) payments to kinship caregivers, as often occurs under current policy, is unfair and inequitable. Studies have found that “typically, white families are licensed and families of color are not.”<sup>38</sup> Kinship caregivers also “tend to have lower incomes than nonkinship foster parents,” with approximately 40 percent of such parents below the poverty

<sup>33</sup> Josh Gupta-Kagan, *American’s Hidden Foster Care System*, 72 Stan. L. Rev. 841, 843 (2020), <https://review.law.stanford.edu/wp-content/uploads/sites/3/2020/04/Gupta-Kagan-72-Stan.-L.-Rev.-841.pdf>.

<sup>34</sup> Alliance for Children’s Rights & Lincoln Advocacy, *The Human Impact of Bypassing Foster Care for At-Risk Children*, 7 (Feb. 2020), [https://allianceforchildrensrights.org/wp-content/uploads/PolicyReport\\_HiddenFosterCare\\_2-2020.pdf](https://allianceforchildrensrights.org/wp-content/uploads/PolicyReport_HiddenFosterCare_2-2020.pdf)

<sup>35</sup> *Id.* at 8.

<sup>36</sup> *Id.*

<sup>37</sup> American Academy of Pediatrics Brief, *supra* note 12, at 18.

<sup>38</sup> Fitzgerald, *supra* note 23.

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## CALIFORNIA TRIBAL FAMILIES COALITION

line.<sup>39</sup> In states like Texas, for example, kinship caregivers receive \$11.55 a day per child, which is less than half what a licensed nonkinship foster family would receive.<sup>40</sup> Experts like the American Academy of Pediatrics believe that assistance for kinship caregivers “should be a priority for child welfare programs, and a means to fully actualize the inherent benefits of kinship care for more children who could benefit from it but for the material deprivation of their families and communities.”<sup>41</sup>

This assistance is particularly needed because AI/AN children in foster care often face additional challenges. For example, AI/AN communities face substantial health inequities, many of which begin in childhood. AI/AN children also face “medical access barriers” and increased “chronic stress.”<sup>42</sup>

Further, this Proposed Rule builds upon the work many tribal communities have already undertaken. Many tribal communities have developed licensing or approval standards that prioritize relative care or informal nurturing networks of family and kin. For Title IV-E tribes that have not developed licensing or approval standards or want to revisit existing standards, if the Proposed Rule is adopted, they would have an opportunity to adopt licensing standards that more completely align with their individual histories, values, and traditions that keep children safe and families together.

Further, the proposed changes are an opportunity to increase support for effective tribal-state partnerships. Working together at the state level to develop standards that prioritize the licensing of relative and kinship foster family homes will increase the likelihood a child is placed in relative care and that the state is following the foster care placement preferences that give priority to extended family members under the ICWA. These changes also benefit urban Indian organizations and communities that work closely with state or local child welfare authorities. In these communities, advocates for Native children and families will have greater leverage and opportunity to promote state licensing standards that align with Native community values and promote placement with relative and kinship families.

<sup>39</sup> Gupta-Kagan, *supra* note 33, at 880; Roxanna Asgarian, *Hidden Foster Care: All of the Responsibility, None of the Resources*, The Imprint (July 27, 2021), <https://imprintnews.org/hidden-foster-care/hidden-foster-care-all-of-the-responsibility-none-of-the-resources/57170>.

<sup>40</sup> Asgarian, *supra* note 39.

<sup>41</sup> American Academy of Pediatrics Brief, *supra* note 12, at 18.

<sup>42</sup> Brief for the American Academy of Pediatrics as Amicus Curiae in Support of Pls. Mot. for Summary Judgement at 10, *CTFC v. Azar*, No. 3:20-cv-06018 (N.D. Cal. 2021), [https://turtletalk.files.wordpress.com/2021/05/aap\\_amicus\\_brief.pdf](https://turtletalk.files.wordpress.com/2021/05/aap_amicus_brief.pdf).

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## CALIFORNIA TRIBAL FAMILIES COALITION

### V. CTFC supports changes to the Proposed Rule that would more effectively support tribal communities.

Recognizing the importance of tribal sovereignty, CTFC recommends expanding the definition of relative and kin to include “individuals related to a child by blood, marriage, **tribal custom**, or adoption” and “other individuals who have an emotionally significant relationship with the child **and/or the child’s family**, including fictive kin.” We think it is critical to incorporate the principles of tribal sovereign authority and tribal custom into the development of these definitions, especially because these changes are consistent with the goals of the Proposed Rule and child welfare principles related to tribal sovereignty.

Further, we recommend that Title IV-E agencies be allowed to claim reimbursement upon initiation of national criminal background checks and full completion of statewide background checks for foster homes. This change could benefit Native children and their relative and kinship caregivers by ensuring receipt of financial assistance sooner. In many cases, caregivers may initiate the process of licensure by completing background checks, but they are also required to complete a host of training that could take months. In some states, like California, the state will provide funds for this time period, through emergency caregiver funding. But tribes often do not have the resources to provide emergency caregiver funding while the caregiver is trying to complete the licensure process, and under the present rules, they are unable to access Title IV-E funds until the caregiver is fully licensed. This change would support tribes in running their Title IV-E programs and eliminating the need for tribes to pull from limited tribal funds.

These changes, taken together, will further equity efforts of the Administration and reinforce a commitment to Native children, their caregivers, and tribal communities.

### VI. Conclusion

The child welfare system, for decades, has imposed disparate burdens on Native families and communities. While ICWA and state laws have taken steps to reduce such inequities and prioritize tribal care for children in the child welfare system, there is more work to do. This Proposed Rule takes another important step by reducing barriers to kinship care in tribal communities and for Native children subject to state child welfare systems, facilitating the possibility of increased resources available to tribal families and Native foster care youth. HHS should finalize this important rule subject to the changes offered in this comment.

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Nomlaki Indians



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Robinson Rancheria



Round Valley  
Indian Tribes



San Manuel Band of  
Mission Indians



Santa Rosa Band of  
Cahuilla Indians



Santa Ynez Band of  
Chumash Indians



Sherwood Valley  
Band of Pomo Indians



Shingle Springs Band  
of Miwok Indians



Soboba Band of  
Luiseno Indians



Susanville Indian  
Rancheria



Tejon Indian  
Tribe



Tolowa Dee-ni'  
Nation



Torres Martinez Desert  
Cahuilla Indians



Tule River  
Reservation



Wilton Rancheria



Wiyot Tribe



Yurok Tribe



California Tribal  
Business Alliance



Central California Tribal  
Chairman's Association



Northern California Tribal  
Chairman's Association



Southern California Tribal  
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