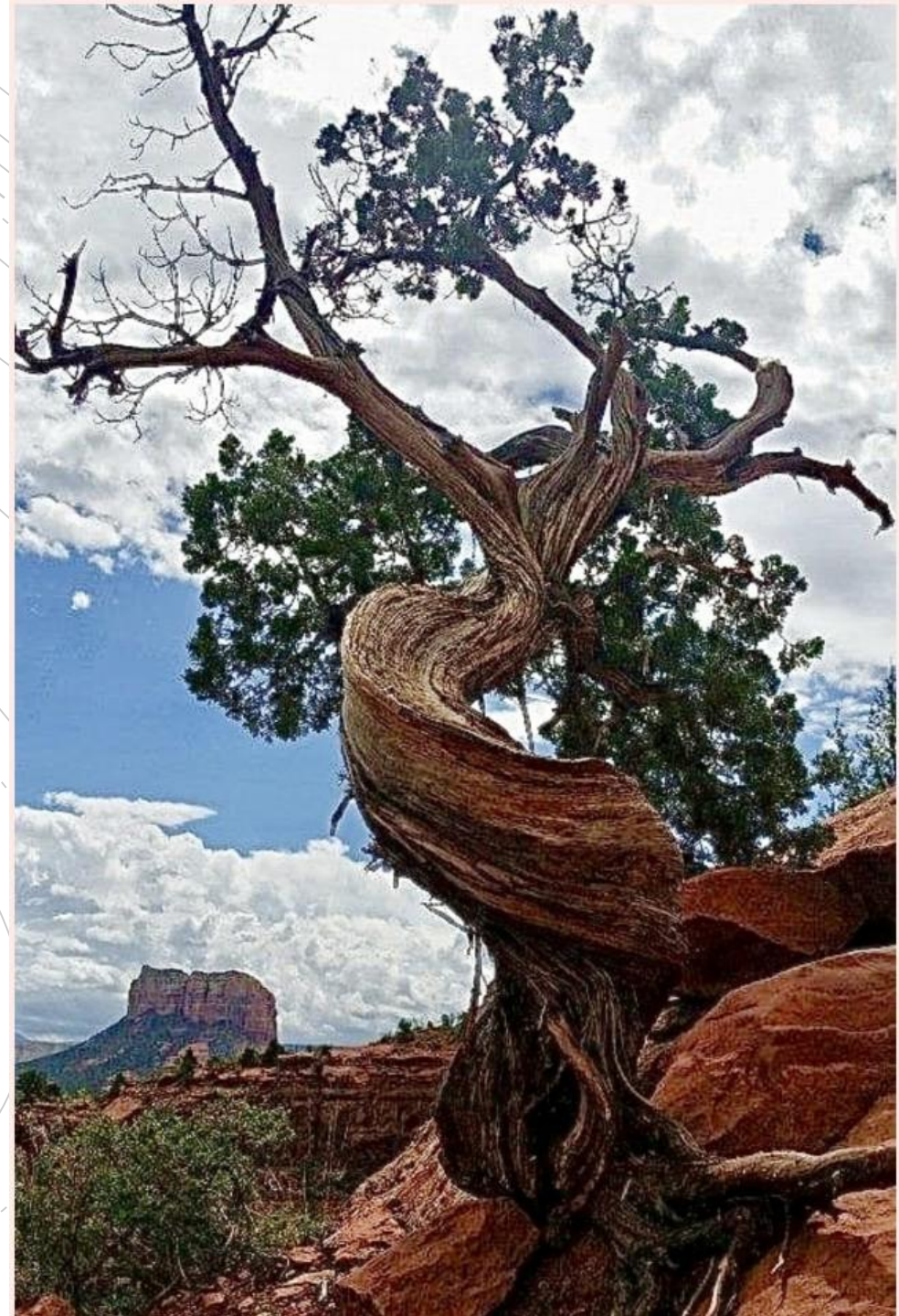


PASCUA YAQUI ICWA CONFERENCE
Tucson, AZ 2025 August 14, 2025

"Intersections of History and Crisis: Policy Pathways Addressing Boarding Schools, MMIP, & Indigenous Youth in Care"

Lios enchim ania'vu (Creator help you all)



Complex Jurisdictional Layers

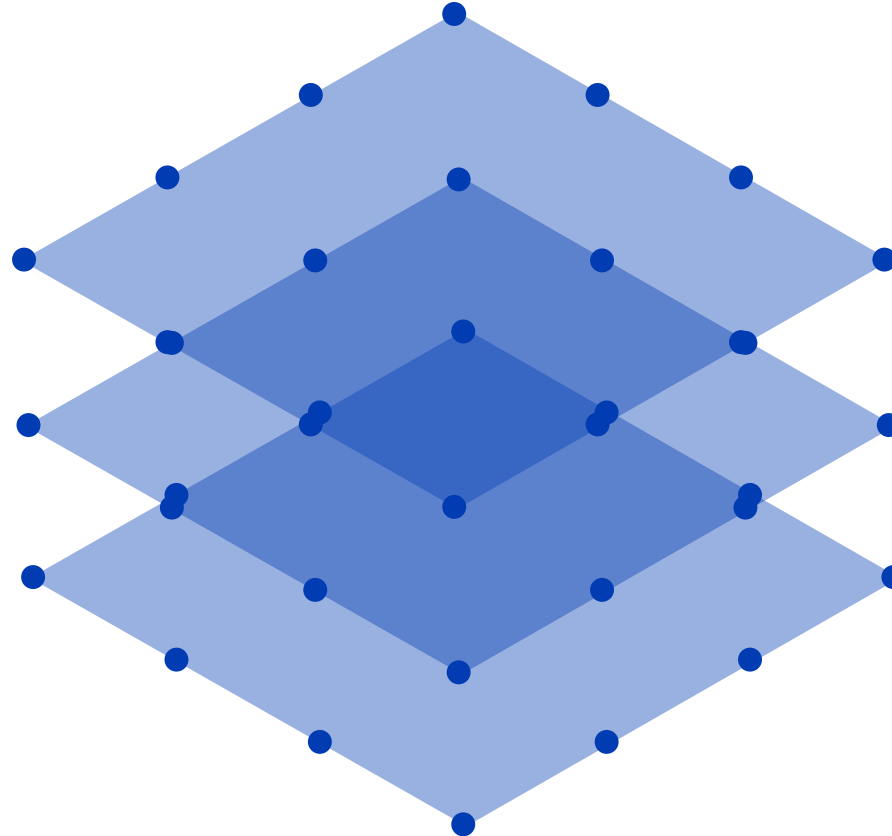


Federal Law

U.S. Constitution, Federal Laws enforced by U.S. Federal Courts, Indian Child Welfare Act of 1978 (P.L. 95-608; 92 Stat. 3069; 25 United States Code sections 1901 through 1963).


Tribal Jurisdiction

Inherent sovereign civil jurisdiction, 25 U.S.C. 1911(a), Tribal laws, Tribal Constitution, Tribal Courts.



State Jurisdiction

State laws, A.R.S. § 8-815, enforced by state courts, State juvenile court systems, intervention by Tribes, and PL 280.



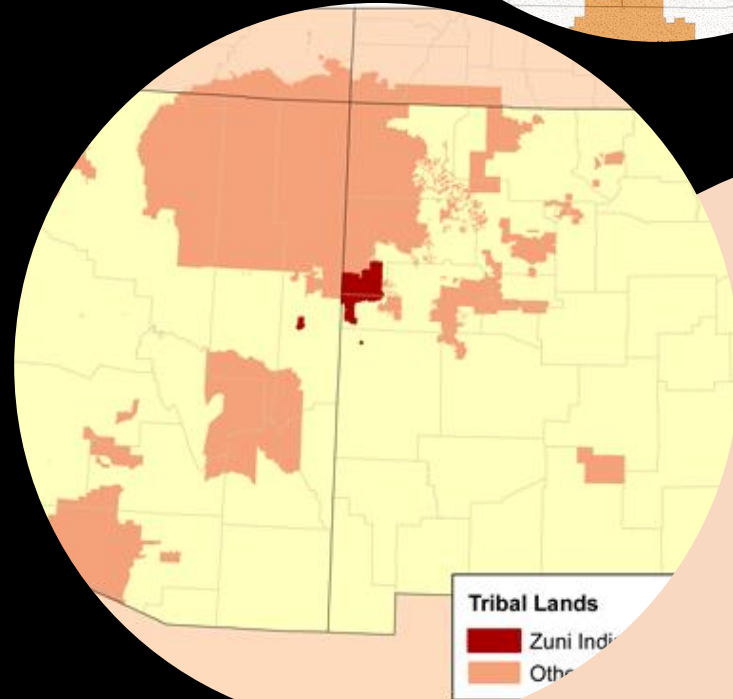
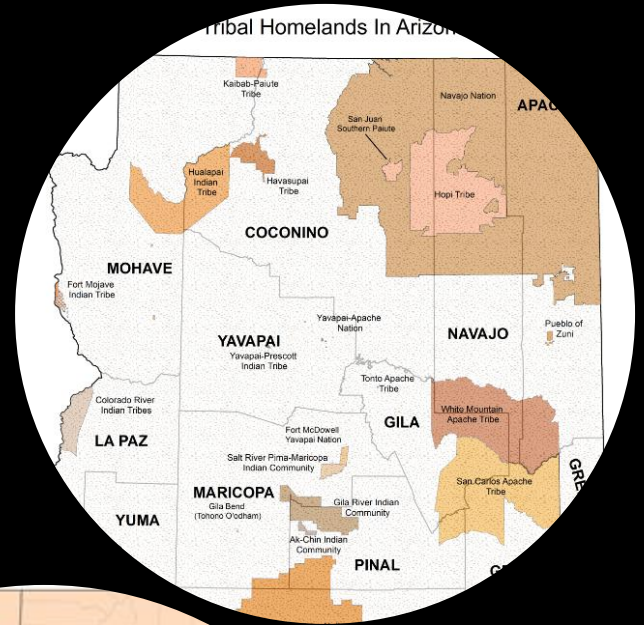
Jurisdiction: Key Considerations

- Jurisdictional nature of Arizona & New Mexico
- Effect of interconnected sovereigns & people
- Cross-Institutional knowledge and recognition (how do we get along?)
- Cultural awareness and respect
- Family/Community considerations (Who is a Community member?)
- Intergenerational/Colonial based trauma (Boarding Schools)
- Housing Shortage
- Communication challenges

“How do we ensure children and community safety when multiple jurisdictions are involved?”

Interconnected Sovereigns & People

- 574 federally recognized Indian Tribes
- 22 Tribes located in Arizona
- 23 Tribes in New Mexico
- Some Tribal lands cross state and/or county lines or are “checkerboards”





Criminal Jurisdiction & Other Barriers

In 2024, Indian Country is still experiencing a public safety and public health crisis created primarily by misguided policies and a series of outdated federal statutes and federal court decisions that specify that Tribes lack the territorial, criminal, and civil jurisdiction that states possess. Various socio-economic factors, such as poverty and unemployment, heighten the vulnerability of these communities. The lack of resources, mistrust of authorities, and historical trauma, hinder efforts to address neglect, abuse, and trafficking issues.

Factors Contributing to Vulnerability

Indigenous communities face a multitude of challenges that heighten their vulnerability and exposure to the child welfare system and human trafficking. These factors range from limited access to housing and employment, to historical trauma and ongoing systemic inequalities leading to significant barriers to safety and well-being.



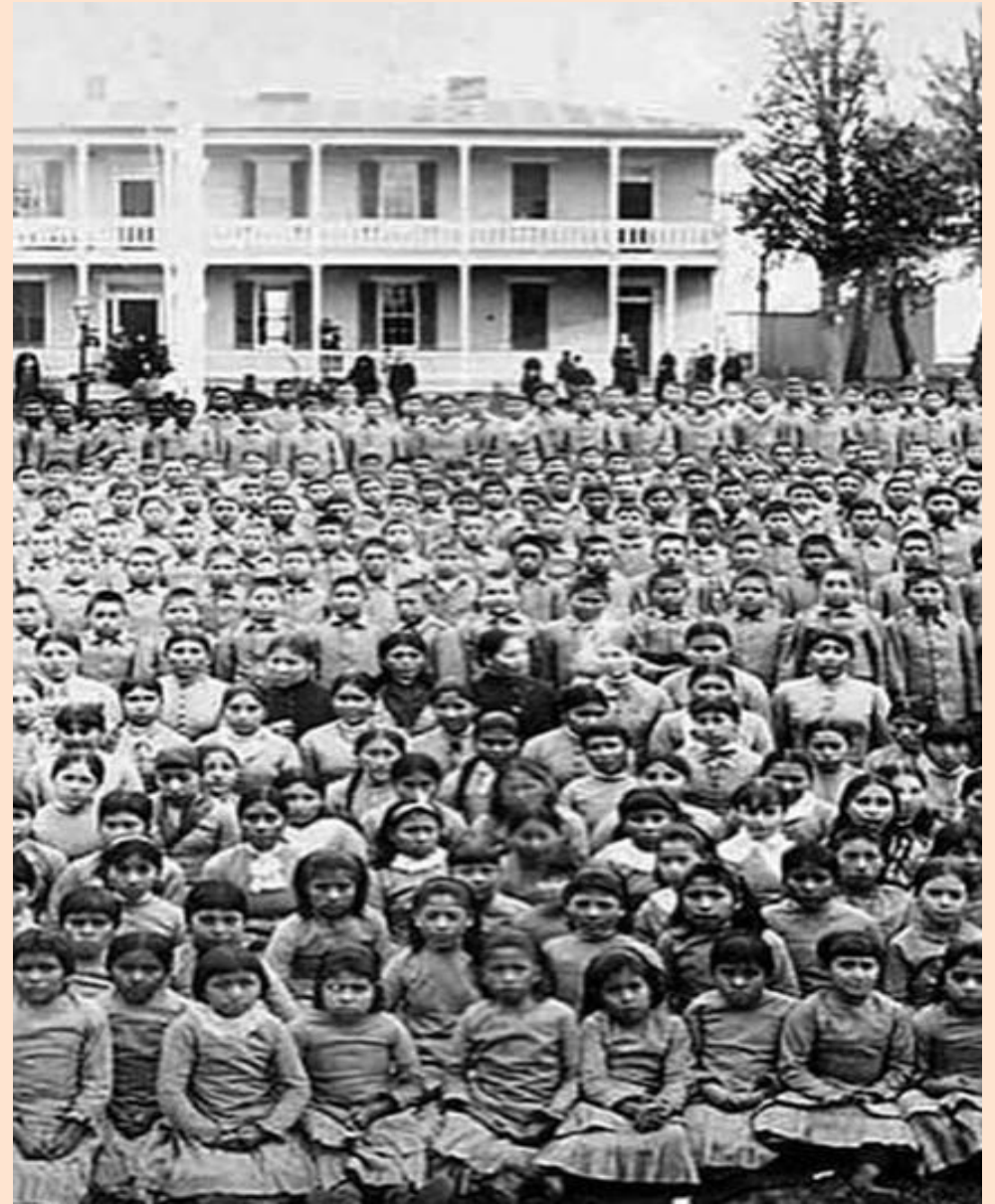
Historical Trauma

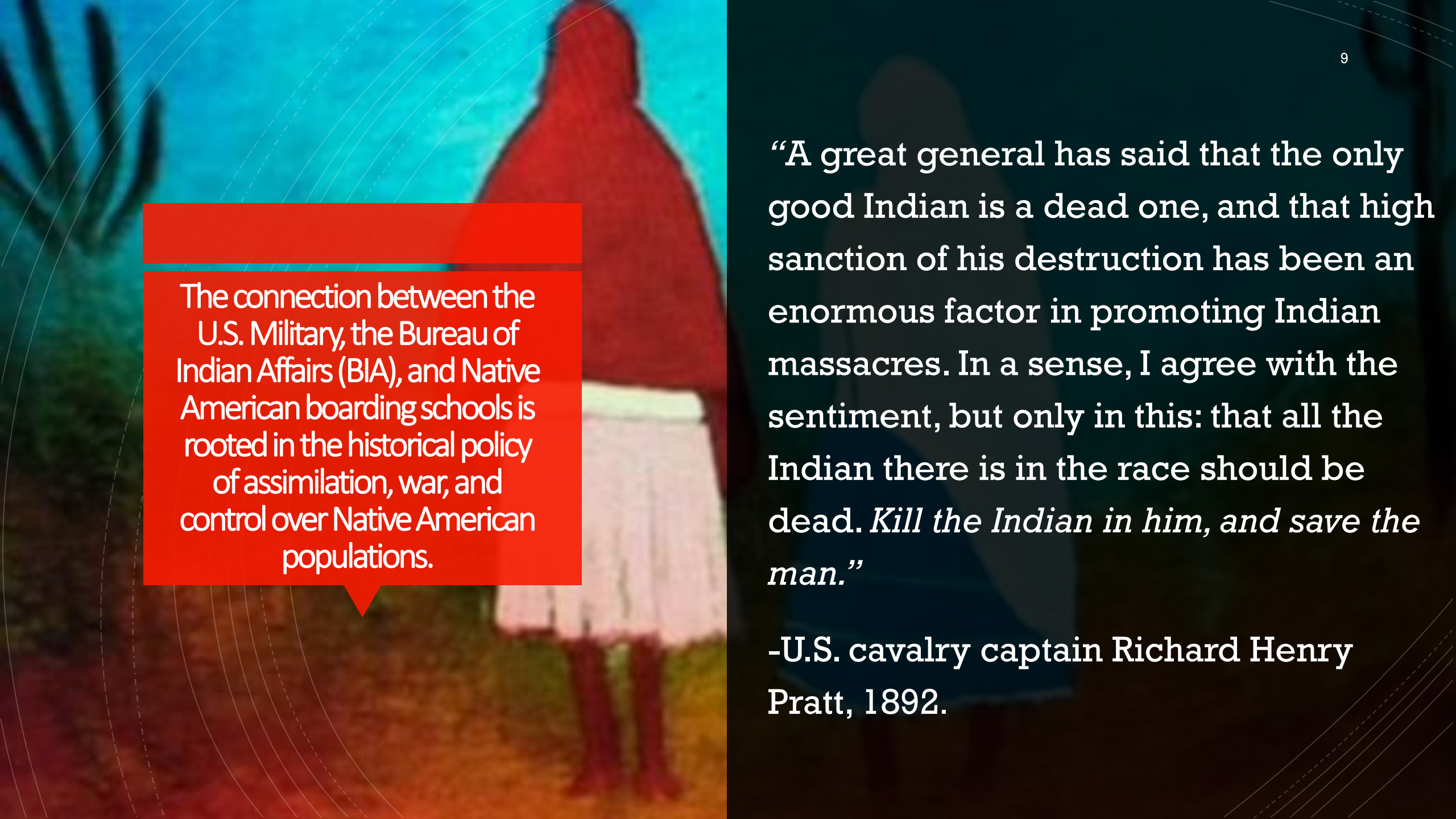
- The legacy of colonialism has lasting impacts on the mental health and stability of Indigenous populations.
- Traumatic histories contribute to broken family structures and community disintegration.
- Historical trauma is linked to higher vulnerability to violence, exploitation, and trafficking.
- Understanding this history is crucial for creating effective prevention and response strategies.

Historic Policy Links: Boarding School Era

Beginning with the Indian Civilization Act of 1819, the United States enacted laws and implemented policies establishing and supporting Indian boarding schools across the nation. For over 150 years, hundreds of thousands of Indigenous children were taken from their communities, resulting in cultural genocide and intergenerational trauma. The goal was to use education to “assimilate” Indian tribes into the “American way of life.” The philosophy of assimilation was “kill the Indian, save the man.”

From 1958 to 1967, the Bureau of Indian Administration and Child Welfare League of America encouraged adoption of Native American children by non-Native families through the Indian Adoption Project.






The connection between the U.S. Military, the Bureau of Indian Affairs (BIA), and Native American boarding schools is rooted in the historical policy of assimilation, war, and control over Native American populations.

“A great general has said that the only good Indian is a dead one, and that high sanction of his destruction has been an enormous factor in promoting Indian massacres. In a sense, I agree with the sentiment, but only in this: that all the Indian there is in the race should be dead. *Kill the Indian in him, and save the man.*”

-U.S. cavalry captain Richard Henry Pratt, 1892.



Between 1819 and 1842, the government made appropriations to missionary societies for the education of American Indians based on Treaty obligations

The federal government, the U.S. Military, and religious societies were intertwined in their efforts to civilize and Christianize American Indians throughout the nineteenth century. The government supported missionaries with funds, assigned agencies to religious societies, provided land for the building of churches, and the military moved and kept tribal members on established Reservations.

The U.S. Government Civilization Fund Act of 1817 authorized the president to spend up to \$10,000 annually to pay missionaries to "civilize" Native Americans. The missionaries were tasked with a variety of goals, including eliminating native military resistance, suppressing Native traditional practices, encouraging tribes to convert to Christianity, and teaching Native children to read, write.

The Bureau of Indian Affairs was created in 1824 as the Office of Indian Affairs in the War Department to administer the civilization fund.

Tucson Industrial Boarding School

1886-1960



Building upon the Rev. Charles H. Cook's missionary efforts in Sacaton, AZ and at the Pima Agency, the Presbyterian Church opened a contract mission school (a federally supported Christian boarding school) in Tucson, Arizona, targeted at converting Tohono O'odham and Akimel O'odham children to Christianity and assimilating them into white society.

President Biden Historic Apology

President Joseph Biden recently issued a historic apology for the U.S. federal boarding school policies. The apology issued to tribal leaders during his visit to the Gila Crossing Community School, on the Gila River Reservation at Laveen Village on October 25, 2024, at 10:44 a.m. *“...but this official apology is only one step toward and forward from the shadows of failed policies of the past. That’s why I’ve committed to working with Indigenous communities across the country to write a new and better chapter of our history, to honor the solemn promise the United States made to Tribal Nations, to fulfill our federal trust and treaty obligations. It’s long, long, long overdue.”*



Historic Apology

Children were stolen from their parents and many never returned to their homes. These schools were tools of assimilation and cultural genocide, resulting in the loss of language and culture, and the permanent separation of children from their families.

Survivors and their families have a right to know the truth. The impacts of the Indian Boarding School system have been felt across generations, contributing to various social and health challenges within Native communities.



Vulnerable Tribal Communities



- Historical trauma and cultural loss
- Significant poverty and/or economic isolation/ dependence
- High rates of Adverse Childhood Experiences in the population
- High numbers of homeless and runaway youth
- High rate of involvement with child welfare system (State and Tribal)
- High rates of personal or family/caregiver addiction to substances
- Low levels of police or law enforcement presence
- Influx of a transient, cash-rich workforce ("Man Camps")



Native American
children
overrepresented in
foster care system

Many are placed off-reservation and outside their tribal communities in private group homes far from families, culture, schools, and support services. Youth disconnected from their culture and identity are more likely to feel lost, unsupported, and more likely to run away seeking familiar places or people.

Forced removal from tribal homes mirrors historical trauma (e.g., boarding schools, forced adoptions). Children involved in foster care are twice as likely to run away as children in the general population. When children run from care, especially in urban or unfamiliar areas, they can disappear when there is not rapid and coordinated search efforts.



Vulnerability to Exploitation

Arizona continues to experience an alarming rate of runaways, teens going missing, and fatalities among children from licensed congregate care settings. These children face disproportionate risks of trafficking, violence, substance abuse, and long-term homelessness. Current statutory requirements and regulatory oversight is insufficient. Group home and agency officials may not have cross-jurisdictional authority and there may be a low sense of urgency in missing youth cases.

Children may run away from foster care for many reasons, from seeking siblings, friends, boyfriends/girlfriends and parents, to running from negative environments where they may be exposed to violence, bullying, or abuse. Many youth in foster care have experienced abuse, neglect, a history of trauma, instability, or abandonment. Group homes may feel impersonal or institutional. Cultural, linguistic, or identity mismatches may leave children feeling misunderstood or even unsafe, prompting them to leave. A shortage of staff may cause a failure to notice early warning signs of distress.

Arizona DCS Notification Rules (HB 2479) Missing; abducted; runaway children; notification (2024)



Immediate Law Enforcement Notification

When a child runs away or is missing from Arizona DCS custody, a group home or case worker must call the department's 24-hour hotline and the placing entity (tribe). DCS must also promptly alert local law enforcement (within 24 hours) whenever a child runs away or is suspected of being abducted from state care, ensuring a swift response.



Parental and Guardian Involvement

DCS is required to inform the child's parent or legal guardian, **the child's tribe**, judge in a case, immediately to support timely recovery efforts.



National Center Notification

DCS must also contact the National Center for Missing & Exploited Children, fostering coordinated national search efforts.

Emily's Law

On February 14, 2025, San Carlos Apache teen Emily Pike, was found murdered and dismembered after she ran away from a state licensed group home in Mesa, Arizona. AZ legislators and tribal advocates passed new legislation (HB 2281) that expands missing person reporting & established an alert system for missing Indigenous people.

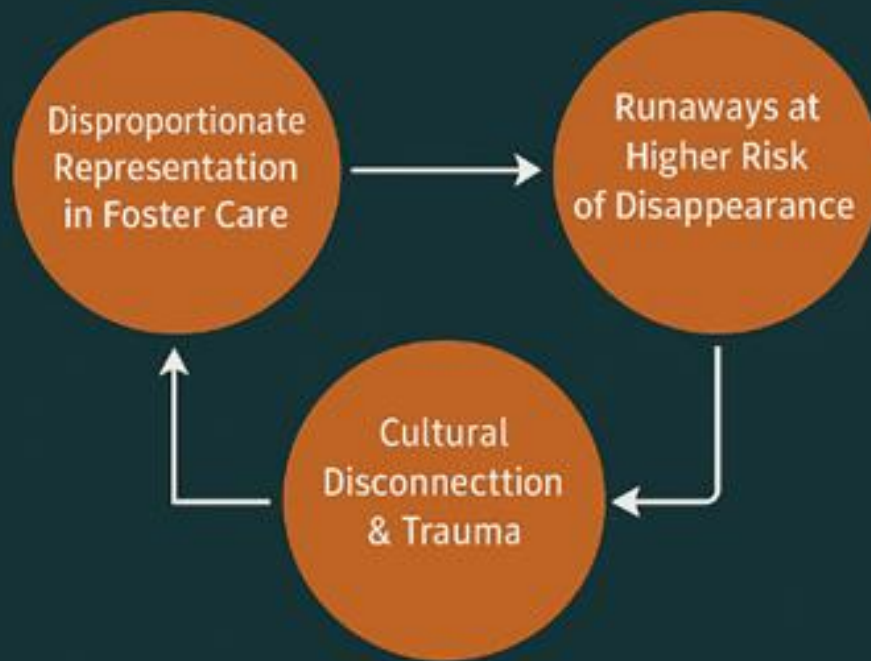


Intersecting Crises: Foster Youth & MMIP

A.R.S. § 8-810 requires DCS to report incidents involving run away residents, abducted children, or missing children to the national crime information center (NCIC) missing person database, NCMEC, parents, a tribe, and law enforcement.

In Arizona, A.R.S. Title 36, governs healthcare institutions, including group homes. Regulations rarely mention runaway or missing youth. Licensing audits may include incident reports on runaways, but no specific runaway prevention protocols are mandated.

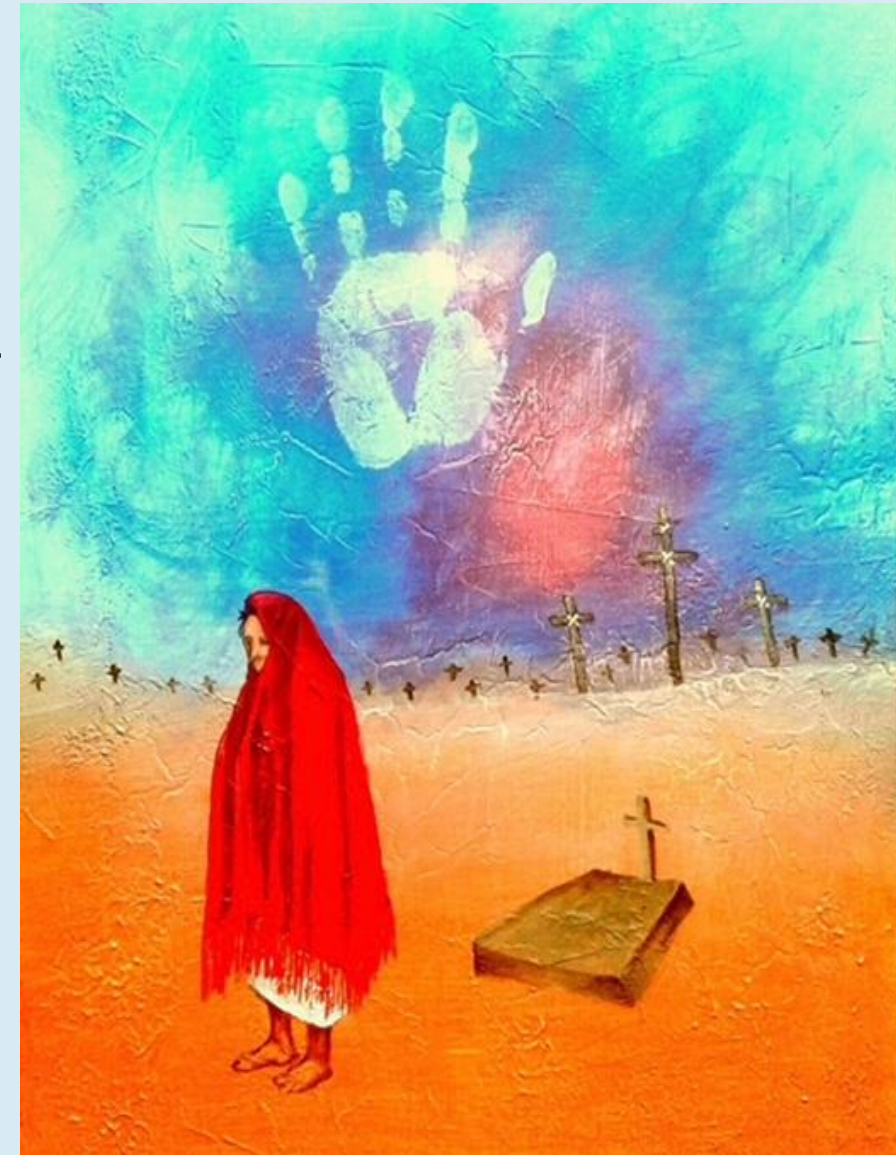
Arizona's administrative rules are far more developed for smoking/tobacco control than they are for runaway or missing youth prevention and response.



- Indigenous children are overrepresented in foster care
- Forced removals repeat historical trauma
- Many run away from placements far from tribal communities
- Vulnerable to trafficking and exploitation
- Cases often lack coordination and urgency

Congregate Care –Group Homes

- Statistics from the Arizona Department of Child Safety's Semi-Annual Child Welfare Report show that approximately 10.4% of children in out-of-home care are American Indian children as of June 30, 2023
- According to the National Center for Missing and Exploited Children, 18% of the children reported missing in 2022 who had been reported as “run aways” from the care of a child welfare agency were likely victims of sex trafficking.
- According to the FBI in 2016, approximately 40% of victims of sex trafficking are Native, yet Native women represent 10% or less of the general population.
- There are many risk factors that can be used to identify children who are at risk of being sex trafficked, notably including racism, involvement in the child welfare system, a personal history of trauma, and adverse childhood experiences (ACEs) that include household substance abuse.



Institutional Reporting Issues



- Indigenous communities are often overlooked in institutional reporting frameworks.
- • Existing data collection systems are not designed to capture tribal populations. (For example, children listed by Tribe. But See ICWA Courts).
- • Relationships with state authorities can hinder reporting mechanisms, impacting community trust.
- • Lack of engagement from governmental and non-governmental organizations in Indigenous areas leads to underreporting.
- • Insufficient resourcing for local agencies to conduct thorough investigations and report accurately.



MISSING & MURDERED INDIGENOUS PEOPLES — TASK FORCE —



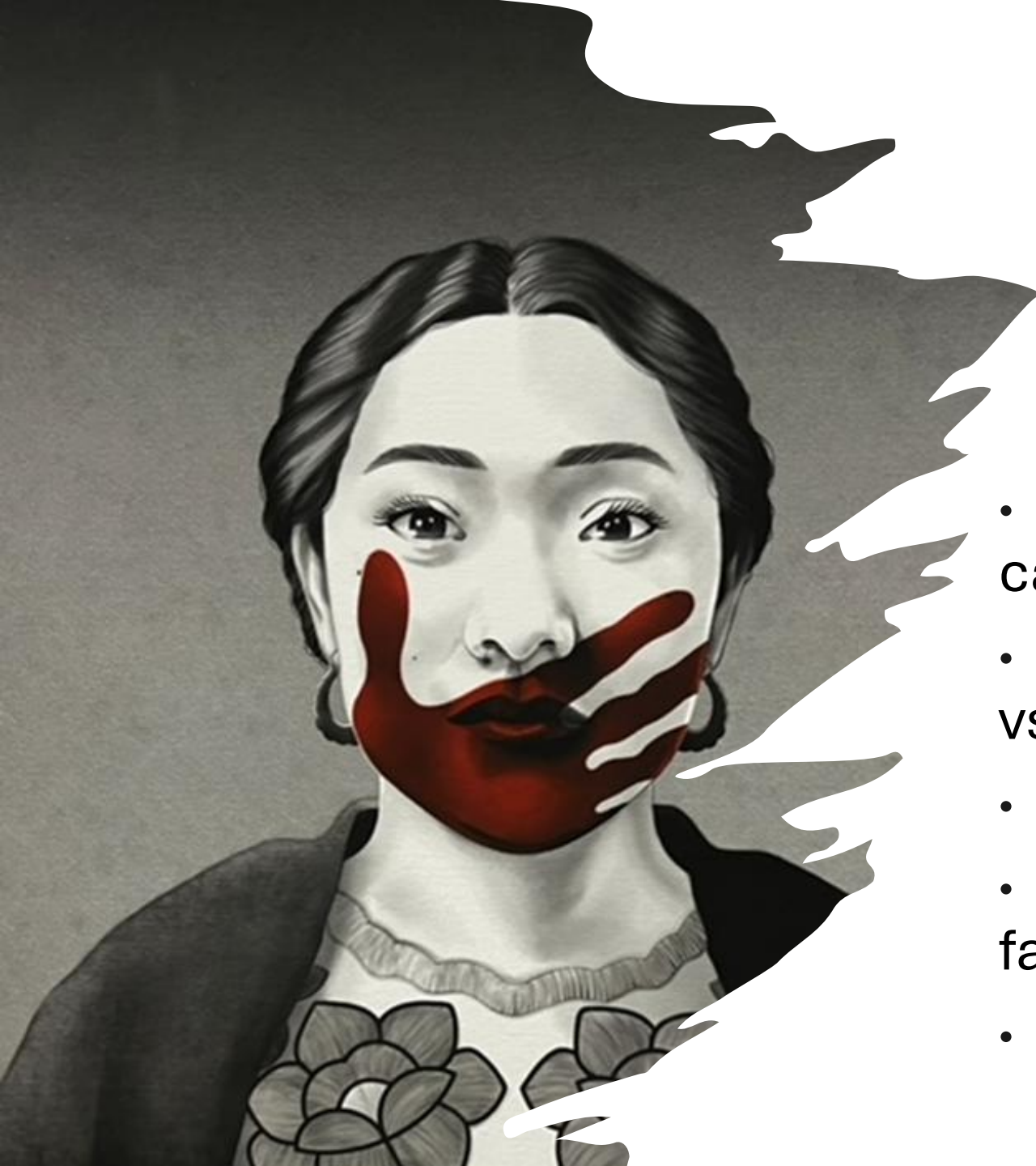
HB2581 passes in the Senate



Linkage to MMIP and current policy context

- MMIP = Missing and Murdered Indigenous People
- Also known as MMIW or MMIWR
 - MMIW = Missing and Murdered Indigenous Women
 - Missing and Murdered Indigenous Women and Relatives
- Children who are runaways may be **Missing** or may be victims of human trafficking
- Prevalence is unknown – **We need to address the data issues**
 - **There is plenty of anecdotal evidence, not much research and insufficient institutional tracking**





Interplay with Current Issues and Policies:

Missing and Murdered Indigenous People and Sober Living Fraud

Contributing factors to MMIP

- Jurisdictional issues for homicide cases
- Legal definition of a missing person vs. runaway
- Trafficking (drug, human, sex)
- Interpersonal violence (household or family)
- Substance Use and Addiction



Sober Living Fraud in Arizona

- Medicaid Fraud targeting American Indian Health Plan
- Widespread “patient brokering” where individuals were recruited or coerced to sign up for the plan
- Trafficking: Reservation → urban areas & interstate
- **This is the biggest government fraud case in the history of AZ**
- **Linkage to MMIP → Relatives are still looking for their loved ones**



Recommendations for Action

Addressing missing children in care, trafficking, and MMIP on and off Native American reservations requires targeted approaches focused on improving data collection, prevention measures, and multi-jurisdictional community engagement.

Systemic improvements can help build partnerships to enhance protections for children and families.

Key Issues Identified

- No standardized statewide response for congregate homes for runaway incidents involving tribes.
- Inconsistent training and staffing requirements for high-risk group homes.
- Limited centralized statutory requirement for data collection, publication, and trend analysis.
- Lack of real-time interagency coordination or cross-jurisdictional response.
- Weak or no enforcement mechanisms for repeated violations by licensed providers.



Policy Recommendations

- Develop uniform Licensing requirements and additional regulation
- Extend the time for residential substance abuse treatment for parents.
- Where safe, place children in care with parents in residential substance abuse treatment.
- Require mandatory Runaway Prevention & Coordinated Response Plans
- Enforce Real-Time reporting requirements
- Enhance and develop a Centralized Incident Tracking Database
- Develop, impose, and enforce facility accountability & progressive sanctions
- Work together with Tribes to increase efforts to find family (kin) placements immediately following a child's removal from home.



Tailored Prevention Measures

- Develop targeted cultural educational programs about the risks to children of trafficking, focusing on at-risk populations like women and children.
- Create partnerships with local tribal grassroots organizations to provide resources and support tailored to the needs of indigenous communities.
- Increase accessibility to mental health and victim services to address historical trauma that contributes to vulnerability.
- Advocate for policies that prioritize the safety and rights of indigenous men, women, and children.
- Facilitate workshops that cover legal rights and resources available to victims.

Prevention and Treatment Programs



- Address root causes of criminal behavior, particularly substance use disorders.
- Offer trauma-informed, educational resources to supplement addiction and mental health treatment.
- Provide access to treatment, ceremonies, and cultural teachings and facilities tailored for the tribal community.
- Engage families in the treatment process to enhance support systems.
- Collaborate with Detention programs, local organizations and ceremonial societies to create a comprehensive approach to prevention and reintegration/reentry.
- Long-term (9 months -1 year) Residential Treatment is necessary to effectively address substance abuse disorders.

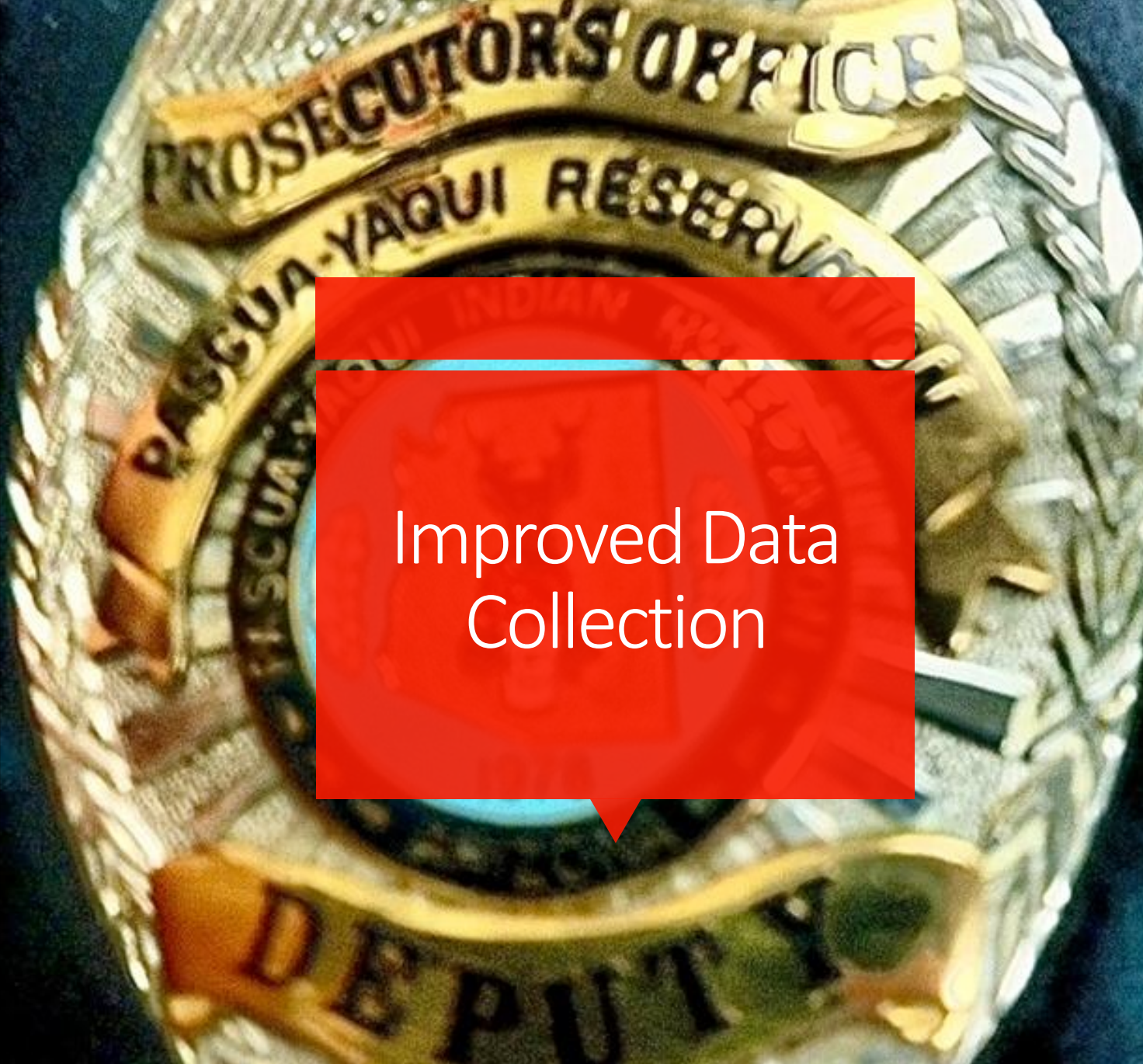


Measurement and Data Collection



T.A.P. TRIBAL ACCESS TO THE CRIMINAL JUSTICE INFORMATION SYSTEM





Improved Data Collection

- Develop standard definitions and guidelines for reporting that specifically account for tribal populations.
- Foster collaboration between tribal governments, states, and federal agencies to improve data accuracy.
- Implement community-based reporting systems that respect cultural differences and promote trust.
- Enter into IGAs and MOUs with Tribes, **amongst tribes**, and consider data sovereignty principles.
- Conduct regular surveys and assessments to understand the scope and nature of missing children and trafficking in our communities.



Tribal Justice Systems 3.0

Tribal court programs play a critical role in the development and enhancement of tribal justice system frameworks, focusing on crime, prevention, domestic violence, child welfare, and effective juvenile diversion within Tribal communities.

Tribal Courts

Address

Address civil child welfare and/or delinquency cases according to tribal laws and customs and work towards restoring harmony and balance.

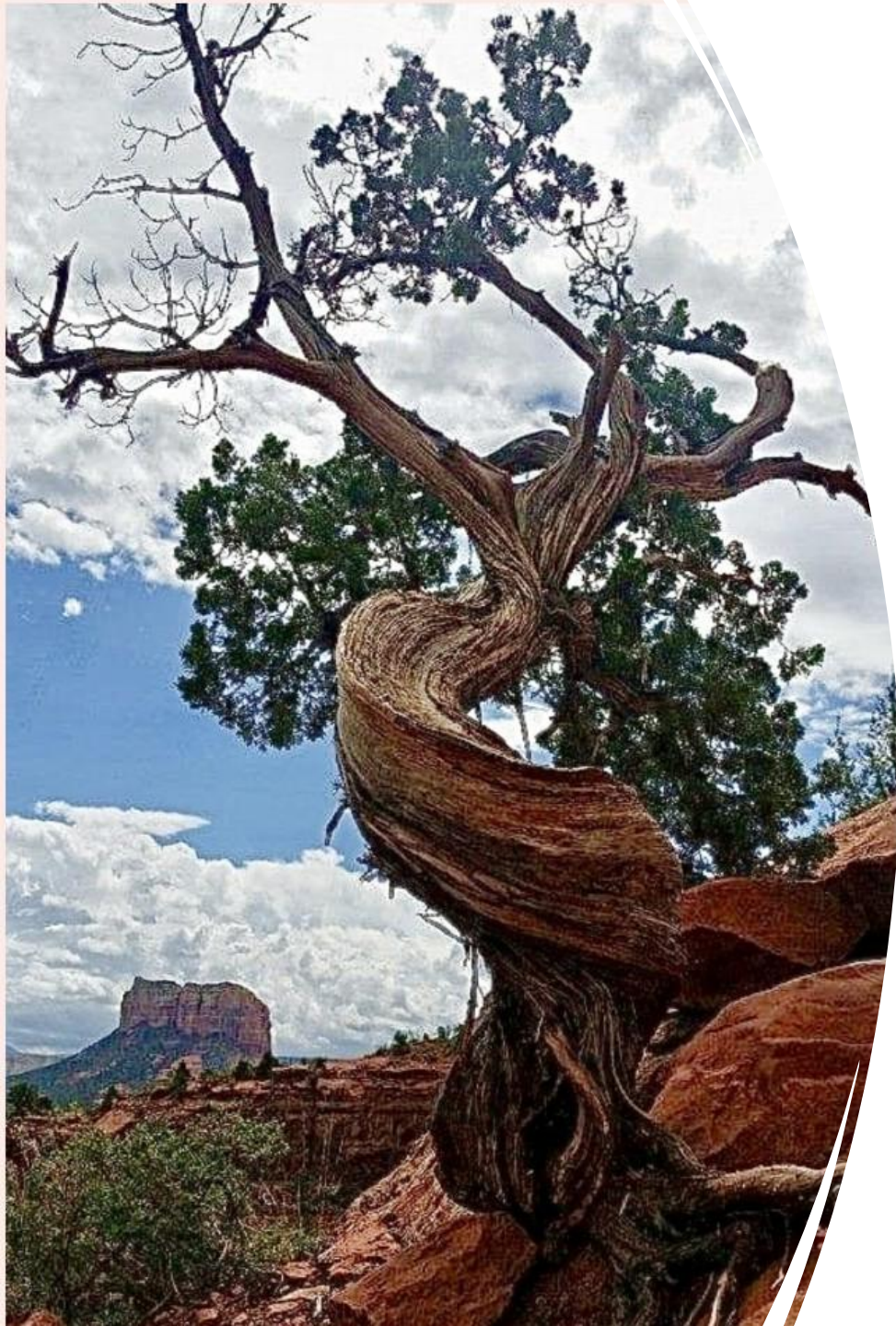
Incorporate

Incorporate culturally relevant services and practices to improve case outcomes.

Enhance

If necessary, amend, increase and enhance tribal placement preferences, kinship placement, customary adoptions, licensed foster homes, and supportive housing. Collaborate with state systems to support effective resolution of cases.





Considerations for Tribal Justice System Program Development

- The Development of Tribal Justice System is most effective when there is alignment with the traditions, culture, social, and legal standards of each Tribe/Nation.
- Focus on enhancing existing systems to cater specifically to the needs of your community. Conduct surveys.
- Do integrate traditional practices alongside modern legal frameworks. (bifurcated systems)
- Do emphasize community involvement in justice processes to build trust and accountability.
- Utilize or consider federal and state MOUs and IGAs to bolster Tribal justice infrastructure and response.

Incorporate The Gold Standard

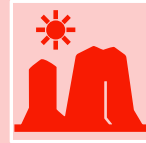
The five principles of the “gold standard of child welfare” are:

- **Judicial leadership;**
- **data collection;**
- **training (spirit and letter of law);**
- **stakeholder collaboration; and**
- **Gold Standard lawyering and social work.**

Practical Considerations



DOES YOUR MDT HAVE
INDIGENOUS PERSONS OR
AGENCIES
PARTICIPATING?



HAVE YOU CONDUCTED
OUTREACH ON TRIBAL
RESERVATIONS?



HAVE YOU ATTENDED A
TRIBAL CEREMONY,
CULTURAL EVENT, OR
HOLIDAY CELEBRATION?



DO YOU KNOW YOUR
COMMUNITY?

- Have you developed an MOU with a Tribal government or provided outreach to the Tribal casino industry?
- Have you worked with Tribal grassroots organizations or Tribal law enforcement/victim services?
- Do you have basic contact information?
- Have you provided joint jurisdiction training?

Building Trust Between Tribes and State Authorities



- Initiate dialogue between indigenous communities and law enforcement to foster mutual understanding.
- Provide cultural competency training for law enforcement to improve interactions with Tribes and indigenous youth.
- Create transparent protocols for reporting trafficking cases that ensure trauma-informed victim protection and support.
- Encourage collaborative efforts between tribal and state agencies in anti-trafficking initiatives and enforcement (Arizona Attorney General).
- Promote programs that recognize historical injustices and build relationships based on trust and respect.

Integrating Indigenous Values

- Ensure adequate and safe housing options for homeless, runaway, couch-surfing, and pregnant/parenting youth.
- Help develop and use services through IHS to help young parents with substance abuse problems (long term)
- Utilize tribal Sexual Assault Nurse Examiners (SANE) available at IHS locations
- Utilize counselors and victim advocates who are trained to help tribal victims of domestic violence and sexual abuse
- Increase general funding to promote advocacy, outreach, tribal liaisons, and community awareness efforts to Tribal Reservation communities.



Integrate Tribal Services

- Utilize and promote the use of shelters and supportive housing for women, and families, particularly those who have been exposed to abuse or trafficking.
- Incorporate tribal healing methods and services.
- Addressing childhood trauma is part of healing and prevention. Support culturally appropriate victim services to address generational childhood trauma.
- Form a Sexual Assault Forensic Examinations, Services, Training, Advocacy, and Resources (SAFESTAR) program in partnership with medical providers, schools, law enforcement, and shelters.
- Promote youth leadership opportunities within indigenous communities to empower youth and women.
- Support the establishment of tribal coalitions focused on anti-trafficking efforts.
- Encourage local advocacy and outreach programs that engage community members, elders, and youth in addressing child abuse, prevention, and human trafficking.
- 4 ■ Strengthen cultural identity and pride as a means of building resilience against trafficking threats.



Long-term Resource Strategies

- Develop a comprehensive funding strategy by diversifying funding sources beyond federal grants.
- Direct Title IV-E, Guardianship Subsidies
- Implement a sustainability plan that includes ongoing budget assessments.
- B.I.A. Tiwahe, OJS/TJS, 477, & Medicaid 3rd Party Billing, 105 (L) Leasing (BIA and IHS).
- Invest in training programs to ensure skill retention and internal capacity building.
- Explore social enterprise models to generate income through community-based initiatives.
- Culturally based Prevention, Pre-trial Services, Contract services, and Fatherhood is Sacred Program.



Data Collection –Survey

The Native Children's Commission Implementation Act Chairman Lisa Murkowski (R-AK), Senate Committee Indian Affairs

SEC. 202. DEPARTMENT OF JUSTICE AND BIA STUDY ON THE NUMBER AND STATUS OF AI/AN MISSING CHILDREN CASES.

(a) In General.—Not later than 30 days after the date of enactment of this Act, the Attorney

General, in coordination with the Assistant Secretary for Indian Affairs, shall conduct a study on the number and status of cases involving American Indian and Alaska Native missing children, including the scope and context of those cases that are connected to criminal circumstances, including domestic violence, homicide, and human trafficking.

(b) Report.—Not later than 180 days after the date on which the study required under subsection (a) is completed, the Attorney General, in coordination with the Assistant Secretary for Indian Affairs, shall submit to the Committees on Indian Affairs and the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, and the Subcommittee on Indian and Insular Affairs of the Committee on Natural Resources of the House of Representatives a report on the results of the study required under subsection (a).



NEW Mexico Efforts



Department of Indian Affairs

Cabinet Level Department established In April 2004, via House Bill 39 which was passed and signed into law.

State Tribal Collaboration Act (STCA)

Mandates the development and implementation of policies that promote effective communication and collaboration between state agencies and tribes, positive govt. to govt. relations, cultural competency in providing services, and establishes a notification to state agencies.

Indian Family Protection Act (IFPA)

In 2022, the New Mexico Legislature passed HB 135: the Indian Family Protection Act and it has was signed into law. New Mexico now arguably has the strongest protections in the country for Indian children, families, and tribes impacted by the child welfare system.

MMIP

in 2019, Gov. Michelle Lujan Grisham established the MMIP Advisory Council Act, via HB 278. In 2022, the advisory council completed and produced an MMIP State Response Plan, & New Mexico passed SB 13 which created Missing in New Mexico Day.

ICWA COURT

The ICWA Court is the first of its kind in New Mexico and is the result of efforts by the New Mexico Children, Youth & Families Department (CYFD), by the Second Judicial District Court, and by local tribes to apply the law to protect Indian children and their families.



NM IFPA (2022) – State law, applies in New Mexico, supplements and strengthens ICWA, developed with tribes/pueblos. Stronger tribal rights, broader definitions, more state obligations, affirm government-to-government relationships.

Definitions: IFPA includes state- and federally-recognized tribes, pending enrollments; ICWA is narrower.

Jurisdiction: IFPA requires early, ongoing tribal involvement in all proceedings. 24 hours for Investigations. See § 32A-28-12 (2022).

Active Efforts: IFPA expands to culturally relevant services and early tribal engagement.

Placement Preferences: IFPA enforces tribal-specific preferences if they differ from ICWA. Tribal Custom & Law: IFPA explicitly incorporates these into decisions.

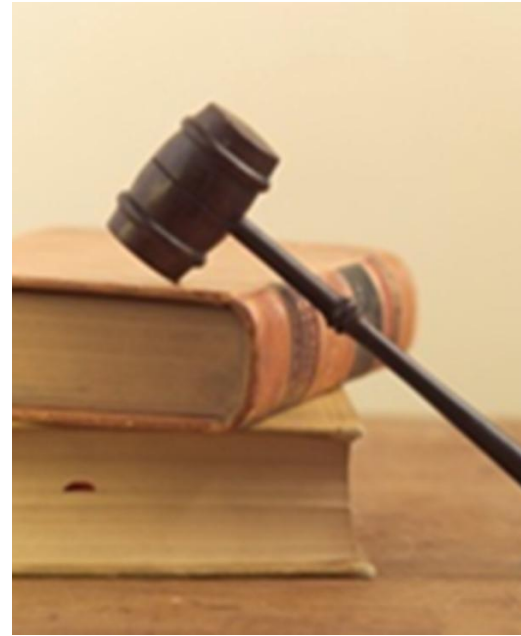
Enforcement: IFPA creates state-level remedies and stronger compliance measures, even if federal ICWA is challenged.

New Mexico Indian Family Protection Act (IFPA)

Article 28 [32A-28-1 to
32A-28-42 NMSA
1978]

NEW MEXICO ICWA COURT & JUDGE CATHERINE A. BEGAYE

Since its launch, the Bernalillo ICWA Court has served 76 families across 18 tribes, pueblos, and nations. On average, families spend less than a year (333 days) within the ICWA Court system, and in 2024, 85% of children involved in cases were placed in preferred placements. Perhaps the most striking outcome: since its creation, there has not been a single termination of parental rights in ICWA Court.



The Indian Boarding School Commission Bill

The Truth and Healing Commission on Indian Boarding School Policies in the United States (S.761) has been reintroduced in the Senate. This bipartisan bill was reintroduced by Senator Lisa Murkowski (R-AK) on February 26, 2025. The Senate Committee on Indian Affairs unanimously passed S.761 on March 5, 2025.

The National Native American Boarding School Healing Coalition



Defining Success

Understanding “success” involves clear metrics and objectives that guide assessment and improvement. Success is not only about outcomes (less runaway and missing children) but also about the framework used to evaluate impact, like overall community health, prevention programming and cultural engagement.



*Thank you!
Grounded by values, driven by Justice.*

