AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

S. HRG. 119–347

JUSTICE AND SAFETY FOR NATIVE CHILDREN: EXAMINING TITLE II OF THE DRAFT NATIVE CHILDREN'S COMMISSION IMPLEMENTATION ACT

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED NINETEENTH CONGRESS

SECOND SESSION

JANUARY 28, 2026

Printed for the use of the Committee on Indian Affairs

U.S. GOVERNMENT PUBLISHING OFFICE
63–309 WASHINGTON : 2026

COMMITTEE ON INDIAN AFFAIRS

LISA MURKOWSKI, Alaska, *Chairman*
BRIAN SCHATZ, Hawaii, *Vice Chairman*

JOHN HOEVEN, North Dakota
STEVE DAINES, Montana
MARKWAYNE MULLIN, Oklahoma
MIKE ROUNDS, South Dakota
JERRY MORAN, Kansas

MARIA CANTWELL, Washington
CATHERINE CORTEZ MASTO, Nevada
TINA SMITH, Minnesota
BEN RAY LUJÁN, New Mexico

AMBER EBARB, *Majority Staff Director*
LUCY MURFITT, *Chief Counsel*
ANNA POWERS, *Senior Professional Staff*
SARAH MCKINNIS, *Professional Staff*

JENNIFER ROMERO, *Minority Staff Director and Chief Counsel*
CAROLINE ACKERMAN, *Legislative Assistant*
ALANNA PURDY, *Senior Policy Advisor*
CHRISTIE KIMURA, *Legislative Aide*

CONTENTS

OPENING STATEMENTS

	Page
Statement of Senator Murkowski	1
Statement of Senator Schatz	3

WITNESSES

Jackson-Street, Hon. Lonna, Chairperson, Spirit Lake Tribal Council	4
Prepared statement	7
Johnson, Hon. Joan, Council Member At Large, Gros Ventre, Fort Belknap Indian Community	15
Prepared statement	17
Fineday, Ms. Anita, Former Commissioner, Native Children's Commission	22
Prepared statement	24
Jump, Ms. Lori, CEO, StrongHearts Native Helpline	32
Prepared statement	34
Patterson, Mr. Mark, Chair, Hawaii Correctional System Oversight Commission; Former Administrator, Hawaii Youth Correctional Facility/Kawailoa Youth and Family Wellness Center	43
Prepared statement	46

APPENDIX

Listening Session Transcript, dated November 7, 2025, on The Native Children's Commission Implementation Act of 2025, with Mark Patterson	61
Listening Session Transcript, dated December 12, 2025, on The Native Children's Commission Implementation Act of 2025, with Native Hawaiian Education Stakeholders	88
United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) statement for the record	93

LEGISLATIVE HEARING ON JUSTICE AND SAFETY FOR NATIVE CHILDREN: EXAMINING TITLE II OF THE DRAFT NATIVE CHILDREN'S COMMISSION IMPLEMENTATION ACT

WEDNESDAY, JANUARY 28, 2026

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 2:38 p.m. in room 628, Dirksen Senate Building, the Honorable Lisa Murkowski [chairman of the committee] presiding.

Present: Senators Murkowski, Schatz, Hoeven, Daines, and Cortez Masto.

OPENING STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM ALASKA

The CHAIR. Good afternoon. We are calling this legislative hearing to order.

Before we begin our discussion of the Native Children's Commission Implementation Act, I just want to acknowledge the passing of one of the real leaders here in the Congress, when it came to matters before this committee, the Indian Affairs Committee, a Native leader, Senator Ben Nighthorse Campbell, who recently passed. I think Senator Campbell and I served on the committee for the full time that he was here. I was also serving at that same time.

I recognize the contributions that he has made in so many important initiatives related to America's indigenous people. He was the first Native American to serve in the United States Senate. So we respect his memory and his honor.

As I mentioned, we are here today to examine Title II of my Native Children's Commission Implementation Act discussion draft, the title of the bill that focused on justice and safety for Native children, youth, and families. This committee has built a strong record documenting the serious public safety challenges across Indian Country, especially the persistent gaps in law enforcement. We will continue that important work.

It is just as important that we focus on the resources that communities need before law enforcement becomes involved, and to support families and victims after that involvement occurs.

Those moments matter. If families do not have access to coordinated community-based services, they are far more likely to cycle

deeper into the justice system instead of receiving the support that could prevent further harm. Title II aims to close those gaps by strengthening coordination, increasing flexibility in funding, and investing in prevention, particularly in the areas of juvenile justice, domestic violence, and cases of missing children.

I released this discussion draft at the beginning of August, grounded in the recommendation of the Alyce Spotted Bear and Walter Soboleff Native Children's Commission report. Since then, we have gathered extensive feedback from tribes, tribal organizations, and Native Hawaiian organizations across the Country and relevant Federal agencies.

As my staff and I have worked toward introducing this legislation, we are now refining the language and continuing to build the record around the programs and initiatives that the bill would support.

One strong example of what this approach can look like is Tiwahe. This is a successful bipartisan initiative. Tiwahe means "family" in the Lakota and Dakota languages, and it is a coordinated service delivery model that allows tribes to build capacity and design locally tailored programs. These include family and social services, juvenile justice, recidivism reduction, substance use prevention and treatment, and improved case management.

Last August, the committee held a roundtable in Alaska on this discussion draft. We heard at that time from Vivian Korthuis, who is the CEO of the Association of Village Council Presidents, AVCP. This was one of the first six pilot sites for Tiwahe back in 2015.

Vivian shared to the group how transformative Tiwahe has been for AVCP and the region it serves. It allowed AVCP to consolidate 26 separate departments into six divisions, along with two dedicated centers, a family service center and a tribal resource center.

These changes have made a real difference. They have improved collaboration and strengthened service delivery for the 56 federally recognized tribes that AVCP represents. Families seeking education, child care, or employment and training services can now access those supports all in once place, at AVCP's family service center, instead of having to navigate multiple departments.

Title II of the Native Children's Commission Implementation Act would codify Tiwahe and expand this model to tribes across the country. It would also establish a tribal advisory committee on juvenile justice, direct a study on the scope and context of cases involving missing Native children, codify the Alaska Native Victim Services Program at the Denali Commission, and provide permanent funding for tribal domestic violence commissions, regional and national resource centers, and the Native Domestic Violence Hotline through the Family Violence Prevention and Services Act.

I look forward to hearing from our witnesses today about the work that they do and about how Title II provisions would help them continue supporting their communities. I thank you all for being here today. We know that traveling to Washington is never easy, and when we have some icy weather out there it makes it even harder. So we appreciate the time that you are giving us.

I will now turn to the Vice Chair for his opening statement.

OPENING STATEMENT OF HON. BRIAN SCHATZ, U.S. SENATOR FROM HAWAII

Senator SCHATZ. Thank you, Chair Murkowski.

I want to start by extending a warm aloha to Mark Patterson, a leader in the juvenile justice work in Hawaii and nationwide. Mark played a key role in transforming Hawaii's juvenile justice system, serving as administrator of the Kawailoa Youth and Family Wellness Center, formerly known as the Hawaii Youth Correctional Facility.

During his tenure, Mark oversaw the reduction of youth incarceration by more than 80 percent over 15 years, and helped to reduce the number of girls in detention to zero in 2022. Mark also previously served on the Coordinated Council on Juvenile Justice and the Delinquency Prevention, and currently serves as the Chair of the Hawaii Correctional System Oversight Commission.

Mahalo, Mark, for your continued leadership and for your testimony today.

Doing everything we can to ensure public safety in Indian Country is just one of our trust and treaty obligations. Much of the public safety work this committee has done over the last several years has focused on addressing unmet public safety needs in Indian Country. Last Congress, the committee held five public safety events, including a listening session joined by more than 600 individuals, allowing us to hear first-hand from tribal leaders, tribal organizations and Native Hawaiian organizations about their communities' unique needs, such as improving law enforcement officer recruitment and retention, strengthening victim services, addressing the MMIP crisis and increasing resources for correctional facilities construction and maintenance, just to name a few.

It is clear that we need to do more to address public safety. Today we continue this work with a specific focus on children and on families. The Alyce Spotted Bear and Walter Soboleff Commission's report includes extensive recommendations, which Chair Murkowski has converted into a potential legislative solution to discuss today.

I am glad bipartisan committee staff worked together to listen and learn from Native communities from across the country, including Hawaii, on how the draft legislation can support their unique public safety needs.

I want to thank, in particular, the Native Hawaiian organizations and individuals who shared their juvenile justice expertise with our staffs over the last few months. Starting with Mark Patterson, Shawn Kan'aiaupuni with Parters in Development Foundation, Alison Masutani with Mālama 'Āina Foundation, Sanoe Marfil with INPEACE and Momi Akana with Keiki O Ka 'Āina.

Madam Chair, I would like to enter two transcripts from our listening sessions on juvenile justice issues into the record.

The CHAIR. Without objection.

Senator SCHATZ. Thank you to all of our witnesses, and I look forward to your testimony and learning about how this draft legislation can best support Native communities through cultural and community driven juvenile justice solutions.

The CHAIR. Thank you, Senator Schatz. I am pleased that you were able to have that listening session.

Senator Daines, I know that you have one of the witnesses today that you would like to introduce, and any comments that you would care to make, now is the appropriate time.

Senator DAINES. Great. Chair Murkowski, thank you.

I would like to welcome Councilwoman Joan Johnson from the Fort Belknap Indian Community, who has made a long trek to be with us here today. We met earlier, had a great discussion with both Senator Sheehy and myself, about the great work they are doing and the tremendous outcome they are seeing in reductions in recidivism, which is really amazing. We very much appreciate the work you are doing to impact the families and young people there in Fort Belknap.

I appreciate her record of service and her willingness to testify on behalf of her tribe. Representing the Gros Ventre, Councilwoman Johnson was just recently elected to the tribal council. She has decades of experience serving the youth in her community, and is an expert on the Tiwahe program. So when she speaks to the committee here today, this is not from academic research, it is from actually seeing what this does for the people in Indian Country, particularly in Fort Belknap.

Councilwoman, thank you for your work. We look forward to your testimony.

The CHAIR. Thank you, Senator Daines.

I will now introduce the rest of the panel. Mr. Patterson has been introduced by the Vice Chair. Thank you, and welcome, Mr. Patterson. We have the Honorable Lonna Jackson-Street, who is the Chairwoman for Spirit Lake Tribe in Fort Totten, North Dakota. We welcome you to the committee.

Councilwoman Johnson has just been introduced. Welcome. We are pleased that you are here.

We have Ms. Anita Fineday, who is the former Commissioner for the Alyce Spotted Bear and Walter Soboleff Commission on Native Children. She was not able to make the travel today, but we have her participating virtually. We are pleased that she is here.

Then also in person is Ms. Lori Jump, who is the Executive Director for StrongHearts Native Helpline based in Sault Ste. Marie.

Welcome to all of you. I want to remind our witnesses that we do have your full written testimony, and it will be included as part of the official hearing record.

We would ask that you keep your oral remarks today to no more than five minutes, so that we have plenty of time to ask questions of you. And we will begin the witness statements with the Honorable Lonna Jackson-Street. Welcome.

STATEMENT OF THE HONORABLE LONNA JACKSON-STREET, CHAIRWOMAN, SPIRIT LAKE TRIBAL COUNCIL, FORT TOTTEN, NORTH DAKOTA

Ms. JACKSON-STREET. Thank you. Thank you, Ms. Chair. It is an honor to be here today to have the opportunity to provide testimony on behalf of these very important matters that we are here to discuss today.

I also want to say thank you to the Vice Chair and members of the committee as well, to have the opportunity to provide my testimony.

My name is Lonna Jackson-Street. I am the current Chairwoman of the Spirit Lake Tribe in North Dakota. We come from North Central North Dakota. We are part of the original 1867 Treaty, along with the Sisseton-Wahpeton Sioux Tribe of the Dakota. So it gives me great honor to speak on behalf of our people back at home.

The Spirit Lake Tribe is a sovereign nation. As I said, we are recognized by the 1867 Treaty. The Spirit Lake Tribe is home to about 8,000 tribal members and 450 square miles of reservation lands, including the Devil's Lake waters, which is North Dakota's largest natural lake.

Our lake is vital. It is a part of our traditional and cultural heritage, and it is essential for tourism and hospitality, and is the mainstay of our economy.

Despite our efforts, we suffer poor health and reduced life expectancy. Poor infrastructure, high unemployment and social and economic dislocation are major factors for us.

Our homicide rate is four times higher than the non-Hispanic whites. Within this year, five murders occurred within our reservation boundaries. This is far too many.

To protect our children and families, we have developed our Tiwahe program, a community-based approach to provide caring family-type support for troubled youth and adults.

Our Tiwahe program effectively marshals resources to provide better support for our youth and families, to improve employment opportunities and to enhance social service support, while reducing the need for foster care by keeping families intact.

We also endorse key recommendations of the Native Children's Commission study, including providing culturally relevant trauma care for our youth in the juvenile justice system, integrating Native history, culture, and languages into education for our children, and to also recognize and treat the historical trauma that continues to injure our youth and our nations.

Similarly, we support passage of the Native Children's Commission Implementation Act because our youth are significantly overrepresented in the Federal justice system. We urgently need help for our children to avoid such incarcerations, which often expose them to drug dealers and other serious offenders.

A tribal juvenile justice advisory commission could help gather resources from DOJ and other agencies to address juvenile justice needs. And it could help fund and develop programs like Tiwahe to reduce foster care placements and Native youth incarcerations.

MMIP continues to be a scourge for us at Spirit Lake. We are very thankful for the passage of Savanna's Act. Savanna Greywind was our tribal member who grew up at Spirit Lake. Savanna was murdered, had her baby torn from her body and thrown into a river like she did not matter. But we honor her, we honor her memory with our annual Savanna Greywind Day at home.

Tragically, we continue to have MMIP cases, such as Jemini Posey, who is still missing; Isaac Hunt, who was missing for a year and about 10 months, and his remains have recently been found; Lyndon Greybear, who was found and recovered in Arizona. These cases underscore the need to work across jurisdictional lines to protect our women, children and men.

We therefore propose a model law enforcement cooperation agreement with our neighbors, so that when we have a missing person, our U.S. Attorney will help coordinate search and rescue efforts. This is the best chance of rescue for our people within the first 72 hours of them going missing.

Today, we stand ready to develop this initiative, which could be a model framework to help other tribes.

In addition, we need more funding for law enforcement needs on Indian reservations under Federal and tribal criminal law enforcement jurisdiction. Congress should increase funding for OJS and Interior from $580 million in Fiscal Year 2026 to $950 million in Fiscal Year 2027.

We also call for the passage of an Indian Country Violent Crime Fighting Act with the Interior Secretary and U.S. Attorney General as co-chairs, alongside of tribal leaders across Indian Country basically codifying the Lady Justice Task Force.

To back up this effort, we need major DOJ block grants, 638 contracts and compacts funding, and joint BIA–DOJ funding for Annual Tribal Master Law Enforcement Plans.

To protect Native peoples, Congress should also require Homeland Security ICE agents to receive training to work with Indian tribes including education on the rights of tribes, to issue tribal IDs. Congress should also establish an Interior–BIA program to support Public Law 102–477 framework and should fund much-needed tribal government law enforcement training, staffing, equipment and facilities from DHS appropriations.

In closing, our Tiwahe program, the passage of the Native Children's Commission Implementation Act, as well as our other recommendations, are essential to save the generations of our youth in Indian Country. As Sitting Bull once said, if we can put our hearts and minds together, we can make a better life for our children.

With that, thank you for my opportunity to testify.

[The prepared statement of Ms. Jackson-Street follows:]

Testimony Of Honorable Lonna J. Street
Chairperson, Spirit Lake Nation

Before The Senate Committee On Indian Affairs

Hearing On "Justice And Safety For Native Children: Examining Title II Of The Draft Native Children's Commission Implementation Act."

January 28, 2026 At 2:30 P.M.
Senate Dirksen Office Building, Room 628

Chairman Murkowski, Vice Chairman Schatz, Senator Hoeven and Members of the Committee, thank you for the opportunity to testify today on the Bill on **"Justice And Safety For Native Children: Examining Title II Of The Draft Native Children's Commission Implementation Act."**

I have the honor to serve as the Chairperson of the Spirit Lake Nation. We are the Mni Waukan Dakota. Mni Waukan, means Spirit Lake, Dakota means Friends or Allies, and we are comprised of the Sisseton, Wahpeton and Yankton Council Fires of the Seven Council Fires of the Great Sioux Nation, Oceti Sakowin. Our original homeland includes Minnesota, North and South Dakota, and we put the Dakota in North and South Dakota. Dakota means Friends, and our 1867 Treaty with the Sisseton-Wahpeton Sioux Tribe acknowledges that we are Allies of the United States of America.

A Snapshot of the Tiwahe Program

Let me say at the beginning, TIWAHE means Family in our Dakota Language. Traditionally TIWAHE is everyone you love and care for. My TIWAHE is my community, my Nation. What the TIWAHE initiative has provided the Spirit Lake Nation is the ability to grow our TIWAHE sacredly in the manner in which we decide is most effective and the way we develop it to meet the family at their needs to survive. In some cases to reunify after they have picked themselves back up from dealing with their own traumas and lived experiences that we encounter. Boarding School affects linger within our communities. The traumas our ancestors faced from warfare, removal and starvation…..

The TIWAHE Initiative has provided the Spirit Lake Nation with the ability to grow our TIWAHE in a sacred and self-determined way—one that reflects our values and allows us to decide what is most effective for our people. We develop our approach to meet families where they are, supporting their basic survival, healing, and, when possible, reunification after they have worked to rise from their own traumas and lived experiences.

The effects of historical trauma remain present within our communities. The boarding school era and, later, the Relocation Act of the 1950s through the 1970s inflicted lasting harm that continues to impact our people socially, emotionally, culturally, and economically. These experiences disrupted family structures, identity, and a sense of belonging.

Through TIWAHE, we have revitalized cultural teachings, strengthened unity among our people, and supported language preservation. These efforts restore identity and foster community belonging—especially for members who often feel isolated in their struggles. TIWAHE is not simply a program; it is a pathway to healing, reconnection, and resilience for our families and our Nation. Our goal has always been to restore our beliefs that we are all related through shared living, and experiences.

When we have the support of our Native Nations in a TIWAHE or family way, the loving and nurturing lifts us up and our young people can have an opportunity for lifetime of success and service to our Dakota Oyate and America.

Treaty Rights and the American Constitution

The American Constitution acknowledges our Indian treaties as among the Supreme Law of the Land. Our 1867 Sisseton Wahpeton Sioux Tribe Treaty (which we share with the Sisseton Wahpeton Oyate) guarantees our Spirit Lake Reservation as our permanent home, and we ceded substantial lands including Fargo—our most populous North Dakota city—as part of our treaty agreement.[1] As a condition of statehood, North Dakota agreed to never claim our Indian lands and to always acknowledge congressional jurisdiction in Indian affairs.

In our 1867 Treaty, America promised the Spirit Lake Tribe that our Reservation would serve as our "permanent reservation," meaning a livable permanent home. America promised to assist Spirit Lake Tribe with:

- An Agent to help the Spirit Lake Tribe with Reservation Self-Governance;
- Self-Determination, including the enactment of tribal "laws for the security of life and property, the advancement of civilization, and the agricultural prosperity of the members of said bands upon the respective reservations;"
- Education and Schools;
- Agriculture;
- Erection of Houses;
- Public Safety; and
- Land and Water Rights.

United States v. Winters, 207 U.S. 564 (1908).

Demographics of the Spirit Lake Nation

By national standards, Spirit Lake Nation is a large tribe with about 8,000 tribal members and 450 square miles of reservation land including Devil's Lake, North Dakota's largest natural lake. The Sisseton are the Dakota People who live at fish village. Fishing was important to all

[1] The 1868 Great Sioux Nation Treaty guarantees western South Dakota as the permanent home of the Great Sioux Reservation for the "absolute and undisturbed use and occupation" of the Great Sioux Nation, and affirms our existing Reservation east of the Missouri River.

of our Dakota People, and traditionally, we had a ceremonial feast of fish during the spring fish runs. The Interior Department acknowledged that Devil's Lake was an integral part of our Spirit Lake Reservation and the Federal Government acquired our Lakebed for the Garrison Diversion Project. We now seek the return of our Lakebed for the future of our people, our traditional cultural heritage and for hospitality, the mainstay of our tribal economy.

Even with all of our SLT efforts to promote tribal economic development, Benson County, North Dakota on our Spirit Lake Reservation has a persistently high poverty rate of 27.2% of residents, mostly tribal members, compared with the 12.5% poverty rate nationally. We suffer poor health status and reduced life expectancy, only 65 years among Native Americans nationally and 47 years for our Dakota men and 56 years for our Dakota women. Among Native Americans, the homicide rate is 4x higher than among non-Hispanic whites, according to CDC.

Our statistics are always worse than the Native American national average. Poor infrastructure, unemployment, social and economic dislocation are major factors in this increased mortality.

Traditional Dakota Philosophy: Life is Sacred, Honor the Creator

In our belief, the Creator gave the breath of life to the first woman and first man, and with the breath of life, the freedom to dream and a sacred duty to protect Grandmother Earth. In our way, our children are *Wakanyaja*, the Creator's sacred gift of life.

Today, we are on a mission from the Creator—to provide safe homes and to protect our children from harm and violence. As Sitting Bull said, If we can all put our hearts and minds into our work, we can join hands to provide a better life our children. Together, we can work to protect all of our women, children and men from violence, and redirect ourselves to the Creator's teaching that we have within us the Center of the Universe and our sacred spirit. We respect every member of our family, our Nation, North Dakota and America. We are here to help one other, to lift up our relatives, to serve Grandmother Earth and honor the Creator.

The Tiwahe Program

In Dakota language, Tiwahe (ti-wah-hay) means family in Dakota. The Tiwahe Program is a community fostered initiative that affords Indigenous leadership the opportunity to provide culturally appropriate community support for Native families by integrating tribal practices, cultural norms, values and traditions into social service programs.

Tiwahe is grounded in Tribal values and principles, which guide the goals and objectives of a coordinated service delivery model among agencies and justice systems in a manner that:

- Creates alternatives to incarceration via solution-focused sentencing,
- Increases access to family and social services,
- Improves links to appropriate prevention,
- Provides intervention and treatment opportunities,
- Improves case management services, and

- Improves the overall partnerships among local, tribal, county, state, and federal providers to improve access to services for tribal children, youth, and families.

The Tiwahe Program provides for integration of Job Placement and Training, Social Services, Housing, Pathways to Wellness, ICWA, Tribal and Wellness Courts.

At Spirit Lake Nation, Tiwahe Initiative symbolizes how we are connected to all living things and one's personal responsibility is to protect family, community, and mother nature. There is no asset more precious to tribes than the health, safety, and well-being of its children, youth, and families. The Tiwahe Initiative seeks to show the importance of service coordination between programs within tribal communities so that critical services more effectively and efficiently reach Native families.

The key objectives are to create a more effective and efficient coordinated service delivery model that includes improved screening, improved access to family and social services, create alternatives to incarceration through solution-focused sentencing options, improved links to appropriate prevention, intervention, and treatment opportunities, improved case management services, and finally improved overall partnerships between local, tribal, county, state, and federal providers to improve overall access to services for tribal children, youth, and families.

The Tiwahe program effectively brings together Federal and tribal programs to provide better support for families, improves employment opportunities for economically challenged workers, improves social service support, and reduces the need for foster care by keeping families intact.

The purpose of the Tiwahe Program is to extend comprehensive support services to Native children and families in need of assistance through employment, housing, drug courts, rehabilitation, education opportunity, and cultural traditions. At Spirit Lake Nation, we embrace our Dakota traditions, culture and language. And, as we fashion "Tiwahe"—Native family type programs, we are kind to our children, and we work to fashion tribal programs that support safe homes, strong families, and healthy children.

Drug abuse and violence are shocking reality for Native America. Native Americans did not use opioids traditionally. Native Peoples suffer the highest rates of fatal drug overdoses and homicide. Embrace of Native cultural identity for our children nurtures success now and for the future. Our children are the future of our Native Nations. With the revival of traditional cultural activities and values, we must embrace all of our children as the Creator's sacred gift of life and work to nurture strong native cultural identities.

Tiwahe nurtures success for our children, families, and Native nations through Indian Self-Governance. As Tiwahe nurtures the children, our children will bring new life to our Self-Governance. Traditional values and Self-Governance embodied in Tiwahe hold the promise of sustainable community wellness. As Dakota Strive to Be Good Relatives, we extend our love and caring for future generations. Empowered by our traditional values, our new generations offer us hope for the future.

TIWAHE allows for healing by returning our Dakota People to our traditional values of WoDakota, a loving, nurturing family and community. Bringing the recovering person back to the sacred circle provides an opportunity for a return to the person's sense of self, sense of true family and community, and we find that our people rejoin the community as a respected person of his or her community and family and the success in found in a restored balance in sober life. Prayer circles, cultural ceremonies are important to restoring the cultural identity, family and community connections.

The Spotted Bear Sobeloff Native Children's Commission

Alyce Spotted Bear was the leader of the MHA Nation of North Dakota, an educator and Native cultural and language advocate, so we honor her memory as a renowned North Dakota tribal leader. The Children's Commission study was intended to gather on-the-ground real life input from Tribal Government leaders to form the basis for several recommendations by the Commission. The Commission recommended:

- Addressing the need for trauma care and culturally informed prevention/intervention strategies for Native children in the juvenile justice system because Native children are overrepresented in the system due to economic and social support network disparities.
- Integrating Native history, culture and languages into education to strengthen positive community attachment, cultural identity and a sense of purpose and pride in our Native youth.
- Recognizing the historical trauma that continues to injure our Native youth today, ensuring culturally competent physical, mental and behavioral health programs for our young people.

These recommendations are intended to promote Native youth wellness at home in our tribal and reservation communities. Ms. Gloria Oneill, Chairwoman of the Native Children's Commission said, "For too long, in spite of their resilience and rich heritage, the life experiences of Native children have been disproportionately marred by poverty, child abuse, domestic violence, crime, and substance abuse; it is our job, as Commissioners, to do all we can to change those circumstances for our youngest and most vulnerable Native people."

At Spirit Lake Nation, we wholeheartedly endorse these recommendations and seek to secure the resources necessary to implement them on a broad basis.

[Give Examples of the Need].

The "Native Children's Commission Implementation Act."

Title II of the Native Children's Commission Implementation Act would establish a Tribal Juvenile Justice Advisory Commission within the Office of Juvenile Justice at the U.S. Department of Justice. Because of the unique nature of Federal criminal jurisdiction in Indian country under the Major Crimes Act and Indian Country Crimes Act, Native children are very

overrepresented in the Federal juvenile justice system and there is an urgent need to fund tribal juvenile justice systems to help Native youth avoid incarceration in the Federal system, which can expose first time offenders to drug dealers and other serious offenders from outside Indian country.

In this light, it is critically important to fully fund and expand the Tiwahe program across Indian country to reduce foster care placements that can lead to family disintegration and Native youth involvement in the Federal juvenile justice system. The Tiwahe program has been shown to be a successful way to provide comprehensive services to support healthy family homes for Native youth who would otherwise by very challenged by the break-up of family homes.

Homeland Security

Events in Minnesota, our traditional home, require a statement about our status as dual citizens of the Spirit Lake Nation and America. Dakota People have prior rights in America, and America needs permission from our Native Nations to be in our land. Per the 1851 Fort Laramie Treaty with the Sioux Nation, America sought permission from our Tribes for settlers to cross our lands, and we reserved our original tribal rights, including our own right to cross over and hunt and fish on our neighbors' land.

The Spirit Lake Nation endorses the FY 26 Appropriations requirement for education of Department of Homeland Security ICE Agents to receive consultation and collaboration training to work with Indian tribes, including education on our Tribal Government right to issue Tribal I.D.s. Federal law mandates DHS to acknowledge our Dakota People's dual citizenship as Spirit Lake Tribal Citizens and American citizens. Our treaty says that when we become American citizens, we retain our treaty rights. Our most important treaty right is self-government: our original sovereign right to make our own laws and be ruled by them, to self-govern our Dakota People and preserve our reservation as our home.

As the American People with the highest rate of military service, our Native American service in the Armed Services mandates respect from the United States, its Departments and Agencies. Accordingly, the Spirit Lake Nation calls upon Congress to establish a Department of Interior (DOI) Bureau of Indian Affairs program to support Tribal Government I.D.s as Real I.D.s in cooperation with DHS under Public Law 102-477, and to engage in Self-Governance Compacts with Indian tribes under Public Law 93-638, the Indian Self-Determination and Education Assistance Act and the Tribal Self-Governance Act, to manage immigration issues on Indian reservations and tribal lands and to issue Tribal Government Real I.D.s with recognition by DOI and DHS for Federal and Tribal Government purposes. In addition, acting through DOI, DHS and the Department of Justice, Congress should fund Tribal Government Law Enforcement Training, Staffing, Equipment and Facilities and promote public safety by Tribal Government Law Enforcement under Indian sovereignty within our reservation and lands.

The Spirit Lake Nation has Suffered Extreme Violence

The homicide rate among Native Americans is 4x the rate among non-Hispanic whites. This year, we have already had 5 murders at Spirit Lake Nation. That is far too many.

Savannah LaFontaine Greywind was our Spirit Lake Nation Tribal Member, and she grew up at Spirit Lake. She moved to Fargo to study nursing and serve as Community Nursing Assistant, and she continued to return home, ride horses, and enjoy the natural beauty of our land. We honor Savannah's memory, and we hold her close in our hearts with our annual Spirit Lake Nation Savannah Greywind Day in her honor. A young pregnant mom, her disappearance and murder devastated our Nation, the Fargo Community and the whole state of North Dakota.

Before Kelly Armstrong was elected Governor, he was a Congressman, and he stood up to support the passage of Savannah's Act. In his service as Governor, I have to commend Kelly Armstrong. Spirit Lake went to see Governor Armstrong in February and he said that he would help us get more BIA Law Enforcement and would coordinate on public safety challenges. Just ten days later, we had a multiple victim shooting, and as I was considering how to best respond, Governor Armstrong called to say how can I help? I said, we need a helicopter and he sent one right away. By doing so, he helped us catch the shooter without more violence, so Governor Armstrong helped us save lives. That's the type of cooperation we need to face these emergencies. And, I truly thank Governor Armstrong.

We also thank Chairperson Murkowski, Senator Heitkamp and Senator Hoeven for the passage of Savannah's Act as well. Savannah's Act is intended to improve the response to the Crisis of Murdered and Missing Indigenous Women. Shockingly, 84% of Indigenous women are victimized by violent crime during their lifetimes, and Indigenous women suffer a murder rate 10x higher than the national average. Savannah's Act provides better information about Missing Indigenous Women, highlight best practices for searches, and better coordination among Federal, state, and tribal law enforcement to find Missing and Murdered Native Americans.

Tragically, at Spirit Lake, we continue to suffer Murdered and Missing Indigenous People including Gemini Posey, our 21 year-old Tribal Member who has been missing since January 2024, and her brother-in-law, Isaac Hunt, who went missing in March 2024 and whose remains were recently found. Shortly thereafter, Gemini Posey's spouse, who is also Isaac's brother, was charged in their murders. Last December, the Spirit Lake Nation was informed another of our young Missing Tribal Members was discovered on the San Carlos Apache Reservation in Arizona. These murdered and missing Indigenous persons cases demonstrate the need to continue to work hard to join hands across jurisdictional lines to protected our Indigenous women, children and men.

Today, we would like to consider model law enforcement cooperation agreements with our neighbors. So, when we have a Missing Person, we'd like to call upon our U.S. Attorney to take a leadership role in coordinating search and rescue efforts. It is especially important to have our cooperative law enforcement and public safety emergency response protocols in place now because we need to request help from our whole system of law enforcement partners, Federal-state-and-tribal when a Missing Person is reported because in the first 72 hours after the person is missing, we have our best chance for a rescue. We want a rescue because we want to save lives.

Increased Funding is Needed for Law Enforcement

We request a significant increase in funding for the Office of Justice Services at the Department of the Interior. In our view, the OJS budget should be increased from the $580 Million dedicated in FY 2026. To $950 Million to provide for improved law enforcement coverage of Indian reservations under Federal and Tribal criminal law enforcement and public safety jurisdictions.

And, we are calling upon Congress for help. From Spirit Lake and our sister Great Plains nations and tribes, we would like to call for enactment of an Indian Country Violent Crime Fighting Act with the Secretary of the Interior and the U.S. Attorney General as co-chairs with Tribal Leaders—Basically codifying President Trump's Lady Justice Task Force.

To back that up, we need Major DOJ Block Grants, 638 Indian Self-Determination Contracts and Self-Governance Compacts, and joint BIA—DOJ funding for Annual Tribal Master Law Enforcement Plans. So, we have our work cut out for us.

Conclusion

The Tiwahe Program and the other important reforms of the **The "Native Children's Commission Implementation Act"** are essential to save this generation of Native Youth. The economic and social challenges facing Indian families coupled with the historical trauma that generations of Native Americans have suffered puts our Native youth, the future of Indian country in jeopardy. Enactment of the "Native Children's Commission Implementation Act" is essential for Native youth, Native families and Native Nations.

The CHAIR. Thank you, Chairwoman.

We will next turn to Council Member Johnson. Welcome.

STATEMENT OF THE HONORABLE JOAN JOHNSON, COUNCIL MEMBER AT LARGE, GROS VENTRE, FORT BELKNAP INDIAN COMMUNITY

Ms. JOHNSON. Good afternoon, Chair Murkowski, and members of the committee. My Indian name is Bayee Paw Neetha, or Thunder Bird Woman. My English name is Joan Johnson.

I am honored to represent the Fort Belknap Indian Community, home of the Nakoda and Aaniiih people. We are here today to join the 22 Tiwahe pilot demonstration and incubator tribes in expressing our strong support for the Native Children's Commission Implementation Act of 2025.

On August 12th, 2025, our community joined the collective of Tiwahe tribes in a formal letter to this committee urging the permanent authorization of the Tiwahe initiative. For Fort Belknap, Tiwahe is not just a line item in the budget; it is a cornerstone of our success in protecting our most sacred resources, which are our children.

Our reservation is remote, sitting just 35 miles from the Canadian border. In such isolation, the flexibility of the Tiwahe model is a necessity. It allows us to move away from one-size-fits-all Federal mandates and toward a whole response that integrates our culture, traditions and spirituality into every service we provide.

The proof of the Tiwahe model is found in our results. Before Tiwahe, we lacked the resources to support youth struggling with trauma or substance abuse addictions. Today, our Soaring Eagle Juvenile Justice program is a national model. By replacing punishment with cultural immersion, led by our elders, we have reduced our six-month recidivism rate to 35 percent, well below the national average.

Our family wellness program has removed the stigma of intervention by meeting families in their homes as wellness specialists, to help them clear the specific hurdles to independence from obtaining tribal IDs to accessing lifesaving health care through our Tiwahe Transit System. We now facilitate over 100 vital transports per month.

To understand why making this program permanent is so vital, you must hear the voices of those it serves. One of our participants, who once struggled with addiction and homelessness, recently shared: "Tiwahe gave me the nudge I needed. They guided me to become closer to my Creator and helped me learn who I am. Today I am sober, happy, and enjoying motherhood." She just recently had twins.

As we discussed, the future of Native children who must confront the harrowing reality, Section 202 of this Act correctly identifies the need for formal study on the status of missing American Indian and Alaska Native children. However, for this data to be truly effective, it must account for the full scope of the crisis, including non-custodial familial abductions.

In Indian Country, children's safety is often complicated by jurisdictional gaps and lack of their boots on the ground. While national attention often focuses on stranger danger, we know that family

abductions, where a child is taken or concealed in violation of a custody order, accounts for a massive portion of missing children cases. For our remote communities, these incidents are not just private family matters; they are emergencies that require coordination between law enforcement and families like Soaring Eagle.

A lot of time in the justice system, because there are custodial issues between the parents, the child always gets lost and a guardian ad litem steps in to be that voice for that child, so that child's voice is not lost.

However, coordination is only possible if the officers actually exist. True sovereignty is impossible without the resources to protect it. Currently, the Federal Government provides Fort Belknap with funding for only nine law enforcement officers to patrol an area the size of Rhode Island.

In 1997, the Federal Government provided our community $1.2 million for law enforcement. Nearly 30 years later, that figure has only increased to $1.3 million.

This is not a budget; it is a forced state of emergency. We cannot protect our children with a department that is funded at a fraction of its actual need. For the Native Children's Commission Implementation Act to succeed, it must be paired with the full mandatory funding for tribal law enforcement. We urge the committee to move away from the historical funding models that keep our departments understaffed and underpaid.

A lot of times we always look at law enforcement for keeping our community and our people safe. But what about the law enforcement? At the end of the day, they have to go home safely to their families, too. And with one on patrol, that kind of makes the risks higher.

While various transportation modes exist within the region, the Tiwahe Transportation Initiative serves as a critical last-minute solution for the Fort Belknap Indian Community. By strategically coordinating travel resources, we have successfully bridged the geographic divide that historically isolates our most vulnerable members.

The Fort Belknap Indian Community is proof that when tribes are given flexibility to lead, our families thrive. However, as noted in our joint letter, for tribes to fully realize the potential of this initiative, an increase in authorized funding will be necessary to meet the vast needs across Indian Country.

We urge you to pass the Native Children's Commission Implementation Act of 2025. Help us ensure that the decade of action and healing becomes a permanent reality for our children.

Chairman, we love our children on the reservation. Our children are going to grow up some day. We want them to heal. It does not matter who they are, where they come from or what they have done. They still deserve to heal and live a good life. We would like them to have dreams, their dreams come true, and have stories to tell their children and their grandchildren someday, not stories of unhealthy things, but stories of growth and stories of how they survived and what healing is really about. Because it certainly is not about drugs or alcohol or anything unhealthy.

Thank you for your time.

[The prepared statement of Ms. Johnson follows:]

Fort Belknap Indian Community

Fort Belknap Agency
656 Agency Main Street
Harlem, Montana 59526-9455
PH: (406) 353-2205
FAX: Council - (406) 353-4541
FAX: Departments - (406) 353-2797

Fort Belknap Indian Community
(Tribal Govt.)
Fort Belknap Indian Community
(Elected to administer the affairs of the community and to represent the Assiniboine and the Gros Ventre Tribes of the Fort Belknap Indian Reservation)

FORT BELKNAP INDIAN COMMUNITY

LEGISLATIVE HEARING ON
JUSTICE AND SAFETY FOR NATIVE CHILDREN: EXAMINING TITLE II OF THE DRAFT NATIVE CHILDREN'S COMMISSION IMPLEMENTATION ACT

JANUARY 26, 2026

INTRODUCTION

Chairman Murkowski, Vice Chairman Schatz, and Members of the Senate Committee on Indian Affairs, the Fort Belknap Indian Community (FBIC) appreciates this opportunity to testify in support of legislation that would strengthen and improve programs needed to support Native children. Nothing is more important to FBIC than our children. FBIC strongly supports the proposed "Native Children's Commission Implementation Act of 2025" and, in particular, Title II of the Act.

Title II of the Act is entitled "Justice for Children, Youth, and Families." This Title addresses important law enforcement and justice issues, as well as the vital Tiwahe Program. Under Title II the Act would make the Tiwahe Initiative permanent, providing the certainty our community needs to promote family-centered, holistic wellness. While we strongly support these provisions, much more is needed.

The Fort Belknap Indian Reservation is home to approximately 10,000 Nakoda and Aaniiih tribal members, with 4,200 residing on our lands. Our reservation is remote, located 35 miles from the Canadian border, and encompasses four distinct communities: the Agency, Hays, Lodgepole, and Dodson. Like many other large land-based tribes, we ceded vast lands and resources in exchange for the support and protection of the United States. Our reservation was established through a series of treaties beginning in 1855, as well as Congressional Acts, Executive Orders, and the 1888 Agreement and Act of Congress. Within our borders, we serve four distinct communities: the Agency, Hays, Lodgepole, and Dodson.

CULTURE IS THE FOUNDATION OF SELF-SUFFICIENCY

Our culture and traditions are the lifeblood of these communities. We have successfully incorporated our traditional ways into all aspects of the Tiwahe programming. This flexibility allows us to meet our community members' needs through a lens that resonates with them, which we believe is the cornerstone of any successful program. As our families learn to be self-sufficient,

they benefit from achieving a positive sense of identity and a renewed pride in being Aaniiih or Nakoda people.

Family Wellness Program

Our Family Wellness Program, developed under these Tiwahe philosophies, places our families at the heart of service delivery. It is a practice-informed initiative dedicated to strengthening the resilience and health of our youth and families by meeting them exactly where they are. Through culturally grounded activities, individualized case management, and life-skills education, we promote long-term wellness and community connection. In practice, this means we conduct home visits and customize care plans to address immediate needs while building the stability required for independence.

We work closely with each client to remove barriers, such as lack of transportation, unemployment, or limited education, and we are currently building our capacity to ensure staff are available even in our most remote areas. We host various family-strengthening events throughout the year to promote healthy living, sobriety, and suicide prevention. Furthermore, Tiwahe allows us to collaborate with other programs to offer driver's license study classes in all our communities. These classes help participants gain the confidence and legal standing necessary for employment, resulting in a high success rate for safe drivers in our community.

The healing experience of simply listening to and encouraging one another is an underlying factor in our success. When our people connect with their identity, they find a stepping stone to self-sufficiency. This impact is best described by one of our clients, who shared:

> *"I would like to start off by giving gratitude and appreciation to the program/staff, especially my caseworkers as they believed in me, gave me the nudge I needed to pick myself back up from being lost with little to no hope. I truly believe in this program, I have always wanted to learn about my culture, our elders and history… …When I first came to the program I was addicted. I had no stability whatsoever, no help or guidance, homeless, living life from day to day, everyone in my life had no hope for me and doubted my every move. [At Tiwahe] I was asked to make a care plan, set some goals and I had no idea what I was going to do. With the help of my case manager, I have managed to slowly start trying to stand on my own feet. I was so dependent on others, I couldn't even hold onto my I.D. This program has provided a lot of tools to start becoming responsible.*
>
> *They helped me get a birth certificate, my own tribal ID, they helped me apply for jobs in our community but due to the limited job opportunities and my own personal issues it is a struggle. I applied for housing within the program and managed to get my own very first apartment with their help. I enrolled in the driver's license class because it was on my care plan, to be honest I doubted myself but with my encouraging case managers, I passed with flying colors.*

Sometimes I need help with basic necessities like food, hygiene, etc. and they provide that. Tiwahe Family Strengthening has guided me and helped to become closer to my creator, helped me to learn about who I am physically, emotionally and spiritually, I have found myself again. I have learned about my roots throughout this program. I do believe that this program has a lot to do with our staff as well, I have grown to have a true connection with my case managers and my cultural guides. It has been a long journey for me and I would have never thought I would be here today sober, happy, responsible, finally living life and enjoying motherhood. I have courage and purpose today and I am forever thankful for my support system and this program."

Youth Leadership and Suicide Prevention

Our youth are our greatest natural resource and our future. We believe that strong, connected youth build a strong community. The Tiwahe Youth Wellness Task Force was created as a youth-led leadership group for students in seventh through twelfth grade across our three school districts. The focus is on wellness, leadership, culture strength, and suicide prevention while uplifting their peers and community. The youth meet and generate ideas, plan and implement activities throughout their communities. This task force focused heavily on suicide prevention during a time when our community faced a series of tragedies. By breaking the stigma around mental health and teaching students to recognize warning signs, our youth are creating a new generation of community leadership.

Soaring Eagle Juvenile Justice Program

Our development also includes the Soaring Eagle Juvenile Justice Program (SEJJ), which is a vital component of our Tiwahe Initiative. Originally established in 2017 as the Recidivism Reduction Initiative (RRI) through the Office of Justice Services, the program was born out of a desperate need to support our youth. Before its inception, our options were limited to tribal youth court grants, which addressed substance abuse but offered very little long-term support to help our young people heal.

We chose the name "Soaring Eagle" based on the shared vision of our youth and our Elders' Council. While we initially focused specifically on substance abuse offenses, we quickly realized that we needed to address all types of offenses to help our young adults before they entered the adult system and faced much harsher consequences. Our mission is to reduce recidivism, including drug possession, truancy, and criminal contempt, by addressing the underlying anger, grief, and abandonment that often lead to offending.

Our approach has been extremely successful. Currently, our six-month rate of recidivism is 34% for 2025, with a four-year average of 36%, which remains well below national levels. This success is built on a foundation of collaboration. SEJJ has established a youth court that works hand-in-hand with chemical and behavioral health services, social services, law enforcement, and public schools. We maintain a positive rapport with Montana Juvenile Probation Officers and detention facilities, and we utilize tools like the Global

Assessment of Individual Needs (GAIN-SS) to ensure our intervention services are tailored to the unique needs of each participant.

A key component of this success is the deep involvement of our Elders. Since January 2017, we have been honored to have respected Elders share their knowledge of language, holistic healing, traditional foods, and ceremonies. These ten-week classes run year-round, fostering a sense of trust and respect that bridges the gap between generations. By maintaining this cultural and traditional knowledge, we are helping our youth reclaim their identity as Aaniiih and Nakoda people.

We believe in the power of positive reinforcement. SEJJ provides incentives such as school clothing and supplies, along with culturally based family activities and field trips with our Elders. These efforts have yielded remarkable results: our truancy list has been reduced by half, and parents are becoming more conscious of the importance of school attendance. By providing a supportive environment, we are helping youth who come from broken homes or are experiencing homelessness to overcome their struggles and find self-love.

Whether a participant is in our program for a short journey or a long journey, we strive for their continuous growth. We are working 100% for these families to increase their cultural connection, improve their grades, and strengthen their family relationships. Our model has proven that when Native youth are confident in their identity, they have the opportunity to enjoy a happy, successful future.

Transportation and Growth

Finally, we have applied this same successful Tiwahe model of identifying a need and taking immediate action to address our transportation crisis. Because of our extreme remoteness, we created a transport system that serves as a vital lifeline, connecting tribal members to healthcare, education, and employment. In just one year, our transports have increased from 60 to over 100 per month.

Tiwahe Transit now provides rides for daily medical needs, cultural camps, and even field trips to harvest medicinal herbs. By being proactive and responding quickly, we have ensured that our families can finally reach essential services that were once entirely inaccessible. Moving forward, we intend to further expand our transportation and wellness programs, streamlining our processes and designing tools that continue to reflect our Aaniiih and Nakoda traditions while telling a more meaningful story of change through the data we collect.

ADDITIONAL LAW ENFORCEMENT NEEDS

FBIC maintains that the safety of our children is linked to the integrity of our justice systems. As the Alyce Spotted Bear and Walter Soboleff Commission report, The Way Forward, correctly identifies, we cannot protect our youth without first eradicating the violent crime and drug trafficking that permeate their daily environments. FBIC requests that Title II

of the Native Children's Commission Implementation Act provide additional, dedicated resources for the law enforcement issues directly impacting our children.

Our Reservation is currently facing a coordinated assault from transnational drug cartels that exploit our vast and rugged geography. These criminal elements have introduced a plague of drug trafficking, violent crime, and human trafficking that threatens the very fabric of our families. This crisis is especially devastating on a reservation like ours, where the unemployment rate hovers around thirty percent and opportunities for advancement are scarce. Because we are rural and remote, agriculture remains our primary economic asset. Without resource-rich assets like oil and gas, or income-producing enterprises like casinos, our youth are left with few paths forward. The lack of opportunity causes many to turn to dangerous drugs and high-risk lifestyles that promise a quick return but deliver only destruction.

This is an intensely personal issue for FBIC. This is not a distant policy concern; we all have family members, friends, and neighbors who are suffering. Many of us deal with the reality of drug abuse within our own homes, knowing that wherever addiction takes place , abuse and violent crime can follow at any moment.

Despite the severity of this crisis, the Federal government, through the Department of Justice and the Bureau of Indian Affairs, is failing in its trust responsibility to protect our people. Our law enforcement capabilities are dangerously overextended, leaving our community vulnerable. We are forced to operate with a total of only seven patrol officers. In practice, this means roughly two officers per shift are responsible for patrolling a land area the size of a small state. This lack of presence allows cartel members to blend into our communities and generate massive profits while we lack the personnel and expertise to root them out.

We urge this Committee to ensure this legislation includes provisions to dramatically increase law enforcement staffing and specialized resources. Securing our community is more than a matter of general policing; it is an essential step in fulfilling the Federal government's duty to provide the safe, secure, and stable environments that Native children deserve. We must use every legislative opportunity to ensure our homes are no longer havens for crime, but sanctuaries for our children.

CONCLUSION

The Fort Belknap Indian Community strongly supports this legislation so that we can continue to enhance the welfare and rights of Native children. We need to continue improving access to education and healthcare tailored to our unique needs while addressing historical disparities. This Act encourages the continued collaboration between tribal and federal governments to ensure our children's needs are prioritized in policymaking. We are proof of the success of these initiatives, particularly through our Soaring Eagle Juvenile Justice Program. Thank you for your time and for supporting the future of our children.

The CHAIR. Thank you for your testimony, Councilwoman.

We will next hear virtually from Ms. Anita Fineday, who was one of our commissioners on the Alyce Spotted Bear and Walter Soboleff Commission.

STATEMENT OF ANITA FINEDAY, FORMER COMMISSIONER, NATIVE CHILDREN'S COMMISSION, BRAINERD, MINNESOTA

Ms. FINEDAY. Thank you to the committee. I want to thank the members of the committee for continuing to raise the issues of Native children and providing opportunities such as these to improve outcomes for Native children and Native communities.

I was honored to serve on the Commission and I would just say that I served as Chief Judge for my tribe, for the White Earth Tribal Nation in Northwest Minnesota for 14 years. I have worked as an attorney and tribal judge focusing on children's issues, child welfare, and also developing tribal court systems.

I was honored to serve on this Commission on Native Children and serve as one of the eleven members.

I just want to say a word about our work. We gathered baseline data on topics including juvenile justice, socioeconomic issues, mental health, suicide, infant and child mortality, child welfare, substance use, ACEs, or adverse childhood experiences, educational achievement, physical health. We held hearings both in person and during COVID virtually.

We heard from elected officials, community leaders. We had 26 site visits and 10 regional hearings as well as 25 virtual hearings. We heard from experts in their fields, and we heard from scholars who had worked in each of these areas throughout their careers.

I want to focus on one of our recommendations, out of many. My background, as I said, is working in tribal courts. I want to talk about IV–E funding, which comes from the Children's Bureau, which is part of ACF. We talked during hearings about the potential of having IV–E funding more readily available for tribes.

IV–E funding is accessed by all 50 States. It funds child welfare in this Country. Currently, only 14 tribes receive IV–E funding. The reason only 14 tribes receive this funding is because of the huge burden of administering the program. This is a huge obstacle for many tribes.

The reporting requirements and the data requirements are very burdensome. So we proposed that IV–E funding, which is an already existing funding source, it is already accessed, as I said, by all 50 States, so it is not new funding. It is something that already exists.

Taking IV–E funding and then also using IV–B funding, which more tribes do access IV–B funding now, but not all tribes do. Again, because of the burdensome reporting requirements, especially for small tribes.

One of the recommendations is to combine IV–E and IV–B funding with 477 programs. We have heard 477 programs mentioned a couple of times, and that is a way to make Federal funding streams more readily accessible for tribes to provide flexibility and to allow tribes to come up with one funding agreement that covers all of the different funding streams that are included in that agreement.

We would propose that the committee consider that recommendation as a way to fund child welfare for tribes. Also to fund tribal courts through that funding stream, and to allow tribes to access that funding through the 477 programs that already exist.

I will stop there and wait for more questions. Thank you.

[The prepared statement of Ms. Fineday follows:]

Hello my name is Anita Fineday, I am a licensed attorney by trade. I served as the Chief Judge for my tribe for 14 years and as the Managing Attorney for the Native American program in national child welfare foundation for 11 years. I currently serve as the Managing Attorney for the law department for a tribe in Minnesota.

I had the honor of serving on the Alyce Spotted Baer and Walter Soboleff Commission on Native Children as one of eleven Commissioners. The Commission began its work in October 2019 After the funding measure was passed by Congress. The Commission held ten regional hearings throughout the United States in order to hear directly from Indian tribes and tribal communities; conducted 25 virtual hearings on specific topics to gain targeted information in areas of particular interest, 26 site visits to urban, rural, and reservation-based programs serving Native children and youth to learn from their efforts. We heard from 298 witnesses overall.

The Commission a wide variety of recommendations on topics including juvenile justice, maternal child health, child welfare, federal funding streams, tribal courts, community based prevention family dependency treatment courts, increasing tribal set asides, creating and expanding mechanisms to integrate and coordinate programs and funding across agencies and departments and expanding the workforce working for tribes and ion Indian Country.

Appreciate President's Budget proposal with:

- Budget increases for mandatory IVB, Tiwahe, BIA child welfare and BIA social services
- Program increases: tribal setaside for CAPTA, new comprehensive Tribal child welfare funding grant, consolidated grant under Chafee/education and training vouchers, and tribal ability to submit prevention proposals under IVB

ACF accomplished with new rules:

- Blanket waiver for FFSPA and other IVE programs so they don't need to be on the list if going through state program and allow for more culturally appropriate services in MIECHV and Tribal Home Visiting (July 30, 2024)
- Ability to use IVE reimbursements for legal representation of Tribes in state ICWA cases (May 10, 2024)
- Kinship defined more broadly for foster care and use new regs that allow for greater flexibility
    - liberal use of waivers
        - apply Fostering Connections Act and new Rule (Sept 2023) to allow non-safety waivers in kinship care
        - apply these rules to all Native homes, not just western-defined kin
- Head Start culture and language implementation/use of Indigenous knowledge for better foundations in Native communities (September 17, 2024)
- HHS collect data on ICWA—AFCARS (glad to see it moving back to 2016 measures), CFSR, IV-B plans, Annual Progress and Service Reviews, and make improvements real.

State IV-B plans have specific requirement for consultation with Tribes and presentation of plan to comply with ICWA. Court Improvement Project funds similarly require meaningful consultation

- HHS assess programs and make achieving benchmarks condition of IV-E or incentive for increased IV-E—measurement without enforcement is status quo (note GAO report from 2005 stating the same) ACF rule allowing for use of IVE funds to subaward to tribes for tribal legal representation in state court ICWA cases

Opportunities that remain to be done:

- Create multi-disciplinary teams that include Tribal Advisory Committee members
- Broader implementation of paraprofessional support and training for ICWA, behavioral health aides etc.
- Recommendations that align with TAC suggestions (check with David)
- Implement HHS provision to transfer funds to DOI for child welfare 25 USC 1933(a) and support more cross -department work
- Tribes be allowed to bill for maintenance, services and admin when a case transfers to tribal court from state court so tribes don't need to refuse jurisdiction for lack of special services (e.g. foster, kinship, guardianship and adoption assistance, special ed and extended foster care
- Combine IV-E and IV-B into 477 and self-governance as important components of family stability
- TTA to state courts, social workers, GALS on ICWA requirements, given by Native professionals (consider ICWA specialist certifications, maybe feed into ICWA courts)—in the bill, but opportunities for more effective TTA currently offered

legislative advances:

- Much of the Tribal Family Fairness Act
- More tribal setasides (CAPTA and court improvement)—HB 9076 passed out of House and Senate committees
- Increased funding for tribal courts, including PL280 states

Rec One:

- Focus on IV-E as a much needed expanded resource already in place that can transform tribal social services—streamline without state admin burden, allow for partial IV-E and waive anything beyond federal requirements even if in state plan (e.g. EBP list for FFPSA)—only 14 of 574 tribes operate direct IV-E and six others decided not to do it, though they were approved
- Implement HHS provision to transfer funds to DOI for child welfare 25 USC 1933(a) and support more cross -department work

- Tribes be allowed to bill for maintenance, services and admin when a case transfers to tribal court from state court so tribes don't need to refuse jurisdiction for lack of special services (e.g. foster, kinship, guardianship and adoption assistance, special ed and extended foster care
- NEXT SLIDE
  - Combine IV-E and IV-B into 477 and self-governance as important components of family stability
  - More funding for Tribal setaside, as formula, non-competitive and especially increase SSBG and CAPTA so that more resources are available to states and tribes
  - Fully fund tribal courts, including in 280 states
  - Create and fund appeals process for tribal courts
  - Pass Tribal Family Fairness Act

USE PORT GAMBLE CASE STUDY (600 TO 60)/EXAMPLE OF RED LAKE NATION USING TIWAHE TO TRANSFORM CHILD WELFARE TO CULTURALLY GROUNDED PROGRAMMING. ALSO SAN DIEGO TRIBES UTILIZING SAN DIEGO COUNTRY FUNDS TO SUPPLEMENT (400 TO 4).

Rec Two: Meet the promise of ICWA - Ensure spirit and letter of ICWA

- Remove barriers to transfer
- TTA to state courts, social workers, GALS on ICWA requirements, given by Native professionals (consider ICWA specialist certifications, maybe feed into ICWA courts)
- HHS collect data on ICWA—AFCARS (glad to see it moving back to 2016 measures), CFSR, IV-B plans, Annual Progress and Service Reviews, and make improvements real. State IV-B plans have specific requirement for consultation with Tribes and presentation of plan to comply with ICWA. Court Improvement Project funds similarly require meaningful consultation
- HHS assess programs and make achieving benchmarks condition of IV-E or incentive for increased IV-E—measurement without enforcement is status quo (note GAO report from 2005 stating the same)
- Enforceable Post Adoption Contact and Culture Agreement when non-Native adoption occurs
- Diligent and documented inquiry before fining not Native
- ACF Manual Q 31 re funding attorneys for tribes and children—rule in motion now. Thank you!
- Joint jurisdiction wellness courts for Tribes and states/counties to work together on Native family cases, connecting them to tribal social services, and expanded use of ICWA courts
- Support for Tribal foster home recruitment

Rec Three: Strengthen advocacy for children and youth

- State court cases: appoint attorney to represent child/youth's wishes and GAL to represent best interests of child

- make condition of IV-E or incentive for increased IV-E
- Remove attorney requirement for GAL for IV-E reimbursement

- Tribal court cases: appoint attorney to represent child/youth's wishes and GAL to represent best interests of child
  - provide additional funding for this purpose (including IV-E funding to pass to tribe to pay for attorney for child)
  - Remove attorney requirement for GAL for IV-E reimbursement
- Ensure that in both courts, attorneys and GALS are well-informed about:
  - ICWA requirements
  - importance of culture and tribal connection for specific children
  - tribes' political status and children's membership/citizenship
  - effective state/tribal relationship
  - opportunities for advocates who are tribal members and fit neither attorney nor GAL

Rec 4: Follow local community standards for foster placements

- include local standards in licensing rules and regulations
  - include tribes/tribal organizations in setting standards (e.g. Port Gamble getting Washington to include tribe in definition of "Family"
- Employ liberal use of waivers
  - apply Fostering Connections Act and new Rule (Sept 2023) to allow non-safety waivers in kinship care
  - apply these rules to all Native homes, not just kin

Rec 5: Expand family dependency treatment court

- Research demonstrates that therapeutic model such as, healing to wellness, family drug courts, etc. offer better results, especially in cases involving substance abuse
  - more judge involvement
  - better access to treatment
  - more intensive court supervision and cooperation among providers, including tribal and state providers
  - incentive-based encouragement
- Funding needs to be more, formula, larger tribal setaside, and allowing for tribal options such as circle peacemaking
  - not competitive grants and sufficient for meaningful programming
  - ongoing and sustained funding rather than 2, 3 or 5 year grants
  - proven model needs to no longer be pilot project

Rec 6: Redesign federal funding to focus on community-based prevention, not detention for juvenile delinquency

- Revise everything that requires secure detention

- alternate use of detention for treatment and positive prevention
- more funding for out patient, community-based, trauma-informed and culturally relevant approaches that research has proven succeed and are more effective in children and youth
  - treatment and rehab facilities
  - safe homes, shelters, day and evening reporting/drop in centers for non-violent and truant and missing/runaways
  - cultural facilities, sports centers, etc.
- when in federal, state or local custody, coordinate with tribes and tribal organizations to find least restrictive, community-based option—should never put youth in secure detention because there is nowhere else to go
- no status offenses in delinquency court—interrupt the status offense to delinquency corridor
- ensure comprehensive training for all law enforcement and courts, attorneys, probation, etc. to understand research basis for community-based treatment

USE HAWAII AND YUROK CASE STUDIES

Rec 7: In fed, state and local courts, keep track of Native youth and report back to Tribes/tribal organizations

- Identify who is Native and notify appropriate entity (including Native Hawaiian, Alaska Native and American Indian)
- Report back Native communities and guardians at least annually
- Notice in all other cases with opportunity to intervene and provide services
- Utilize model of 18 USC 5032 for tribal children and create comparable model for state court
- This requires coordination among various jurisdictions having responsibility for Native children and youth in delinquency matters

Rec 8: Expand MIEHVE—important to BCES and to address higher rates of teen pregnancy, maternal morbidity and provide better supports to new parents who have experienced multi-generational family disruption from boarding schools, child welfare and juvenile justice removal from home and community

- Add Hawaiian eligibility
- Add funding so that distribution is formula, not competitive and sufficient for meaningful program delivery for all MIECHVE programs—increased setaside to 6% is welcome improvement but not enough—still depends on grant writing skill, and less than 1% of Native children received evidence-based home visiting.
- Expand models to include more Native programs and expand EBP to include program-based evidence—only one Native model approved (and that doesn't mean it would work for all Native communities)

HUMMINGBIRD CASE STUDY—great model but not MIECHV

Rec 17: Maternal health and nutrition (MIECHV results also mentioned here)

Using culturally tailored approaches to provide:

Healthy messaging

Preconception counseling and diabetes risk prevention

Pre and post partum counseling

Screen for obesity, diabetes and toxins

Provide dietary info, including breast-feeding and family nutrition (breast-feeding in particular as a protective factor has been demonstrated to provide significant long term health benefits

Screen for alcohol and drug use

Ed on alcohol's effect on fetal development

Rec 18: Multi-generational nutrition, especially to address diabetes

- Address over-consumption of poor quality foods and food insecurity, distance from markets etc.
  - SNAP, school nutrition and other supplemental programs have higher obesity rates
- Return to traditional food (like taro)
- Target healthful eating early in childhood -- Special Diabetes Program for Indians is essential: EAGLE BOOKS CASE STUDY
- Need for better and more data collection on dietary behavior and education/screening for obesity, diabetes and other health condition

Rec 25: Create and expand mechanisms to integrate and consolidate programs and funding across agencies and departments

- Increase total funding to create and maintain more holistic and interdisciplinary braided funding and programmatic streams
- Expand 477 and 638 compacting and self-governance—though increased to 12 from four departments implementation is challenging due to narrow interpretations of Congressional intent
- Create multi-disciplinary teams that include Tribal Advisory Committee members

Rec 26: Create more Tribal setasides to be distributed as formula, not competitive grants

- Commensurate with need

- non-competitive
- even where formula, no burdensome administrative grant requirements

Rec 27: Expand and Strengthen workforce serving Native children and youth: 1) overall quantity; 2) overall quality; 3) increase AIANNH providers in Native communities = cultivate and retain talent

- Increase salaries, benefits and work conditions so that the Native -serving workforce has parity with non-Native and with local salaries and benefits (e.g. IHS versus DOD or VA). Housing is also an issue. Expand applicability of loan forgiveness Rec 15 and 16)

- Expand workforce development programs to increase quantity and quality of Native and non-Native workforce serving Native children and youth across all domains (teachers, health, child welfare, justice)-more and more robust training and fellowships, continuing ed and professional development, connected to a career ladder
- In particular for health care, expand internships, training programs, stipends, etc. to increase quantity and quality – ANTHC CASE STUDY? Seeing yourself in teachers, health providers, social workers etc. is beneficial to Native children and youth
- More access and equity for loan repayment for non-Native grads serving Native communities

Rec 29: Create an Office of AIANNH Data, Evaluation and Research for centralized collection and dissemination of information based on data sovereignty and Native community needs and desires

- Ensure that Native communities have increased capacity so they can collect their own data and evaluation info
- Work across departments to gather, consolidate and curate data
  - Often repeat same info to various agencies
  - Requires standardized definitions and metrics and platforms to build data sets
    - Metrics more in line with Native ways of knowing versus GPRA
- Standardize data collection and dissemination so that it is accessible and useful to Native communities and limits duplicative reporting requirements
- Respect Native data sovereignty principles
  - Not subject or object of research
  - CARE principles:
    - Collective benefit—Native people benefit too
    - Authority—right to determine how represented and identified
    - Responsibility—used to support Native goals
    - Ethics—Native rights and wellbeing is paramount
- Expand "evidence-based practice" to include practice based evidence more aligned with Native community needs and experience and other more culturally appropriate research tools and mechanisms—e.g. TANF comments from Carol
-

- Support opportunities to link Native data with national data and to ensure that Native children and youth are not asterisks because of low numbers (over sample)
  - Also greater inclusion in longitudinal studies
  - Leverage community engagements

The CHAIR. Thank you so much for that, and the very specific suggestion. We appreciate that.

Next, we will turn to Lori Jump. Welcome.

STATEMENT OF LORI JUMP, CEO, STRONGHEARTS NATIVE HELPLINE

Ms. JUMP. Thank you. Good afternoon.

My spirit name is Anishnabe Kwe Tahnakee, and my given name is Lori Jump. I am a citizen of the Sault Ste. Marie Tribe of Chippewa Indians and a survivor of both domestic and sexual violence. I have been an advocate for survivors for almost 40 years. I come here today as the Executive Officer for StrongHearts Native Helpline.

Miigwech. Thank you for this opportunity to provide testimony on Title II Justice and Safety for Native Children. Title II offers a number of provisions that will have a positive impact on access to justice and healing for American Indian, Alaska Native, and Native Hawaiian peoples. While all of the provisions are important, I will focus my remarks on Section 204, which will have the most impact on the work that we do at StrongHearts.

Indian Country has the highest rates of violence across our country. Yet our relatives have the least access to services intended to respond to that violence.

There are 575 federally recognized tribes in the United States, but less than half of them have funding to provide the lifesaving services that so many of our relatives need.

In our StrongHearts directory of Native-centered resources, we have 274 domestic violence programs, and 67 domestic violence shelters. Remember, there are 575 tribal nations. So that number is woeful, it does not meet the need.

Section II of the proposed legislation will codify several important provisions that are currently funded through discretionary appropriations. These include the Alaska Native Women's Resource Center, the Native Hawaiian Women's Resource Center, and StrongHearts Native Helpline.

Indigenous people have a different worldview that is often misunderstood by western organizations. Where others may say they have rights, we say that we have obligations. Where others may say that, I do not know that person, we say that they are our relative. As a relative, we have an obligation to care for them.

That worldview, I think, is precisely why this legislation is so important to us. The services provided by the three organizations that I mentioned help to ensure that survivors have access to services that meet their needs. The resource centers and the tribal coalitions all provide incredibly important training and technical assistance to tribal nations, to tribal programs, and tribal communities.

This training ensures that programs developed are victim-centered, trauma-informed, and empowerment-based. StrongHearts is a national, anonymous, and confidential helpline for our relatives. For those communities that do not have domestic violence services, we can fill that gap, giving all of our relatives, no matter where they are, or what time of day or night, access to peer support, safety planning, and warm handoffs to services for ongoing support.

In just under nine years of operation, we have received more than 80,000 contacts and made more than 32,000 referrals to other organizations for ongoing support. In the early years, when StrongHearts had limited hours of operation, we used a recording that allowed callers to transfer to the National Domestic Violence Hotline simply by pressing 1, to ensure that no call went unanswered.

Less than 10 percent of callers chose to use the transfer option. To me, this speaks to the desire of culturally-honoring services that our relatives are seeking and deserve.

The proposed legislation will ensure that we can continue to do this work on behalf of and with our relatives.

In closing, I would like to thank you all and express my genuine gratitude to the committee for considering my testimony. I would like to conclude by reminding our Federal partners of the significance of codifying the critical support to tribes and tribal organizations. It shows an investment in our communities, promoting solutions that come from our strengths, our culture, and our collective knowledge. That investment advances safer, healthier communities, where access to not only justice, but access to healing is achievable and where Native individuals, families, and communities can not only survive but thrive.

Miigwech.

[The prepared statement of Ms. Jump follows:]

Testimony of Lori Jump, CEO
StrongHearts Native Helpline
For the U. S. Senate Committee on Indian Affairs
Legislative Hearing on
"Justice and Safety for Native Children: Examining Title II of the Draft Native Children's Commission Implementation Act."

My name is Lorrie Jump, and I am a citizen of the Sault Ste. Marie Tribe of Chippewa Indians. I am a survivor of both domestic and sexual violence and have been an advocate for victim survivors for almost 40 years. I also serve as the Chief Executive Officer for StrongHearts Native Helpline.

Miigwech - thank you for this opportunity to provide testimony on Title II Justice and Safety for Native Children. Title II offers a number of provisions that will have a positive impact on access to justice and healing for AI/AN and Native Hawaiian peoples. While all are important, I will focus my remarks on Section 204, which will have the most impact on the work we do at StrongHearts.

The need for specialized services in AI/AN and Native Hawaiian communities is well documented. Our relatives experience the highest levels of violence and yet access to services is extremely limited. The provisions in Title II, Section 204 will codify several programs including the Alaska Native Resource Center, the Native Hawaiian Resource Center and StrongHearts Native Helpline. Further, this section will also include access to funding for Tribal Domestic and Sexual Violence Coalitions, which are not currently eligible for funding.

Background

Data from the Bureau of Justice Statistics (BJS) affirms what many in our Native communities understand to be true. As Native people, we are statistically more likely than individuals of other races and ethnicities to be victims of violent victimizations. In 2024 alone, rates of violent victimization among American Indian and Alaska Native (AI/AN) people were substantially higher—between 3.8 and 7.8 times higher—than those of other groups.

In 2016, the National Institute of Justice (NIJ) released the results from a 2010 study on violence against AI/AN women and men. It is important to note that while this data is 15 years old, it remains the most referenced data on intimate partner victimization of AI/AN peoples.

A summary of the NIJ findings was published in a series, titled 'Five Things About Violence Against American Indian and Alaska Native Women and Men' revealing that most AI/AN adults are victims of violence. Reported highlights include:

1. More than four in five (83%) have experienced some form of violence in their lifetime, and more than one in three experienced violence in the past year.

2. Native men and women are victimized at similar rates, but in different ways. While both report high victimization rates for physical violence and psychological aggression by an intimate partner, Native women experience far higher rates of sexual violence and stalking.
3. AI/AN women are 1.2 times as likely as non-Hispanic white-only women to have experienced violence in their lifetime, while Native men are 1.3 times as likely as non-Hispanic white-only men to have experienced violence in their lifetime.
4. Native women are more likely to need services yet are less likely to have access to those services. More than one third of Native female victims (38%) were unable to access the services they needed.
5. For AI/AN victims, interracial violence is more prevalent than intraracial violence. An astounding 97% of women reported at least one act of violence at the hands of an interracial (non-Native) partner. At similar rates, 90% of men reported at least one act of interracial (non-Native) partner violence.

Beyond the high rates of violence perpetrated by members of another race, AI/AN victims living in tribal communities face a range of challenges and barriers directly impacting their ability to access services and find justice. The majority of Tribal Nations face additional barriers including:

- a shortage of well-trained law enforcement (or law enforcement in general)
    - Tribal LE funded at 49% of need, per Bureau of Indian Affairs (BIA)
- a medical desert - especially for sexual assault nurse examiners. Survivors of sexual assault often must travel hundreds of miles to receive a sexual assault nurse examination by a certified examiner.
- geographical remoteness of many of our tribal communities creating a disparity in available supportive resources
- limited capacity or financial capability to offer the many services needed by those who have been victimized.
    - Tribal Courts funded at 10% of need, per BIA
- limited funding for tribal public safety and justice
    - BIA's 2021 Tribal Law and Order Act report estimated that Congress funded BIA's public safety and justice program (within the OIP account) 87% below the estimated total tribal need of $3.5 billion. Congress increased funding for this program from $434 million in FY2020 to $556 million in FY2024 (+22%). The FY2026 budget request proposes reducing funding for this program.

In 2021, the Bureau of Indian Affairs released their Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country.

The report estimated that Indian country BIA public safety and justice is funded at just under 13% of total need to adequately serve Indian Country.

In Indian Country, victims often face a complicated legal maze of jurisdiction, and may not understand that they may be subject to not one, but three different jurisdictions, depending on what happened to them and where it took place. AI/AN victims often become frustrated as to why tribal police or tribal prosecutors are "doing nothing" to help them, not understanding that their Tribe may not even have the authority to investigate or prosecute specific crimes on their lands.

Our response to victimization is impacted by who we are, what we experienced, where we live and so many more things. Access to justice and the availability of services intended to minimize the impact of victimization are critical to our ability to find healing.

StrongHearts Creation Story

In 2012, data from the National Domestic Violence Hotline (The Hotline) showed that despite the high rates of violence in tribal communities, tribal citizens only rarely accessed The Hotline for services. Seeking to understand why this might be, The Hotline sponsored a series of round tables with grassroots advocates and staff from the National Indigenous Women's Resource Center (NIWRC) to discuss the issue. As a result of those meetings, The Hotline supported the development of a helpline built by and for AI/AN survivors of domestic violence. They sought funding from both federal and non-federal sources, and in 2016 began the groundwork to establish the helpline.

On March 6, 2017, StrongHearts Native Helpline officially launched with a staff of five. With only two Advocates answering the phones, StrongHearts observed limited hours of Monday - Friday, 9:00 AM - 5:20 PM CST. To ensure that no call went unanswered, StrongHearts utilized a recorded message advising that no StrongHearts advocates were available, but callers could either call back during business hours or simply press one to transfer to The Hotline. It should be noted that less than 10% of callers chose to transfer to The Hotline. This reflects the reality that AI/AN survivors were seeking the services of StrongHearts advocates specifically.

Over the past almost nine years, StrongHearts has grown exponentially. From a staff of five, we now have 45 staff in 16 States. We offer advocacy service by telephone, chat and text, 24 hours a day, every day. Every advocate employed by StrongHearts is a citizen of a Tribal Nation, ensuring that our relatives have access to an advocate that understands their lived experience, their unique circumstances and barriers. We have received more than 83,000 contacts and provided more than 32,000 referrals to ongoing supportive services.

Due to the hesitancy to reach outside of their communities for help, the first task of new helpline staff was to develop a resource database of service providers with a mission to serve AI/AN peoples. After a full year of outreach to Tribal Nations, the StrongHearts database contained just over 200 Native-centered services. There were less than 60 tribal shelters. This is in contrast to 574 (now 575) Tribal Nations.
The development of the database confirmed what grassroots advocates had long suspected. There is a serious disparity in the availability of services, particularly of tribal shelters to serve all Tribal Nations.

While there has been an increase in the number of Tribal Nations receiving funding, there are still too many that are unable to provide the services needed by survivors. StrongHearts advocates provide the 24/7 critical services needed to help fill that gap. Services include one on one peer support, safety planning, information and education, and referrals to community services where available.

Previously funded as a project of The Hotline, in FY26, StrongHearts received the first ever award of a grant for the National Indian Domestic Violence Hotline. We are incredibly grateful for the ongoing funding and support received from OFVPS, ACF and HHS.

Title II Justice for Children, Youth and Families

Statistics documenting the need for this Act are well known and undeniable.
Specifically, Section 204 would make funding mandatory for two resource centers providing population specific training and technical assistance and services (Alaska and Hawaii). It would also make funding mandatory for a National Indian Domestic Violence Hotline to serve citizens of Tribal Nations across the country. These three provisions are responsible for serving populations with unique needs and barriers not easily met by traditional programs.

Moving funding from discretionary to mandatory would be a clear statement of support for American Indians, Alaska Natives, Native Hawaiians and their families experiencing domestic violence. It would prioritize the safety and wellbeing of their families and communities, ensuring equal access to training and technical assistance. It would recognize that every person, every community deserves safety, to live a life free of violence by prioritizing ongoing support for life saving services.

It is important to note the introduction in January 2025, of H. R. 143, Short Title Unauthorized Spending Accountability Act in the House. The bill would have reduced budgetary levels for certain federal programs that were funded through the annual appropriations process but did not have an authorization of appropriations. The introduction of this Bill struck fear in the hearts of advocates from every community across the country.

The Family Violence Prevention and Services Act (FVPSA) was last reauthorized in 2010, with authorization lapsing in 2016. FVPSA is the primary funder of emergency domestic violence shelters, state domestic violence coalitions and national technical assistance resource centers. Through FVPSA, service providers can access critical training to ensure that services are victim centered and trauma informed. Shelters for survivors of domestic violence provide emergency shelter, providing safety when danger is the highest.

While H.R. 143 was not passed, it made clear the need to work tirelessly to ensure funding for these critical services was protected. Title II of the Native Children's Commission Implementation Act will ensure that the critical programming made possible through FVPSA are not subject to reductions or eventual termination.

Conclusion:
I'd like to express my genuine gratitude to the Committee for considering my testimony. I'd like to conclude by reminding our federal partners of the significance of codifying the critical support to Tribes *and* Tribal organizations. It shows an investment in our communities, promoting solutions that come from our strengths, culture and collective knowledge. That investment advances safer, healthier communities where access to justice and healing is achievable, and where Native individuals, families and communities can thrive.

Attachments
2026 01 01 SH-Summary
2026 01 01 SH-Resources

STRONGHEARTS
Native Helpline

Project Summary To-Date

Based on StrongHearts contacts documented March 6, 2017 to December 31, 2025.

StrongHearts is the first culturally honoring domestic violence and dating violence helpline for American Indians and Alaska Natives, offering peer support, crisis intervention, personalized safety planning, and referrals to Tribal and Native supportive services to callers.

Launched in 2017, StrongHearts was created by and for Native Americans, a population with some of the highest rates of domestic violence in the United States. Tribes, as sovereign nations, face significant jurisdictional hurdles when addressing violent crimes in their communities. Gaps in Native-centered supportive services create unique barriers for Native victims seeking help.

78,808
Contacts Answered

Our Mission

We exist to restore power to Native Americans impacted by domestic, dating and sexual violence by weaving together a braid of safety, sovereignty and support.

What does StrongHearts provide Native victims with the most?

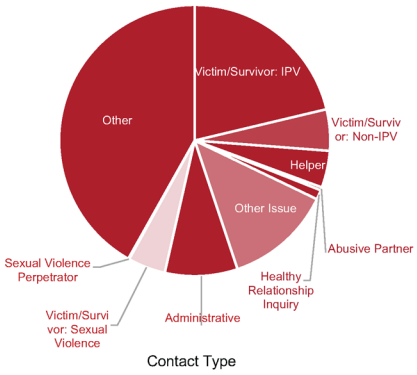
99% emotional support

84% domestic violence education

62% personalized safety planning

8% crisis de-escalation

Who is reaching out to StrongHearts?



Caller Type Definitions

Victim/Survivor: IPV (Intimate Partner Violence) – *a victim of abuse by an intimate partner and is looking for information, resources, or emotional or other support regarding the abusive relationship.*

Victim/Survivor: Non-IPV – *a victim of abuse from anyone other than an intimate partner, and is looking for information, resources, or support regarding the abuse.*

Helper (IPV/Non-IPV/Abusive Partner) – *a person who is not the victim/survivor or the abusive partner who is calling on to help or associated with a victim/survivor or an abusive partner.*

Healthy Relationship Inquiry – *a person discussing intimate partner relationships who is not experiencing a pattern of abusive behaviors.*

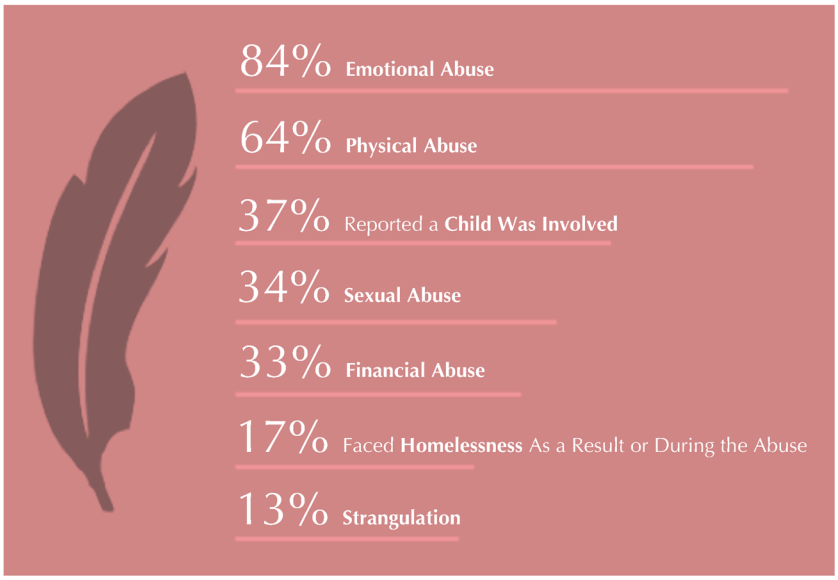
Abusive Partner – *a contact who engages in a pattern of behavior to establish power and control over an intimate partner.*

Administrative – *a contact seeking basic information, rather than advocacy.*

Other Issue – *any contact who is not currently experiencing violence and has needs outside the scope of healthy relationships or intimate partner violence services.*

Other - *this includes prank calls, off target, feedback, and healthy relationship callers.*

What are Native victims experiencing?



What do Native victims need?

The top requested services for contacts were:



*value added to database 2/25/18.

This report reflects only data that was self-disclosed by the contact and does not necessarily represent every contact to StrongHearts.

This publication was made possible by Grant Number 90EV0656 from the Administration on Children, Youth and Families, Family Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the U.S. Department of Health and Human Services.

STRONGHEARTS
Native Helpline

Resource Disparity Summary

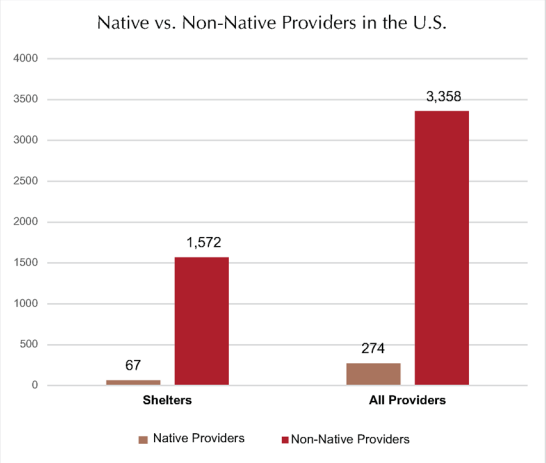
Based on resources gathered and vetted from January 1, 2016 - December 31, 2025.

StrongHearts was created by and for American Indian and Alaska Natives, a population with some of the highest rates of domestic and sexual violence. StrongHearts Native Helpline is the first 24/7 culturally honoring domestic, dating and sexual violence helpline for Native Americans available by call, text or chat.

Efforts in the first year of operations included the development a referral database of culturally-honoring and Tribal-based service providers to serve caller needs in a culturally-rooted way. To date, our team has **identified only 274 Native providers** for American Indian and Alaska Native people. Through gathering and vetting services, we have learned that there continues to be a severe resource gap impacting the ability of Tribes to address intimate partner violence in their communities.

Tribes, as sovereign nations, face significant jurisdictional hurdles when addressing domestic violence and dating violence in their communities. Gaps in Native-centered supportive services create unique barriers for Native victims seeking help.

z



Referral Directory

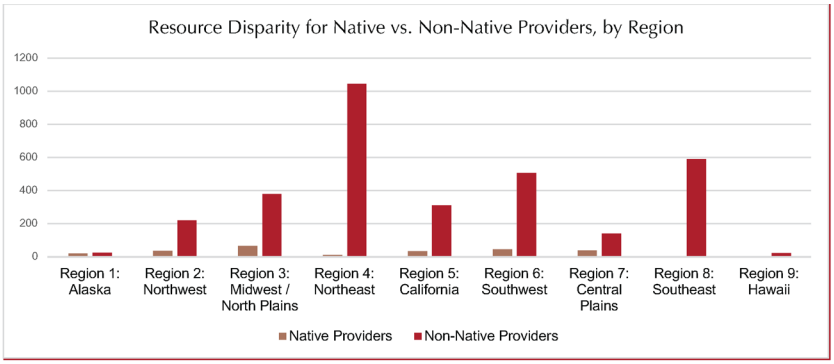
274*
Current Active Native Providers

32,375
Advocate Referrals Made

**Culturally-honoring services for American Indian and Alaska Natives*

More than
1 in 3
Native female victims
and
1 in 6
Native male victims
report unmet
service needs.

2016 National Institute of Justice (NIJ) Research Report: Violence Against American Indian and Alaska Native Women and Men



Recognizing Tribal Sovereignty

As sovereign nations, Tribes engage in a government-to-government relationship with the federal government and utilize their sovereignty to exercise care and governance over their people. However, resources are scarce, and culturally-appropriate services are practically non-existent. In seeking protection and justice, Native victims must face and navigate the federal Indian legal system, which is devastatingly complex. Issues of cross-jurisdiction, the availability of law enforcement, and gaps in Tribal-based resources create significant barriers to safety.

Yet, when Tribal sovereignty is respected and the federal trust relationship is upheld, Tribes are able to develop, implement and sustain more culturally-appropriate victim resources that are responsive to Native survivor needs, and therefore the safety barriers can be mitigated. Strengthening Tribal sovereignty is integral to ensure the safety of American Indian and Alaska Native communities.

Importance of Culturally Appropriate Resources

Culture is at the very core of who we are as Native people. Our shared history, traditions and family roles play an important part in our lived experience. Through StrongHearts, Native victims can connect with an advocate, one-on-one, who understands their lived experience from the very beginning.

Trained with a strong understanding of Tribal cultures, sovereignty and law, StrongHearts advocates recognize the critical need to be able to connect survivors with culturally-honoring and Tribal-based resources in a safe and confidential way.

Without cultural and Tribal-based services to support Native survivors in their journey to healing, American Indian and Alaska Native people will continue to experience domestic violence, sexual assault and stalking at disproportionately high levels.

This publication was made possible by Grant Number 90EV0656 from the Administration on Children, Youth and Families, Family Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the U.S. Department of Health and Human Services.

The CHAIR. Thank you so much, Ms. Jump.

Our final contributor to the panel this morning is Mr. Mark Patterson. I guess it is afternoon, but it is morning there in Hawaii still. Mr. Patterson, welcome.

STATEMENT OF MARK PATTERSON, CHAIR, HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION, FORMER ADMINISTRATOR, HAWAII YOUTH CORRECTIONAL FACILITY/ KAWAILOA YOUTH AND FAMILY WELLNESS CENTER

Mr. PATTERSON. Good morning, everyone, Chair and Vice Chair. Thank you for the invitation to be here this morning.

Thank you, Vice Chair, for your introduction. I must be transparent and honest to say that there is no one person that has caused all these changes in Hawaii, but a collaboration of agencies and community leaders, to bring about the change has occurred, but I thank you for that warm introduction.

In 2022, I was honored to be appointed by this committee to be a commissioner on the Coordinated Council of the Office of Juvenile Justice. That was a real honor for me, and a real learning experience, where I saw all the Federal agencies that were a part of the Council, and the budgets they had for Native communities or Native Americans and Native Alaskans and Native Hawaiians.

What was amazing to me was that most of them or all of them were working in silos. It was an interesting point for in trying to figure out, how do we get the Coordinated Council, at that time, to create a more coordinated effort on their funding to improve the system, or the justice systems, or family plates on the reservations and in Alaska, et cetera. It was a great experience for me.

However, the Coordinated Council has not met since 2024, but our report is online, to the Congress, that some of our recommendations can be seen.

I share this with you because for generations, Native Hawaiian families have carried the weight of historical trauma, systemic inequities and the erosion of traditional structures that once protected our children. Yet, despite these challenges, our communities have never lost the belief that healing begins with culture, with family, and with the deep relationships that bind us to one another and to our ancestral lands.

That belief has guided Hawaii's justice reforms for more than two decades, and it is why our State is now recognized nationally for what culturally-grounded, trauma-informed care and land-based education can achieve. A major reason for this progress is the growing presence of Native Hawaiians in leadership roles and on the front lines of State agencies and community organizations, where our own people are shaping decisions and directly serving our families, our cultural values and our methods of healing move faster, with greater integrity and with deeper impact.

Nationally, we often describe restorative justice as a reform, but for indigenous people, Native American nations, Alaska Native communities, Native Hawaiians, it is a continuation of practices that have sustained families for generations. What we now call restorative justice reflects the same values at the heart of the Tiwahe initiative, strengthening families, restoring cultural identity, and empowering communities to design their own pathways to healing.

Tiwahe's approach of braving Federal resources, elevating indigenous governance, and restoring cultural identity creates the conditions for these models to thrive.

When we invest in Tiwahe, we invest in justice systems that heal, rather than harm, and that honor the cultural wisdom and sovereignty of the communities they serve.

Restorative justice in America is strongest when it stands on the foundation indigenous peoples have built. Across the country, specialty courts have shown that when we address the real drivers of system involvement, addiction, trauma, mental illness, family instability and cultural disconnection, people heal and communities become safer.

Hawaii has demonstrated this for more than a decade. Girls Court and Juvenile Drug Court provided that when Native Hawaiian youth are supported with cultural mentors, family engagements, a restorative model that we call Ho'oponopono, incarceration drops and identity is restored.

Our adult drug court, mental health court, and women's court extend this healing across generations. Native Hawaiian women remain among the most overrepresented and least visible in our systems, which makes this work urgent. Hawaii culturally based courts are the next step. They formalize what already works by rooting justice in culture, ohana and healing. This direction aligns with the Tiwahe initiative and with the Federal trust responsibility to support the well-being and cultural survival of indigenous people.

Hawaii culturally based courts offer a proven culturally grounded model that strengthens families and reduces incarceration. Even with our local successes, Native Hawaiian women and children still face structural barriers that no State innovation can fix.

The most significant is the lack of consistent, accurate Federal data. Unlike tribal nations, Native Hawaiians are excluded from ICWA, the Indian Child Welfare Act. There is no Federal oversight, no mandatory reporting, and no inclusion in national ICWA data base or sets. As a result, Native Hawaiian children, one of the largest indigenous populations in the country, remain invisible in the very systems meant to protect indigenous families.

This is why Titles II and III of the bill are so critical. They correct decades of erasure by ensuring Native American, Alaska Native and Native Hawaiian children are actively counted, and that research on Native families is culturally grounded and actionable.

Section 304 is equally essential. It directs that a Federal study on tribal capacity and Native Hawaiian organizations must be explicitly included. Our cultural practitioners delivering land-based healing, Ho'oponopono and family-centered interventions, yet they are often shut out of Federal resources because of administrative barriers. This works in line with the Tiwahe initiative, which strengthens family systems, restores cultural identity and empowers indigenous communities to lead.

Title II and III make indigenous families visible. Section 304 ensures indigenous organizations are supported, and Tiwahe provides a framework for indigenous communities, including Native Hawaiians, to thrive.

Together, these provisions create the conditions for indigenous families to thrive on their own terms. Without the explicit inclusion of Native Hawaiians in Section 304, we risk repeating the very patterns of exclusion this bill seeks to correct. With that inclusion, we take a meaningful step toward justice, equity, and the restoration of indigenous well-being.

Hawaiian experience shows that when indigenous communities lead with culture, family and healing, outcomes improve and system involvement declines. Including Native Hawaiians in Tiwahe would not only strengthen our families, it would provide a proven model that could uplift tribal communities nationwide.

Thank you. I will be around for questions.

[The prepared statement of Mr. Patterson follows:]

JOSH GREEN, M.D.
GOVERNOR

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
E HUIKALA A MA'EMA'E NŌ
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. R. MARK BROWNING (ret.)
HON. RONALD IBARRA (ret.)
MARTHA TORNEY
HON. MICHAEL A. TOWN (ret.)

January 26, 2026

The United State Senate
Committee on Indian Affairs
Washington, DC 20510-6450

Re: Testimony on Justice and Safety for Native Children: Examining Title II of the Draft Native Children's Commission Implementation Act

Chair, Vice Chair, and members of the Committee,

Mahalo for the opportunity to share Hawai'i's story — a story of resilience, cultural strength, and the urgent need for federal systems to finally see and support Native Hawaiian children and families.

For generations, Native Hawaiian families have carried the weight of historical trauma, systemic inequities, and the erosion of traditional structures that once protected our children. Yet despite these challenges, our communities have never lost the belief that healing begins with culture, with family, and with the deep relationships that bind us to one another and to the land. This belief has shaped Hawai'i's justice reforms over the past two decades, and it is the reason our state has become a national example of what culturally grounded, trauma-informed systems can achieve.

In our Family Court system, we made a conscious decision to move away from punitive responses and toward practices that honor the cultural identity of our youth. Girls Court, for example, was built around the understanding that Native Hawaiian girls enter the system through pathways shaped by trauma, exploitation, and disconnection. By surrounding them with cultural mentors, deep family engagement, and trauma-informed care, we reached a ninety-day period in which not a single Native Hawaiian girl was incarcerated. That outcome was no coincidence — it was the direct result of centering culture, belonging, and healing in every aspect of our work.

Juvenile Drug Court followed a similar path. Instead of treating substance use as a moral failing, we recognized it as a symptom of deeper wounds. Ho'oponopono, (A Hawaiian cultural Restorative Justice Model), cultural identity work, and family-based healing became core components of the program. Youth who once cycled through detention began reconnecting with their families, returning to school, and rebuilding their sense of self.

Our adult specialty courts — Drug Court, Mental Health Court, Women's Court — extend this healing across generations. They address the trauma, substance use, and mental health challenges

that often begin in childhood and ripple through families. These courts demonstrate that when we treat people with dignity and cultural grounding, recidivism drops, families stabilize, and communities heal.

Across Indigenous homelands, our women have always been the carriers of culture, the anchors of family, and the protectors of identity. Native American, Alaska Native, and Native Hawaiian women hold the stories, the language, and the practices that sustain our Nations. Yet they remain among the most marginalized and least visible populations in federal and state systems. Nationally, Native American and Alaska Native women are incarcerated at **up to six times the rate of white women**, and Native Hawaiian women are similarly overrepresented in Hawai'i's correctional system. Even as Hawai'i has seen a meaningful decline in its adult female incarcerated population—contributing to a **32.9% statewide reduction in the prison population since 2015**—the women most impacted by these systems continue to be the least represented in the data that shapes federal policy.

This is the spirit of Tiwahe. And it is why Hawai'i's experience is so relevant to this Committee's work.

But even with these successes, Native Hawaiian women and children face structural barriers that no amount of local innovation can overcome. One of the most significant is the absence of consistent, accurate data. Unlike Tribal Nations, Native Hawaiians are not protected under the Indian Child Welfare Act. There is no federal oversight of child welfare outcomes, no mandatory reporting, and no inclusion in national ICWA datasets. Native Hawaiian children — one of the largest Indigenous populations in the United States — remain invisible in the very systems designed to protect Indigenous children.

Within Hawai'i, the picture is equally fragmented. Every state agency collects Native Hawaiian data differently. The Department of Health uses one set of categories, Human Services uses another, Corrections and Rehabilitation has a third, and the Judiciary uses several depending on the program. Most rely on self-identification, and none share a unified statewide method for tracking Native Hawaiian children across health, welfare, education, and justice systems. The result is a patchwork of incomplete data that makes it nearly impossible to measure outcomes, identify disparities, or allocate resources based on need.

Native Hawaiian children appear in the highest-risk categories across multiple systems — yet there are very few budgeted line items dedicated to reducing these disparities. They are visible in vulnerability but invisible in solutions.

This is why Titles II and III of the proposed bill are so important. A federal clearinghouse on Native children and a DOJ study on missing Native children must explicitly include Native Hawaiians. Without inclusion, federal findings will be incomplete, and Native Hawaiian children will once again be left out of national policy responses.

Section 304 is equally critical. The people best equipped to deliver culturally grounded, land-based healing — our kupuna, cultural practitioners, and Indigenous nonprofits — are often the least equipped to navigate Western grant systems. They carry the knowledge that keeps our youth

connected to identity and place, but they rarely have grant writers, fiscal officers, or compliance staff. Federal funding structures were not built for them, yet they are the backbone of the programs that work.

If Section 304 includes Native Hawaiian organizations, it will shine a light on these capacity barriers and help federal agencies design funding pathways that honor Indigenous knowledge rather than inadvertently excluding it.

At the heart of all of this is sovereignty. Tiwahe succeeds because it affirms that every Tribe — and every Indigenous people — must have the authority, resources, and flexibility to design services rooted in their own cultural upbringing. Healing cannot be standardized or imposed. It must be shaped by each Nation's worldview, values, and ways of restoring balance. For Native Hawaiians, sovereignty means ensuring that our cultural practitioners and Indigenous organizations are not just participants in program design — they are leaders.

Hawai'i's experience shows that when Indigenous communities lead with culture, family, and healing, outcomes improve and system involvement declines. Including Native Hawaiians in Tiwahe will not only strengthen our families — it will provide a proven model that can uplift Tribal communities nationwide.

Mahalo for your leadership and for your commitment to Native children across all Indigenous homelands. Hawai'i stands ready to partner with you in this work. For any questions, please contact Chair Mark Patterson at mark.patterson@hawaii.gov or 808-587-4160.

The CHAIR. Thank you, Mr. Patterson.

Thanks to all of you for your testimony here today. As I listen to the comments that you have made, it just reinforces to me why we set out on this Commission in the first place, to really focus in on what more we can be doing when it comes to the health and well-being of Native children, and a recognition that there is no one thing, we just cannot focus on education. We just cannot focus on safety. We just cannot focus on housing.

It has to be comprehensive. It has to be holistic. It has to acknowledge the emphasis on culture and identity and how that is so central to healing for children and for youth and the families in your communities.

I think each one of you has echoed that in different areas of social services and the justice programs.

I had mentioned the Tiwahe program in my comments, and both Chairwoman Street and Councilwoman Johnson, you both have acknowledged that, Mr. Patterson has acknowledged Tiwahe. You have been part of the initial pilot, if you will, with the Tiwahe program.

You have seen how the more traditional Federal programs have worked, and now, how with Tiwahe, you have greater coordination across services, integrating the culture and the language and the traditional practices. You have spoken to the benefits of what we have with Tiwahe.

How, in your words, I think you have given us a sense as to the priority of it, but if we are able to expand on Tiwahe, so that others may follow this as a model, what would be some of your recommendations, and why do we need to reinforce that this approach is better than what we have seen traditionally or perhaps more historically with the traditional Federal programs?

I will throw that out to either one of you.

Ms. JOHNSON. I guess what makes Tiwahe so extraordinary in our community is because of the flexibility. I have been working with youth for 24 years. I have been under other grants that have a stricter policy guidelines in doing what we can do and what we cannot do.

Tiwahe actually, we are able to work with flexibility, we are able to work with our children the way we know will heal them. That is our culture, our spirituality. A lot of our children that come to us do not have that, do not know or have an identity. They do not know where they come from. Yes, they know that they are Native American, but what is their family tree, what are their traditions and culture?

We introduce them to the sweat lodge, we introduce them to prayer, to language. We introduce them to our culture and our traditions that our people have been living for a long time. We are very fortunate to have spiritual leaders. In every aspect of our Tiwahe, whether it is from the juvenile justice that we do, to the family wellness has a cultural component in it, a holistic, healing component where we want our children to heal.

I know, I am living proof that it was the holistic healing in our traditional ceremonies that have saved me. I believe strongly in what we do to heal our children.

The CHAIR. You have spoken to some of the more historical, cultural aspects of it. Yet Chairwoman Street, I understand that all of Spirit Lake's social service program staff have either a bachelor's or master's degree in social work, and Tiwahe has helped make that possible. That is clearly an investment in workforce capacity.

Can you speak to that aspect of it?

Ms. JACKSON-STREET. Yes, absolutely. Through the Tiwahe and related initiatives, the tribe increased staffing capacity to 16 full-time positions. They are serving a population of more than 2,400 children within our boundaries. The program is made up of entirely enrolled members. The majority are from the Spirit Lake area, our own people, that have been educated and are serving our own communities.

This expansion has allowed tribal social services to safely manage foster care, Child Protective Services (CPS) and prevention caseloads, which improve oversight, documentation and accountability.

Equally important, Tiwahe supported the education, like you are mentioning, of the professional advancement of the tribal workforce. As a result of that, we have two staff members who now hold masters social work degrees, eight staff members who hold bachelor of science in social work degrees, and six staff members who hold associate of arts in social work degrees.

For us, this represents a significant transformation in workforce qualifications, and it reflects the tribe's commitment to build a highly-trained, credentialed child welfare workforce rooted in the Spirit Lake community.

The CHAIR. Thank you.

Let me turn to Senator Schatz.

Senator SCHATZ. Thank you, Chair, and thank you to the testifiers, not just for your testimony, but for your incredibly important work.

Of course, I am going to start with Mr. Patterson. As you know, in the early 2000s, Hawaii began to transform the criminal justice system by embracing restorative justice, and incorporating traditional Hawaiian practices.

How did this shift improve the juvenile justice system in the State to reduce recidivism among Native Hawaiians?

Mr. PATTERSON. Thank you, Senator. That is a really good question, and a complex question in itself. For everyone who is present, you have to understand that Native Hawaiians, we are in and among the community in the State of Hawaii. We are not a part.

Though we are the highest in the criminal justice system, there came a point from the perspective of our family court where the judges took the leadership and basically said, we are no longer going to put children in prison. We are not going to put children in prison.

Once the judges made that announcement, they needed to figure out how they were going to do that. That is when the Office of Youth Services stepped up and began to create the collaborative leadership that was needed to bring State agencies together with their community service providers and start looking at things that they wanted to see that included trauma-informed care, restorative justice methods, and cultural programming.

A lot of that was already going on among the community organizations. But now that you have the State organizations or agencies wanting to go in that direction, it was just a matter of bringing them all together and creating a continuum of care throughout our State systems involving cultural programs at every level from the Department of Education to child welfare system to the Department of Health, and all the mental health issues in their families and children, bringing them together so that they can have identified all the issues along and provide their service providers the cultural program that is necessary.

This was pretty profound and innovative at the time, 15 years ago. They said, let's do it, let's do this, let's try it. And basically what we did is we gave the judges tools in their decision-making to say, okay, we are not going to send you here, we are going send you there, to build a diversion with these programs to help identify the needs of not just the juvenile offender, but the needs of the family.

We threw it back into those communities in order for them to restore and resolve the issues. So we went from punitive consequences to non-punitive consequences. They did not have consequences for their crimes but they were just given non-punitive consequences where they had to have actionable things to do back in their communities do that they can improve on their behavior.

That was the real success in lowering the incarceration of the Native Hawaiian population, and the overall population as well. I think even as of today, our population of 1.5 million, the Hawaii Youth Correctional Facility houses 20 youth at this time.

Senator SCHATZ. That is incredible.

Mr. PATTERSON. Four or five would probably be girls.

Senator SCHATZ. The final question I have for you is, if you could talk to me about how the specialty courts, including women and girls courts, have been essential to getting these good outcomes. It seems to me that without these specialty courts it would be a little more difficult to deal with these things as a kind of public health problem, as a family and community problem, and not narrowly as a criminal justice question.

Talk to me about the roles of those specialty courts.

Mr. PATTERSON. The most successful of our specialty courts, of course, family court as a whole. Within family court, you have another court that has grown nationally, been given national attention, and it is our girls court. They have demonstrated that we can create specialized, culturally ground courts designed specifically for justice-involved and runaway youth, we can keep Native kids out of incarceration entirely.

These programs work because they are built on three core principles. Culture is essential. When young people reconnect to identity, language, place and community, they stabilize. Culture becomes the protective factor that keeps them safe.

Second, healing and accountability happen together. A specialized juvenile court brings judges, clinicians, educators, cultural practitioners and peer mentors into one coordinated team. Instead of pushing youth deeper into the system, the court wraps around them and their families with structure, support, and clear expectations.

Third, we measure success by long-term stability. School engagement, family reconnection, cultural participation and wellness. Not by how many sanctions we impose.

Those are the three things that are especially used in creating our courts and being successful, Senator.

Senator SCHATZ. Thank you very much.

I will just add, the one amendment that I wanted to flag, I know I am going to get a yes from the testifiers, so I will in the interest of time just flag it. There is a really good idea for a hotline. I think for both cultural reasons and time zone reasons, we are going to need to specify that Hawaii may need its own hotline.

Thank you.

The CHAIR. Alaska and Hawaii.

Senator SCHATZ. Alaska and Hawaii, yes. Excuse me. And we are cousins. Yes.

[Remarks off microphone.]

The CHAIR. Thank you. Senator Daines.

Senator DAINES. Chair Murkowski, thank you. Again, I want to welcome Councilwoman Joan Johnson from Harlem, Montana. Thanks again for coming before this committee.

I certainly appreciate the opportunity to have a discussion, to talk about public safety for our Native communities, particularly Native youth. I applaud the Trump administration's immediate actions to close the southern border and dispatch law enforcement personnel to Indian Country.

The opening of that new Federal Bureau of Investigation (FBI) field office in Billings bodes well for future cooperation between our State, tribal and Federal partners to address violent crime on the reservations. I am really glad to have our U.S. Attorney Kurt Alme there in Billings, who I know is passionate on this issue.

With more law enforcement resources certainly needed, there is still more, of course, that needs to be done to address public safety than just arrests and drug interdictions.

Councilwoman Johnson, the Fort Belknap Indian Community was amongst the first tribes in the Country to participate in the Tiwahe initiative. Through this pilot program, the tribe received funding to strengthen and integrate services to better serve young people on the reservation, as you mentioned. Also to help the parents. You are also addressing the youth but also the parents to break some of the generational trauma that is passed on.

My question for you is, could you explain briefly the biggest impacts you have seen since implementing the Tiwahe framework?

Ms. JOHNSON. I guess I would have to answer that in a spiritual way. Helping them find their culture, their identity and knowing who they are. Like receiving a Native name, understanding the language. When they first started, a lot of our clients did not even know where they came from.

Six elders that came on board with Tiwahe that have been with us since the beginning, they taught them about our culture and tradition.

Senator DAINES. Thank you.

You mentioned about the results, the efficacy of the program, when we met this morning. In the first four years of the program, Fort Belknap saw decreases in child abuse cases, family assaults,

and elder abuse cases. The juvenile recidivism rate decreased, I believe you told me from 80 percent to 35 percent, and the number of program participants increased.

Has the Fort Belknap Tribe been able, the reservation, I should say, been able to sustain that success over the last four years?

Ms. JOHNSON. Yes, we have. Through our culturally infused alternative sentencing, meaning that they are with their culture, teaching these kids who they are, so they grow up with identity, simply like having a Native name, learning the language, learning about ceremonies like sun dance, fasting, circles, knowing their self-worth, knowing they are worthy and loved. A lot of these kids never thought they were.

Teaching parents how to be supportive of their children, as I stated earlier in our conversation, that not only do we work with the youth, the parents kind of fell in. We are teaching the parents how to be a role model, how to support their child and how to love them not only emotionally but physically, too.

When these kids learn to love themselves, they stop recidivism, because they are, as I said, when they come and there is no identity, they feel abandoned, they have anger issues. Some of them come in with addiction.

These kids want to go to school. They do not want to go to school and be hungry. They do not want to go to school and be bullied because of the lifestyle that they live. They just want to go to school and get an education and have a better life.

They want their parents to love them and support them. A lot of these kids will always love their parents, no matter what. But they want that support and that love from their parents, they want to feel safe and protected.

That is what our elders provide them with, the understanding of what true self-love is. Teaching them the core values of being respectful.

They become, our clients become role models themselves to the new clients that come in, the younger ones. They take them kind of under their arm, trying to guide them in the way the elders guided them.

We do a lot of follow-ups, three months, six months, nine months. Even after they turn 18, our case manager goes out and still does the follow-up. I think follow-ups are very important when you work with children and youth at a young age, to know that there is somebody out there that believes in them.

Fort Belknap has the highest rate of follow-ups that are being done.

Senator DAINES. Councilwoman Johnson, thank you. It is a long ways from Harlem, Montana, to Washington, D.C. Thanks for making the long journey for your testimony.

The CHAIR. Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you. I too want to thank all of you for testifying today, whether you flew out here or you are participating remotely. I think it is just so important to hear your voices.

I also have to thank the Chairwoman and our former colleague, Heidi Heitkamp, for the creation of the Commission and continued work in this space, which is so important.

I want to direct my first question to Ms. Fineday. I know she is participating remotely. If she can hear me, I hope she can, I would love to talk to you a little bit about the work that you did on the Commission and specifically, not just the Alyce Spotted Bear Commission but there was also a field hearing for the Not Invisible Act Commission. There was a report that came out from that as well.

Both commissions and their reports were consistent in one thing, well, there were a number of things. But one I want to talk about, which is this overarching topic that there is a lack of information sharing and coordination between non-tribal and tribal governments.

Specifically, this is my concern, and a number of us have been talking about this, here is an example. Many social media and tech companies do not even honor warrants for electronic evidence issued by tribal courts. But they do if you are a non-tribal court.

As we all know, anybody who works in law enforcement, when there is a delay in getting the evidence it really is a delay to access justice and preventing justice, particularly in our tribal communities.

I am wondering, Ms. Fineday, if you can touch on a little bit more about the concerns about this lack of information sharing and some of the recommendations in the report, if you can hear me.

Ms. FINEDAY. I can hear you. Can you hear me?

Senator CORTEZ MASTO. Yes.

Ms. FINEDAY. Okay, great. Thank you for that question. That is something that came up frequently in my work as a tribal judge. And you can imagine working on the White Earth Indian Reservation in northwest Minnesota, in a very rural area, sparsely populated, when law enforcement was not in communication, when our tribal law enforcement often did not have the ability to access the same information streams that county and State law enforcement agencies access.

It could be State generated information or it could have been, and could still be today, federally generated information. This could be something as simple as trying to locate a person, or having a missing person or a missing child.

I think Minnesota has done a good job of integrating both systems in Minnesota, but I do not think that is the case nationally. One of the things that we brought up in the State of Minnesota was, we have Amber alerts when there is a missing child. But the Amber alerts did not include tribal children, because the tribes' systems did not talk to the State systems. Their data bases were not connected, and they did not have a mechanism for sharing that kind of information.

That is kind of an extreme example. It takes work, and then every State is different. Every State has its own way of handling citations, so agreements to share that information need to be hammered out between each State and each tribe.

It can lead to, I had a situation where a mother was deceased and the father took the child to a State court and got custody of that child. He had a birth certificate and mom was deceased, but he had had a number of criminal charges against him regarding that child, but the State was not aware of that, because it was in a tribal system.

Yes, that arises many times and takes a lot of work and effort and communication on building partnerships with our local law enforcement agencies to be able to share information and work out a way that that information is routinely shared.

Senator CORTEZ MASTO. Thank you. I know my time is up. I am going to take the same opportunity as the Ranking Member, just to say, there is legislation at the Federal level. We are looking to address that. One is the Tribal Access to Electronic Evidence Act, for the very reasons that we just heard. There is another piece of legislation that addresses the importance of finding missing children.

One thing I know is the U.S. Marshals Service that actually works with local and State law enforcement to track down fugitives and missing children is not allowed to work with our tribal communities. We need to fix that. There is another piece of legislation to do that.

I thank you, Chairwoman.

The CHAIR. Strong suggestions. Thank you for that, Senator Cortez Masto.

Senator Hoeven.

Senator HOEVEN. Thanks, Chair Murkowski.

Thanks to all the witnesses for being here, and to those testifying remotely as well. In particular, I want to thank Chairman Lonna Jackson-Street for being here, chairman of the Spirit Lake Nation. Thank you for making the trip, and I know you had some trouble with your airline reservations. Certainly the Chairman and I know what that is like, as well as Senator Cortez Masto.

Thanks for hanging in there and joining us today, and thanks for your strong leadership of the Spirit Lake Nation. Not only as chairman, but I think, what, eight years as secretary-treasurer for the tribal council. You serve on so many committees and are doing so much good work for the tribe. We appreciate you.

I want to start out in regard to the Missing and Murdered Unit, MMU, at the Department of Interior, which is so important for investigating missing people in Indian Country. Has this unit supported Spirit Lake in your efforts, and if so, how? Can you kind of tell us how they are doing and maybe also what they can do to improve or increase their support for your efforts?

Ms. JACKSON-STREET. Thank you for the question, Senator Hoeven. I really appreciate your support on this effort. Spirit Lake has been a strong effort as far as MMIP.

I also serve on the committee for the State of North Dakota for the MMIP Task Force. Recently, the State of North Dakota did pass and approve the MMIP Task Force for tribal nations within Indian Country. And so Spirit Lake is very familiar with the issues that we face with MMIP.

When I talked earlier about our missing individuals, Jemini Posey, Isaac Hunt, Lyndon Greybear, just to name a few, Savanna Greywind, who we now have an act after. So Spirit Lake, it is not unfamiliar territory for us. And we ourselves have faced a lot of those challenges in working with our partners, now that we have been able to establish MOUs with the State of North Dakota.

Savanna's Act was great, and provided that structure for us. Through that, we have been able to also develop our own incident

task force within our own tribal community because we had faced so many missing persons within our tribe. At the time, we felt that the response was not quick enough. As I said earlier, 72 hours is pretty much the time you have, and it is crucial time.

By being able to establish what we have established at home, it just was reassurance for us that we would not have any other, another missing person go missing and not be found. So our goal is always to rescue and not recover.

Unfortunately, because of our lack of law enforcement, we recently had a young lady who had just turned 21 who had done everything right in terms of calling 911, and notifying law enforcement that she was lost. However, because of the lack of resources, because of the lack of law enforcement that most of our tribal nations face, unfortunately, she had succumbed to what had happened to her, in her situation, where she ended up drowning in the water.

It took about six days with relentless support from outside agencies that came in to what we developed with our incident command team to come in and find her, recover her remains. Her name was Tiny White. She had just turned 21 years old.

Senator HOEVEN. One of the things that I work very hard on is the Advanced Training Center at Camp Grafton. Across the upper Midwest, we have a lot of BIA law enforcement officer positions that are vacant. We need to have training closer to the northern part of the country. They cannot all go down to New Mexico for their training.

That is why we have the Advanced Training Center there. We need to continue to build on that. We are getting a lot of good responses, a lot of people coming. The numbers are in the thousands now that come. It is very impressive. So we need that basic training there as well.

Would you speak to how important it is, particularly with our very strong and able chairman here, who I know shares and is also, last I checked, is from a northern State as well, how important it is to support that advanced training center and get these law enforcement positions filled in the BIA for the northern States?

Ms. JACKSON-STREET. Thank you for that question, Senator Hoeven. Thank you for allowing me to address, Chairman, on this particular subject.

It is very critical for Indian Country to be supported in this effort to increase the capacity of law enforcement officers back into our communities to handle such cases as the one I had just talked about involving one of our tribal members, Tiny White, where, if we had the adequate number of law enforcement officers on duty on any given time, their quicker response could have made the difference in her life.

Specifically for Spirit Lake, we have about 250,000 acres of land. We are considered a large land base, not comparable to other tribes within our State that are much larger. But I think we all face the same amount of struggles when it comes to lacking those resources for our communities.

Your support on increasing that funding, your support on the Camp Grafton base for law enforcement training centers, not just

for advanced training but for entry level police officers, would be very supportive.

A lot of our tribal nations have the capability to provide that workforce planned into their communities, provided we have the training center in North Dakota. I know we do. Devil's Lake does have a peace officer training program. But we do have the capacity with our tribal colleges to do the same.

Senator HOEVEN. The reservation, of course, is co-located with our National Guard Army Base, Camp Grafton, that is right there, and with Lake Region College, which also trains State law enforcement and highway patrol. So there is already tremendous resources there that can be leveraged in place. It is a real benefit for the Federal Government to do it there, because of the facilities we have that can be used for both training in Indian Country as well as off-reservation. Correct?

Ms. JACKSON-STREET. Absolutely. We have done the work, we have done the legwork. We have made the connections and we have established the MOUs with our local resources, with our highway patrol, with our county offices. We just need the funding to be able to carry out those plans for how we want to police our tribal nations in Indian Country.

Thank you.

Senator HOEVEN. Thank you, Chairman. I appreciate it.

The CHAIR. Thank you.

And know that your good Senator is always a good, strong advocate for this, for all the right reasons, as you have pointed out, in terms of the dual use infrastructure and the training. There is a very clear recognition that throughout Indian Country, certainly in my State of Alaska, the lack of law enforcement presence, whether it is at State trooper level or tribal police officer, I think we recognize that there are far, far, far too many communities that are either unserved or underserved.

Senator HOEVEN. And the huge distances. You know better than me.

The CHAIR. Yes, huge distances, and many, many challenges, as we understand.

I just have a couple more questions for our witnesses this afternoon. I want to go back online to you, Ms. Fineday, because you raised the issue of IV–B and the 477 agreements. I have long been a supporter of 477s that really allow for a much better coordination of services, but we are seeing that our Federal agencies are increasingly limiting access to 477, particularly at Interior. But I think what you said, I think you said burden in administering IV–Bs.

Can you just speak a little bit more to the committee here about why strengthening 477s through the cross-departmental coordination is really key, and giving it that flexibility that allows us to better address the child welfare challenges that we see across Indian Country?

Ms. FINEDAY. Yes. I would just say, so, I am sure you know this better than I do, 477, it started in 2000, in the year 2000. It allows tribes and tribal organizations more flexibility in funding. And then it was expanded in 2017 to include 12 departments that became eligible to be included in these 477 programs.

The BIA is the lead agency in approving and developing these 477 plans. There are currently 67 tribal plans, 477 plans, in 18 States. And what 477 does is, it reduces paperwork, it consolidates services, it focuses on client needs, and it uses existing funding more efficiently. So it is taking programs that are operated, and I do not have the names of the Federal agencies in front of me right now, but the Children's Bureau and ACF is currently not one of the programs that participates in 477.

So in expanding 477, you include the Children's Bureau or ACF. It would allow, it could possibly allow tribes to access IV–E funding and IV–B funding through a 477 plan. And you could combine that into the 477 and it would transform tribal child welfare, I believe. And it would also form a component for family stability and would support cross-training.

It could just really transform the services that are available in Indian Country, because most tribes are not able to access that funding at all today.

The CHAIR. Thank you for that. I want to direct a question to you, Ms. Jump. This is about FVPSA and the importance of reauthorizing that. They are still getting appropriations, but it has not been reauthorized since 2015, and it lacks the statutory authorization for tribal and culturally specific services.

That is one of the reasons why we have included these provisions in our discussion draft.

Can you speak a little bit more about why it is important that we have clear authorization for tribes in culturally specific programs? I think there is no dispute about the need that our children have for these services that are more culturally connected as they are facing their trauma. But you have some who say, well, you have money that is still being directed to FVPSA, so the reauthorization is perhaps not as key to that.

Can you address that piece of it? Because that is another piece to this bigger puzzle that we have been trying to put together.

Ms. FINEDAY. Yes.

The CHAIR. I am sorry, Ms. Fineday. I had directed this to Ms. Jump.

Ms. FINEDAY. Oh, I am sorry.

The CHAIR. Go ahead.

Ms. JUMP. Actually, as you know, FVPSA is the major funding source for domestic violence shelters, State coalitions and national resource centers. For the past 40 years, they have been doing that work. And it was last authorized, as you mentioned, in 2010. So it has been expired now for 10 years.

Advocates have been working on reauthorization, without success, which is probably the biggest reason why I am so excited about this proposed legislation. As you said, Congress has continued to provide funding, but without authorization, the funding really is at risk.

As you know, just last year, the Unauthorized Spending Accountability Act was introduced, which would have reduced appropriations for unauthorized programs over a three-year period, resulting in eventual termination. Advocates across this country were terrified, not just in Indian Country, but across the country, because

this funding provides such critical services. Shelters, when somebody is seeking safety, and they are so far——

The CHAIR. I think someone said there are 65 shelters, total?

Ms. JUMP. No. So, across the country, there are about, I believe it is 354 shelters. In Indian Country, there are 67.

The CHAIR. Sixty-seven, throughout all of Indian Country?

Ms. JUMP. Sixty-seven, throughout all of Indian Country, serving 575 tribal nations.

We were terrified. Everybody was holding their breath until we found out that, okay, we were going to maintain some funding. That feeling is not new across Indian Country. I think that is one of our biggest risks about programming is that funding will come out and we will be able to establish programs and then funding goes away and we lose them.

There is always a risk of programming that is not authorized of being cut. That is just—tribes are already underfunded and under resourced. So our communities know that as sparse as these services are, that funding is critical.

Further, I think that what really is important about reauthorization is that it reflects a commitment to survivors. It reflects a commitment to survivors that they are seen, they are heard, and they matter. We will continue to support these programs that are so critical, that are life-saving. That commitment is important for all of our survivors.

The CHAIR. Thank you for reinforcing that.

I wanted to ask you a final question, Councilwoman Johnson. You spoke, when you were talking about missing Native children, you also recommended that we ensure that this include non-custodial family abductions. I think you kind of underscored why that was important.

I guess I would ask you to expand on why these contexts are significant to include in our legislation, why it is important to have the information from BIA and DOJ to help you to respond to the needs. I think sometimes we want to focus our legislation, but you have reminded us that oftentimes these non-custodial family matters require us to look more expansively at that definition.

Ms. JOHNSON. Thank you for the question, Chairman Murkowski. Missing often involves complex family dynamics. When a child is taken by a non-custodial family member, it is sometimes dismissed as a family dispute rather than a disappearance.

Including these cases ensures that the children do not fall through the cracks of the legal system. Regardless of who took the child, the result is the same: a child is missing from their safe environment. We cannot ignore the role of substance abuse in child safety.

When drug activity is involved, the risk to the child increases dramatically. By tracking cases linked to drug activity, we can identify patterns and hot spots. This is not about criminalizing families; it is about understanding the specific dangers like trafficking or neglect that our children face, so we can intervene faster.

Currently, information is often scattered. Having a unified study that coordinates with the National Center for Missing and Exploited Children means we are not starting from scratch every time a child goes missing. For a rural family from Fort Belknap, seconds

matter. Real-time coordination of data between Federal agencies and NCMAC gives our local law enforcement the tools, alerts and resources that they need.

A lot of times, as I said, when law enforcement responds to these calls, seconds matter. If we are understaffed with law enforcement, and they are at maybe another major call, trying to prioritize which one is more important, and you only have one officer. It makes a big difference in saving someone's life.

Thank you.

The CHAIR. Thank you, and I want to thank all of you. I know that what we are developing has generated a lot of interest among colleagues here on the committee. We have seen that as we have engaged in the outreach, seeking input not only from members of Congress, but more importantly, out in Indian Country, really trying to take the recommendations from the Commission and put them into actionable items, actionable legislation, but trying to be most responsive in a way that acknowledges the cultural implications, what we want to do to build on best practices that have been developed, not because we in Washington have drafted something and said it is going to be this way, but because it has been more organically built, more responsively built based on traditional practices and ways of knowing, ways of learning.

We respect that, and we want to see that reflected in this legislation that we will ultimately introduce.

I think it is fair to say that you can anticipate more questions from colleagues. We will hold the hearing record open for an additional two weeks.

Before I close, I want to acknowledge not only those of you who have participated, but there has been an extraordinary amount of work that has been done by the staff of this committee. My team has been extraordinary in what they have done, and in working with the Ranking Member and other members, as we have tried to engage in field hearings, listening sessions and really trying to build on what we hear from you.

I thank the teams for your work, and all that you are doing. I know we have a lot more to do before we move forward with it. But my hope is that with good input across the spectrum, from Republicans to Democrats, from more rural areas, to urban Indians, that we do develop legislation that is responsive to the need in a way that we are all proud of.

I thank you all. With that, the committee stands adjourned, and we say happy birthday to Sam today, too.

[Whereupon, at 4:08, the hearing was adjourned.]

SCIAMark Patterson Listening Session re The Native Children's Commission Implementation Act of 2025 (Juvenile Justice)-20251107_145840-Meeting Recording

November 7, 2025, 7:58PM

1h 8m 55s

The following is a transcript of the bipartisan listening session the Senate Committee on Indian Affairs minority held on November 7, 2025 with Mark Patterson to talk about the juvenile justice system in Native communities.

Parker, Bridget (Indian Affairs) started transcription

RJ **Romero, Jennifer (Indian Affairs)** 1:36

Well, it is right at 3:00 PM so I will get started.

So good afternoon. Thank you for joining us today for our series of bipartisan discussions with Senator Murkowski, on her discussion draft, on implementation of the Native Children's Commission report recommendations. We have staff attending from both her office and the Office of the Vice Chair. That's my boss, Senator Schatz. I'll let folks introduce themselves during our question and answer portion of our call. But to start off, I'm Jennifer Staff Director and Chief Counsel for the Democrats on the Indian Affairs Committee.

I'm excited to welcome and learn from Mark Patterson, a leader in juvenile justice work in Hawaii who previously served on the OJJDP Commission. Mark has been engaging with us at the staff level and providing robust feedback, grounded in his decades of work in Hawaii. Thank you so much Mark for participating today.

The goals for today in this bipartisan session is to give committee and member offices an opportunity to ask questions and learn about Mark's work and his experience in Native juvenile justice. For awareness today's session will be recorded and a transcript will be available upon request.

Couple housekeeping notes before we begin. Mark, unlike a hearing at which you have testified before the committee before previously thank you, today's discussion is just really informal. It's a talk story. It's a back and forth you can answer. Questions you can pose questions. You can offer your insights and expertise, and our staff will do our best

to keep up with you. So in other words, please feel free to jump in as you see fit and for staff who are joining us today, please just use the raise hand function and someone from the committee staff will recognize you for questioning.
As for time, we're slated for one hour, but if we're on a roll. We can extend Mark if that's OK with you. But I'll do my best to keep it to a tight 60 minutes. So with that, I will go first. Mark, can you please just introduce yourself and describe some of the reforms to juvenile justice models in Hawaii that you have worked on?

warden patterson 4:06
OK. Hello, everyone. I'm going to begin and it's going to be a theme throughout, the discussion, from my perspective on my work in Hawaii on trauma informed care.
Yes, that that's like the foundation.
It's something that when I was the warden at the Women's Community Correctional Center here in Hawaii, something that I championed with my partners and that we pushed at the women's prison and after eight years we had a reduction of about 1/3 of the women that were incarcerated in the state of Hawaii and it still continues that reduction at the women's level. But with the success at the women's prison, the youth facility or the Office of Youth Service had asked me to come over and even before I came over to the youth facility, the Judiciary Family Court have had come to my partner and said, “hey, can you come and teach the judges trauma informed care?”
Yeah, it's really about creating an environment which you know leads away from punitive environments to more therapeutic environments. So we can get a better result, a better product of the child as we move forward. And this is literally in 2014 and the judiciary was already well on their way in reform, so basically, you know, like anywhere else where reform begins, it all starts with a consent decree.
Yeah. And the judiciary was and. And the Office of Youth Service.
So the Office of Youth Service in Hawaii manages the sentenced felons or the sentenced juveniles and the judiciary manages the pretrial.
So two different systems. So wherever you go, you're going to have to understand how the system is set up in order to how do we implement good reform.
The judiciary went on their own, got some national support with OJJDB money to hire the Pew Foundation and KC Foundation to come in and assess the systems. Right. And

we found out that juvenile system was primarily the majority of the children were in there for statutory crimes.

Once realized that statutory crimes was the reason, the judge just let us say, "You know what? No more incarceration." Yeah, we're talking about running away curfew, things of that nature. We don't have to put kids in prison for that. We'll develop other means of consequences. When we talk about juvenile justice reform, we have to understand we're not saying no consequence. We're just saying we're not going to do the punitive consequence.

We're going to start and we're going to have a progressive means of discipline and consequence instead of going straight to hardcore first. That was the beginning of our reform. We literally they did literally did more than half of the juvenile population incarcerated was cut after they removed the statutory for individuals who were incarcerated at that time.

Now their focus is on now that we're coming down to a more vulnerable population committing some of the higher crimes, how do we manage them through the judicial system? And that's when trauma informed care came in. And once trauma informed came in, the judiciary began their own programs with, because judiciary ran probation, yeah. And so this is the key when you have reform like this, it's like you set a tone at the agency levels and then you say to the community we need trauma informed care. We need cultural programs. We need this. We need that. It's the community that responds.

OK. And how you outline that in your policy is key, right?

So when I say the judiciary had reform, not only did they look at their own policies in the way they managed consequences, but also how they created programs.

The key is to give the judges tools that will help them in that progressing of consequence. So a consequence, instead of going to the cell, a consequence will be a day program or in the community. We're talking about most of the programs that can be afforded within the community that the children are given from. In Hawaii, most of the children are coming from predominantly Native Hawaiian communities throughout the islands.

We want to go back and create or provide opportunities for those nonprofits in those areas and existing organizations that can do what they do. Right now, everybody in Hawaii has a trauma informed care platform and Hawaiian cultural platform.

When you look at the judiciary, I talked about the Office of Youth Services in response to what the judiciary did. They created their own programming utilizing trauma-informed care. They also get a lot of their own OJJDB funding coming down that allowed for that.

With that going on, OIS became the state agency leader and had to recruit child and adolescents mental health from the Department of Health. Child Welfare Service from the Department of Human Service and the DOE [Hawaii Department of Education] had to come in and begin to work together where the youth crossed over because a lot of the more vulnerable youth in the judiciary were also having issues in those other systems that I just mentioned.

They had to be on the same page as a judiciary in office of Youth Service because we're giving the programs that they're managing can be utilized for the judges as well, as tools. The judges not only had their own programs that they can provide consequences, but they're using programs that the Office of Youth Service as DOE [Hawaii Department of Education] CAMHD [Hawaii Child and Adolescent Mental Health Division], and child welfare. That's the key.

Systemic navigation of the most vulnerable youth, and once you can establish that, then you have a pattern or a process by which a child will always have something that can be utilized in terms of moving him or her and their family toward well-being.

With that being said, what you end up in the correctional setting or the prisons or the sentence felons, are individuals not there so much for their crime, but because of their inability to be successful in that system that we just created.

So multiple program failures. I don't like to use failure. I just say not successful because they have to be at the right place and time inside with their family in order for something to work out well. When I was looking at the profile of the 20 kids that I had, you're talking about intersections with each of those systems: child welfare, family problems, mental health issues, not even going to school, and then whatever the crime is that got them involved in the judiciary. You talking about multiple systems and that’s where we are right now.

I think Hawaii is doing a good job because even with them, when the judges send them to the prison setting, it's really just a time out. This is key.

We're lucky in Hawaii. We don't have a lot of the more violent crimes. We have property crimes: stealing, robbing, car theft, and things of those nature, substance abuse.
The judges would basically say, "Hey, Mark, I'm going to give them to you for a year. But if you think he can go out before that, just let me know."
So they give me some authority to tell them, "Hey, the kids good." because all you're doing is stabilizing in crisis.
I hope that kind of answered how reform worked in Hawaii. I could go on, but I don't want to put you guys.

RJ **Romero, Jennifer (Indian Affairs)** 12:49
No, that was exactly what we wanted. Thank you. That was really, really helpful. I'm going to pass the baton to Caroline for the next question.

AC **Ackerman, Caroline (Indian Affairs)** 13:00
Hi, Mark. We've talked in the past too about how in 2022, Hawaii reached a really significant milestone, reporting that there were no more girls in the state's juvenile justice facilities. But could you and related to that, could you talk about how incorporating Native Hawaiian culture and practices and traditions contributed to a lot of the success of restorative justice programs in Hawaii?
Which you started to touch on a little bit with all of the community and trauma informed supports, but just some more information about that would be helpful.
And then whether or how those reforms were supported by federal funds?

WP **warden patterson** 13:47
I'm pretty sure that the family court has federal funding coming down to them.
The key to the girls, and we'll just stick with girls right now, was specialty courts. That's the thing though in some states.
Girls Court was the first specialty court in family court that we had here, followed by Drug Court. I think Drug Court was first and then Girls Court. Now we're looking at a Cultural Court.
I'm not sure. Christie, did I ever send you that report on the Cultural Court needs in Hawaii? I'll shoot something on it so you can give it to everybody. It was created by the

Native Hawaiian Legal Corporation for the Office of Hawaiian Affairs on how to how do we create a cultural court.

The Girls Court specifically looked at the girls in a different light than going to a regular family court. They came with their own administrator and programmatic journey for the girls once they entered into the judicial system.

First off, there is a law. Yes. Write this down. It's called the Aloha law. If you Google it, it'll come up in the Hawaii revised statute. It's a law that was created to basically say this is how you treat each other. There's no funding to the law. There's no staff and there's no real enforcement. But every year during the legislative session, it's thrown around because they're saying by law, you're supposed to be treating people like this and if you can't get collaboration going, how come it's not working?

That's the first example of how we try to throw culture into our into our legislative or into our laws in order for people to treat each other better and to treat their clients better. I want you to go ahead and take a look at that and read it for yourself. It is a big aspect.

Second, in Hawaiian culture, and I believe this is the same in all indigenous cultures, that there has always been a process of how a boy becomes a man, how a girl becomes a woman. In Hawaii, for the boys, it's called hale mua, for the girls it's called hale pe'a and basically the village or the elders navigate that individual through that process. Most indigenous people have lost that process. Though I have seen documentaries, I think it's the Diné, that some of the southwestern tribes still practice there. I've seen the girls running through the desert and whatnot.

That is how important it is for us as indigenous people. How do how can we recreate what our ancestors did because there are no more role models. When you talk about intergenerational poverty, intergenerational incarceration, we have lost the wisdom to guide the boy in modern times. The modern distractions.

In Hawaii, we'll say, "What does a Native Hawaiian man look like?" With all the issues that we have in general. There are hale mua in the community right now on several of the islands that are trying to recreate that process for the boys so that we can keep them out of prisons as young adults.

I was just in Minnesota and they were sharing to me that the Native Americans are 6% of the population but they're 20% of the prison population. It's no different than

wherever you are, that there's going to be a population of indigenous men and women in the in the prisons because we lack the ability to provide a means of who they are in the communities that they're being raised in.

That's how I'm looking at that question that you're asking me, Caroline, because you can get into specifics depending on where the particular Tribe or people are from. In Hawaii we always talk about, or its national, it's called ʻĀina-based learning or land-based learning that you say, "Take them back to the land." So every Tribe is going to have an understanding of what the land can do for them to help in the healing of their child to help you understand who he is because every one of us is attached to a piece of land. In Hawaii, it's not just the land, it's the ocean and rivers as well. So we do programing in our farms, in our taro that we make our poi with. There's a spiritual aspect to that. It's in our myths. It's in our creation story, so that's how we do our first connection. We do it in the ocean, in our fishponds. In with surfing and in our rivers as well.

A lot of it has to do with, I always refer to right now in any type of cultural program, is how do you turn off the noise of the modern world? Really, most of that ʻĀina-based is it putting the child in there and not even doing anything, just letting him work until he can hear until the noise dies down because the cell phones are not allowed into the land. But once the noise quiets, then we always tell the children you're going to hear somebody ask you questions and talk to you that you never heard before, and that's you meeting yourself in the quietness of the land.

I can go crazy and talking about all cultural and how do you do cultural aspects, but that's the baseline. It's understanding how do we create for each Tribe and a means? Well, how do we create a system from like a DC level say "Hey, what is the journey that you're providing within your Tribe to become that a boy becomes a man or girl becomes a woman and how are you measuring that?" That's restorative.

Does that help?

AC **Ackerman, Caroline (Indian Affairs)** 20:27
Yeah, that's super helpful.

WP **warden patterson** 20:29
OK.

Ackerman, Caroline (Indian Affairs) 20:29
Thank you so much.
I think Christie, did you want to?

Kimura, Christie (Indian Affairs) 20:34
Yeah, I think I'm really interested in a lot of, like you mentioned the ʻĀina-based learning programs. I was wondering if you could maybe give some examples of successful programs in Hawaii that do that kind of stuff like diversion programs?

warden patterson 20:52
Most of the programs that I just went, you heard me say that, trauma-informed care is probably all across the baseline of nonprofits that are out there. They all have a trauma informed care platform. Many of them also have relationships with ʻĀina-based learning. Not only will they be going to individual, you have classroom program, then there's going to be outside programming with these nonprofits. For example, Kinai `Eha Hale Kipa, Epic Ohana, Partners in Development. They all have relationships or have their own farms or ocean programs that the child participates in along with classroom work and treatment.
Hawaiian's have a word, we say “wili”. You know, wili is to weave. So you take the best of what Western evidence-based program or models have and you bring them in and you take what is relevant to what we have in Hawaii and then you weave with Hawaiian culture. Then we weave something like that because sometimes some of the evidence-based programs that we're that are pushed upon us is not relatable.
Sometime I argue the point that those programs are designed based on populations that are nowhere near similar to Hawaii population. In short, if you're creating evidence-based program on juveniles from African American, white, or Latino foundation, that's not the majority in Hawaii. Those are real, like less than minority.
So how do you be something more towards the indigenous level here? And Asian? You know, for that matter.
What was the question again? I guess got lost.

KC **Kimura, Christie (Indian Affairs)** 23:09
I know you submitted some comments and you've mentioned a lot about Tiwahe and I think this is a perfect tie into how the bill codifies Tiwahe and it includes Native Hawaiians. So, if you could maybe talk a little bit more about how Native Hawaiians could benefit from that program?

WP **warden patterson** 23:34
I think in terms of Tiwahe and what has been interesting in the interactions I've had with Tiwahe organizations, most of my conversations had been with the Pascal Yaqui Tribe and Red Lake Nation, I believe, up North. Whenever I've seen a video or heard of how Tiwahe was affecting some of those tribes, and there's five major Tribes, and the ones that are trying to get into the Tiwahe or pilot Tribes, is that every one of them you could take, like I just explained to you about hale mua and hale pe'a boy to become a man. Each of them have their own way of doing it and the whole thing about Tiwahe is how do you provide for the Tribe to become sovereign in their own healing process in their own? How do they take care of their Tribe, right?
I think it's important that what works for us in Hawaii is not going to be the same for every other Tribe. That's the journey each of us will have. In our historical trauma and in our modern day existence that we're going to create something uniquely to us who we are today and who it was in the past. Yes, that's what Tiwahe has to offer.
Now it's when I have discussions with the Tiwahe people, it's hard for me sometimes because we're not recognized federally. So we talk about sovereignty in Hawaii, it's a whole different concept because we always answer either to state agencies, the state government, or federal agencies. It can get confusing to get enough people around the table to create a Tiwahe program on the island of Oahu because there's a million people, maybe 100 thousand, 150 thousand Hawaiians. Yeah, but Tiwahe would be beneficial in the continuing reform efforts that we are doing in the counties, specifically Kauai where you have 60,000 population and the Native Hawaiian population might be 10,000.
Kauai, you know, if you guys are watching *Chief of War*, they like to do their own thing. They don't like the rest of us and they're very good at taking care of themselves. When I

was at the youth facility, they might have one kid a year that came. That was the most problematic kid they got on the island. Other than that, they take care of their island. But that island knows how to work with each other.
So Kauai would benefit big time from a Tiwahe program because they're organized already and they don't want nothing to do with Honolulu.
OK.

AL **Aoki, Lenna (Indian Affairs)** 26:47
Hey, Mark, it's Lenna.
I have a question just to kind of put a point on it and that is, you know, what I hear you saying and I would like you to confirm if I'm if I have the right understanding, is that, first of all, federal programs and federal support is vital to Native communities, not only because of the needs of Native communities, but because of the trust responsibility.
The other thing I hear you saying is that a evidence-based program without any connection or doesn't weave any connection into the culture of the individuals going through that program in any Native community that we might be talking to, doesn't have the same potential for effectiveness as programs that do weave in the cultural aspects?
Then the other thing I'm hearing you say that I hope you can confirm is that the one thing that you were talking about before was getting money from here, getting money from there, getting money from there, and like putting it together for the Native Hawaiian Community and particularly for the youth who are struggling. The one thing that Tiwahe and other programs, federal programs would provide is an annual source of funding. Baseline. You know, maybe not everything you need. Not everything to fit the needs that you have but it would be annual funding.
Can you talk a little bit about some of those things that I mentioned? Either confirm them or not, and also talk about what you think you could build or what the impact or efficacy would be of efforts like yours and of other NHO's if they had annual funding?

WP **warden patterson** 28:42
Let’s talk about well-being and wellness. Every indigenous peoples are going to have their own interpretation of wellness.

I'm starting at that point, Lenna, only because, when you get the grant, you get the money, and you're going out, then they're going to ask you for the research and they're going to ask you for the explanation and they're going to give you all their guidelines. Sometimes their guidelines don't align with the People's Wellness definition. Hawaii is led by the Queens Trust, Kamehameha, and OHA. They're working on a document, called Kūkulu Kumuhana. Kūkulu Kumuhana. That's our means of saying whether or not a program works. They'd come up with their own Hawaiian concepts and everything like that and say, "This is the goal that we're trying to achieve."

If there was a way that at the federal level to enhance what an indigenous measures of success or performance measures can be clarified, then you would solve a lot of problems in terms of whether or not we're successful.

We want to be able to say for ourselves we are successful and not have you tell us whether we are not successful or we are successful. That's the issue with these evidences programming. Yeah. So that's one.

What was that second part of your question?

AL **Aoki, Lenna (Indian Affairs)** 30:32

I think I don't know what the second part was because I already forgot, but I think one of the important questions that I wanted to ask you was how annual funding, how a federal program that supported a secure stream of federal funding on an annual basis could be used to take what you're doing in Hawaii with your programs and help more kids help more families, whatever it is that you want to say, but I've often heard that it's very difficult even when you are able to do everything wrong and then you find out how to do everything right. But even if you already figured out all of that, you get only two or three years to do it. So what would be the impact on the Hawaiian Community if all of those programs or many of those programs of which you just spoke had annual funding so that they could secure and they could continue and they could replicate and strengthen their programs?

WP **warden patterson** 31:38

I think it's important that that can happen to sustain the movement. Hawaii is at a point already right now, where everybody's on board with the reform, a lot of help is going on

with kids and their families. We're beginning to talk about what mental health reform looks like in the juvenile section and what does child welfare reform looks like. Those two systems have done a lot for the judiciary, but they haven't done a lot for themselves. We have to expand in our reform efforts, not just to say judicial, but we have to include DOE [Hawaii Department of Education] because Hawaii has the highest suspension rate in the nation, then the mental health and then the child welfare system. That's important because when we began, and I'm explaining like this, when we began to change the programming at the women's prison, the thought was saying that women will get a lot of the issues that they're having prior to coming into the prison was social issues and then we cannot solve the social issues. But what we can do is create a place that they can come to and be healed. So now we've created a system that is processing youth and families and being successful and keeping them out of the incarcerated point. So how do we maintain and manage that system?

That's what we do. Like I tell the senators here, "It's not going to be. 'It's a done deal. It's over.'" You're creating a system to deal with the issues. That's going to be ongoing. Unless you can solve the social issues that our families are going through, they always are going to come. There's always going to be a flow of these people coming through. You want to have a system in place where they can be healed and transformed wherever they are in their journey. That's the best way I can answer that.

That's why it's important to have continued sustainability in terms of funding and then accountability too, right?

That we can take the money and when I see where systems mess up is that they don't have somebody that's navigating the whole entire system so they can scold people say, "Hey, you not taking this money? How come this is happening?

What is this going on?" Because when you have multiple agencies in play, it's crazy. Everybody said, "That's not my job. Your job. Your job…" It takes a lot of cooperation to make agencies work together.

When I was in sitting on the Coordinated Council for SCIA, that was really an eye opener to me when you had Labor and Human Services and Interior all the departments were there. Then when I listened to the conversation after a few meetings, I was like, "Oh my God, they all have big chunks of money for Native people." It sounded to me, and this is me the outsider, "They don't know what the other guy is doing."

In other words, you can all be in in a single Tribe but not know what the other one is doing. That's when I started talking about, “Why don't you guys give some money to Tiwahe? Well, what kind of money can you guys give to OJJDP so that we can have system success in all the things that you're doing?” So codifying is important. Getting a single source to do that is the best way for success to occur.

RJ **Romero, Jennifer (Indian Affairs)** 35:22
Thank you.
That was a great answer.

AL **Aoki, Lenna (Indian Affairs)** 35:24
Thank you.

RJ **Romero, Jennifer (Indian Affairs)** 35:25
I want to recognize Sarah for her question.

MS **McKinnis, Sarah (Indian Affairs)** 35:28
Thanks, Jennifer, and thank you, Mark. I really appreciate your time and the opportunity to learn about everything that you've been able to do in the state.
I think you've talked a lot about the importance of culture and a community being able to define for themselves what wellness means rather than using an outside definition. I'm curious if you could talk a little bit, especially given what you just said about your experience looking at the federal government side of things, if you could talk about kind of the beginning of that process about any challenges for getting funding, specifically federal funding, for diversion programs or for these programs that you've talked about? Maybe things that aren't usually allowed when it comes to OJJDP funding or other grants? Also more generally, what have you seen the federal government get wrong about juvenile justice or what do you think that they don't understand maybe about what you're doing in Hawaii?

WP **warden patterson** 36:29
This is a Hawaii state perspective. Even before I got onto the Coordinated Council I was

uplifting OJJDP for their role in Hawaii's juvenile reform. I mean they continually stayed with Hawaii from 2009 when they were funding Pew in Casey to come in and do assessments on our systems up until 2018 when they were funding Vera on their zero girls in incarceration nationwide. They were doing national funding that was directly affecting the reform of Hawaii, and because we were being successful, all these huge organizations were coming down. “We want to do this for you. We want to do this for you. We want to do this for you.”

So with that that point, oh my mind is going crazy right now. You talk about federal funding coming to the state of Hawaii. Then there's federal funding to these large foundations across the country that are very impactful by the other states that will even say that. A lot of people will say when the Pew came down, “We don't want to listen. Who's that?” Then people don't want to deal with Hawaii because we're so small, but once we started rolling, we've attracted a lot of other people who went to the federal government for money and were funded. In that sense, I appreciate it.

Now all the other regular funding that's coming down like from SAMHSA, and the educational, the mental health, they all come down to their corresponding agencies that are in there. Then you have other areas like Papa Ola Lōkahi that was part of a law. They were receiving money, so everybody had their small part. Whether or not we were organized and working as a system, that's another story.

But I when you look at whoever gets funding in Hawaii in the federal stream, a Native Hawaiian youth and a family is going to benefit.

That's one thing about us being in the system that we have right now or just is that the Native Hawaiians, the ethnic group where the child welfare, mental health, all the high statistics. We’re the highest where we want to be the lowest and we're the lowest where we want to be the highest. That's just that's just a matter of fact.

But I do know from my perspective that whatever money federal money comes down there will, there will be somewhere, a Hawaiian family being affected.

OHA would tell one of my partners, and this is just an example because OHA doesn't get federal funding, I think, but OHA would tell the organization, “Unless the you're serving 51% Native Hawaiians, we're not going to fund you.” And when it came to the prison, I had to call the CEO at that time and say, “Hey, listen, I got non-Native Hawaiian women in here who have Hawaiian children. So you need to stop thinking like that.” That's why

we don't exclude from our from our cultural programs.
Everybody in Hawaii, they're not the only Hawaiians. We want to create a Hawaiian curriculum and platform, because we the host people. So you come to us, you're going to invite you to come and learn with us because you grow up with our children and our families. The land is your land too. Just don't eat all my poi.
Hope that's helpful. That that's the key.

MS **McKinnis, Sarah (Indian Affairs)** 40:34
Yeah, very helpful. Thank you, mark.

WP **warden patterson** 40:36
Because when I look at a reservation they can be isolated or they can be on the border of a city or town and then there's a lot of crossover there. I've had heard it mentioned before between the urban Native Americans and the reservation Native Americans, and sometimes they're treated differently.

MS **McKinnis, Sarah (Indian Affairs)** 41:04
Thank you, mark. That's very helpful. I have one other question right now. I'm curious if you could talk a little bit about, and you mentioned specifically when you're talking about the judge kind of giving you a little bit of leeway and that trust to say, “Oh, I think this youth is ready to leave.” Could you just talk a little bit about what that looks when someone leaves the facility and what kind of transition care there is?
Is that just part of the programs that are already in existence? What does that look like?

WP **warden patterson** 41:33
In the Hawaii Youth Correctional Facility, the main systems have staff in my facility.
I am the landlord, but when you look at the child, whatever mental health issues, Department of Health is there with their staff. All education is done by the DOE.
Whatever is happening with the family is child welfare. Then of course the court and legal matters in the judiciary. They're all there.
When we do a transition, which is easier for my staff just does the case management, but each of them are already putting that child into their system on the outside, and

that's the key. If there's one problem that always comes up that's greater than what I just mentioned in terms of furthering education, mental health treatment, family reunification, is housing. Who is out there that's capable to hold the child in a reentry? When you talk about reentry, it's two things: either they're going back to the family with further treatment within the family or they're going to a foster care family. To be honest, sometimes they're successful and sometimes they're not because we got the most vulnerable child now.

What else is there? When you talk about reentry, and that's before 18. When you talk about reentry, once they turn 18, that's a whole other whole ball game because now you hate to put them into a transitional house where they're the youngest ones there. We've tried that because like I said, when you have the most vulnerable population, you're trying to create reentry aspects for them. You can get them a job.

You can get them education, but housing is the key. That's the big one. Whenever anybody asks me about what's the biggest issue in reentry, I say housing because the rest of it we can is easily more, I mean, we do vocational training before they leave. Yeah, that's my answer.

RJ **Romero, Jennifer (Indian Affairs)** 44:11
Great. Thanks.

WP **warden patterson** 44:11
Don't everybody start at once?

RJ **Romero, Jennifer (Indian Affairs)** 44:14
Well, no, we're just taking it all in.

WP **warden patterson** 44:16
OK.

RJ **Romero, Jennifer (Indian Affairs)** 44:18
Alanna has some questions now.

warden patterson 44:24
Hello Alanna.

Purdy, Alanna (Indian Affairs) 44:26
Hello and thank you again. You're answering a couple of different questions that we have. So just making sure we're capturing all the notes as you speak, but I want to pivot. I'm sure you've seen it. There's a national report, the Not Invisible Act Report, and one of the parts where it mentions Hawaii and the needs to kind of address missing and murdered indigenous people in the islands, is this concept of the way data is collected on Native Hawaiians. They talk about one of the challenges to getting good data, even if there's some initiative at the state level or federal level, you must collect data disaggregated on Native Hawaiians. In Hawaii, that's done on an island by island basis, and there's not a lot of interoperability and sharing in a way where you can amalgamate the data and get an accurate picture of what that looks like on a statewide level.
For Native Hawaiians that are either involved in the justice system or they fall into the missing and murdered category, or even there are parts of this bill which talk about creating a federal clearinghouse on Native children. Well, in order to do that, you need to accurately measure where the Native children are and identify them as such.
Can you talk a little bit about some of the challenges that exist either statewide with collecting data on Native Hawaiians in the juvenile justice system or justice system. And then, if any of that extends to the federal system as well because I know the census doesn't quite do disaggregated data on Native Hawaiians either, that would be really helpful for us to understand. Thank you.

warden patterson 46:10
The broad statement I'm going to make right now is Hawaii is a state that does not collect data well. For everything. The systems are antiquated. The means of collection is antiquated. There's been no real investment in trying to fix it. That's the general. We're way behind. I'm speaking that in general because in every legislative session that I go to, everybody's arguing over data. Who's right? Who's wrong? It's because there's so many different ways and then the information's antiquated.

That's such a hard question. I mean, even when you look at child welfare or CAMHD [Hawaii Child and Adolescent Mental Health Division], different agencies that would want to collect data on Native Hawaiian for their mission and how whether or not they're being successful, even the means by which they try and collect that is not always valid, you know?
When I was going to college, the last thing I wanted to do was take a statistics class. So I'm like the last person to ask about data, but because I need to have data in order to do a lot of the decision making I did as warden, I had to learn, but it's always you have to pull hairs in order to give data.

RJ **Romero, Jennifer (Indian Affairs)** 47:45
How about we reframe the question a little bit to make it easier to for you because of your experiences is so incredibly important. How did you use data then? How was it packaged in a way that helped you do your work?

WP **warden patterson** 48:02
Most of the data that that we use was collected by the judiciary. Truly understanding and finding out where the child came from first contact. Let's do that, then.
Time of arrest. First arrest and then boom, right. You collect all that information from local law enforcement and the judiciary and their first touch with the system. Once you get the first touch of the system in the judicial sense, then we start flagging what other systems they've been in. Then you go to the DOE [Hawaii Department of Education]. You go to CAMHD [Hawaii Child and Adolescent Mental Health Division] and you go to child welfare. Then you ask them run this name for us and what is the information that you have on this name. Then we begin to build the profile. Those systems are all independent. That's the only way you're going to know. We just asked a question because we know that the most vulnerable are coming to the prison. I already automatically going to look at all the other systems that they were in. Sometimes you also look at what programs they've been in cause the programs collect data as well.
We have the attorney general's as a research office and there's someone assigned to the to the family court who does a lot of that collection themselves. If I ask a question to them, they create spreadsheets for me on the information that they have.

RJ **Romero, Jennifer (Indian Affairs)** 49:39
How about at the federal level?

WP **warden patterson** 49:44
I've never really had any interaction with the federal database involving Native Hawaiians other than the census trying to determine how many Native Hawaiians are on are on each island or in the in the mainland.

AL **Aoki, Lenna (Indian Affairs)** 50:03
Mark, do you think one of the reasons why that's difficult is because when you're talking about Native Hawaiian programs, even if you're talking about the big three, which would be housing or would be healthcare or education, there are some requirements for data collection, but there's no federal money that goes with those requirements, number 1.
Number 2, because you don't have annual funding and everything's based on a grant, each grant has different performance measures and different data is required, and as you said earlier, a lot of the data that's required doesn't correspond to the service population that you're with and also doesn't correspond to what merit success, what that means.
To put it in another way or to combine what Alana and Jennifer said, in Indian country and in Alaska, since there's a lot of federal funding coming in it on an annual basis, there are federal entities and federal agencies that are essentially collecting data using federal funds and FTEs to collect data to try to see what could make those programs work better or not.
So to throw it over to Hawaii, what would it be like if Hawaiians and Hawaiian programs or you received data to collect information about Hawaiians in the in the same sort of way that the federal government gives money to other indigenous groups and Tribes, and Native nonprofits, and Native communities, depending on the program?

WP **warden patterson** 51:43
I think that would be very beneficial. I was going to say oversight. Just to have that

person come down and people be committed to throwing data at them on an annual basis would be significant. Outside of that state agency, who doesn't collect from everyone, it's not really a good reading. But if you if something was to happen that you just shared to me that's happening in Alaska, I think it would be very significant for people to look at and have on their desk. The information they need to look at it through their perspective in the system to create the patterns that they know they can be more helpful in the care than entirety by island. If you go by island, you normally try and go by the homesteads and the districts as well if they get more in depth. I think it'd be very beneficial if it's something like that could occur and can be pushed for because a lot of that information would be utilized from the nonprofit's perspective to get the grants. Their information would be accurate if everybody is claiming the same grant. Even the people with the grants are monitoring the same information and they'll know who and what they need to push their mission with the individual or grant nonprofits that are asking for it.

AL **Aoki, Lenna (Indian Affairs)** 53:33

I think one of the things that I've noticed is that when you have inclusion of cultural or traditional practices or as you said before, every Native culture has conditions upon which you know one passes from the child to the man, from the child to the woman. All sorts of things like that. A lot of people at the federal level are just generally think that's kind of a nice idea. You know, like, whatever, whatever.

But I think what we've seen in Hawaii with the data, especially with some of the data from the Hawaiian immersion schools is not a question of it's good. It's better. When you look at the data from ʻAha Pūnana Leo in terms of readiness, school readiness, or Tutu and Me or Keiki Steps, versus, you know, no program or some other program. When you look at these schools and compare, for example, attendance rates, you know things like that. Disciplinary actions compared to Native Hawaiians in the general public-school population, you can see there's a huge difference in in the data and a huge difference in the experiences that your children are having and in the adults that we are helping to create. Can you comment a little bit on that please?

warden patterson 54:56

The advent of the Pūnana Leo in the late 80s and then eventually the immersions that happened in the 90s until now today where they have the charters. If you look at that whole history of even now where the DOE [Hawaii Department of Education] has their own language schools going on in their own elementary schools. And you mirror that with the judiciary, you're going to see the decline and then the reform hit and then it just dropped more. That's key and understanding how that kind of funding can best work. I never thought about it until you just talked about it like that. But no, because I was there in the late 80s when Pūnana Leo started, and the prisons were overcrowded, especially the juvenile facilities. Way more than there was at the turn of the century, 2000. That's exactly what we're trying to do. Who are you?

With Kamehameha, we had one student, one of my classmates could speak Hawaiian. My grandson just graduated from Kamehameha and there's at least 200 of them that could speak Hawaiian. He's one of them, but I always tell him this, "Speak English to me." Anyway.

No, it's important. I'm not saying it from a from a long-term goal. The language immersion programs and not only teaching the language, but teaching culture at the same time is significant, very significant.

Aoki, Lenna (Indian Affairs) 56:47

Well, some kids in Hawaii, just like kids everywhere, you're not among the majority or whatever, or your status is lower than perhaps other folks in your state or in your country. Sometimes if you don't have those adults in your life where you don't have anything positive being said about who you are or what kind of history you have or what kind of future you may have? It's easy to get lost. And as you said before, the telephone, the this, the this, the that.

In some of these programs, at least the ones that I've seen, one of the things that I've seen that's so amazing is how the teachers and how people in the program become mentors to the children and the students. For example, I was in a single-family home. So it's like in a lot of kids in Hawaii, single family home. You have very good mentors

that are male, very good mentors that are female, all of that kinds of things. You have different generations of mentors.
It just seems to me that it's the key to success of many of the programs, the hook may be culture, that may be the hook that brings them in. But when they leave, it's all those best practices. It's those feelings of I am somebody. I count. I have a proud history and I'm going to contribute going forward. Those are the measures of success of those kinds of programs.

WP **warden patterson** 58:17
One of the things that came into my mind that has been successful in this journey that we've had probably in the last four decades is our ability to promote peer specialists, forensic peer specialists. I mean, it's just so many titles. Credible messengers, a system involved families. We have organizations in Hawaii where all everyone that works there was a was a mother or father to a child that was in the system and their whole purpose is to go out and help families because families get overwhelmed trying to navigate a system. So now we use lived experience individuals at every level of our system and that's something where some of the partners, where trying to promote it to a higher level say, "We got to put this into some kind of labor or job."
So the states start picking. I mean, the states already picking them up for child welfare. If they're coming out with their social work degrees and lived experiences and they're bypassing that because you have a crime you can't get hired. But now they're hiring them because of their value. Epic Ohana, a lot of their staff came out of the child welfare system. It's amazing what they're doing over there.

RJ **Romero, Jennifer (Indian Affairs)** 59:39
Yeah, we had a really good conversation with them last week. It's impressive. I think we have time for one more question and our remaining couple minutes here and I will kick it to Alanna for that.

PA **Purdy, Alanna (Indian Affairs)** 59:56
Hey again, Mark. My final question is really about a topic that there's been a substantial amount of research on and there's even like a CDC website with evidence-based

prevention and policy solutions. But for the moment it's not very inclusive of Native Hawaiians and that's with respect to adverse childhood experiences or ACES. I know we don't all want to hear about another study, but at the same time, having a study on the prevalence of ACES among Native children might be a very helpful leverage point for more Native communities to be able to use evidence-based practices, or practice-based interventions such as cultural prevention and treatment strategies to address those high levels.

Can you talk a little bit about would it be helpful for the federal government to do a study on the prevalence of ACES among not only Alaska Native and American Indian children, but also Native Hawaiian children and how that could help you better direct efforts that you're doing on the island?

warden patterson 1:01:19

Sorry I'm taking so long.

There's a part of me that wants to say, "Why would you do a study on ACES when we know that it's prevalent here in Hawaii? Its prevalent. If we're going to do an ACES study, it has to be in a manner that is more than just saying it's here. You know? What's the hope? What's the next step? We want to do an ACES study so that we can set a baseline in order to see how more cultural programs can be effective or what else can we add. Something with it like you're saying, but we're I'm coming from the perspective that I know ACES is here. It's in our communities. It's in our homesteads. It's in our non-homestead families. So there would be that population of the communities, so you're telling us something that we already know. But what we want to know is, what's the solution? How do you do a study? It'd be more focused on the solution rather than telling us everything that's wrong with us or what has happened to us. We know that already. That's where the push is going to be, you know, especially for the nonprofits. They'll just tell you we already know. They don't have the statistics, but they already know that if you know you just know the basics on each of those ACES bullet points, they're going to tell you, yeah. It's true, you know.

WP **Purdy, Alanna (Indian Affairs)** 1:03:07
I think we're in agreement on that, but it seems like what you're saying is for that to be a worthwhile federal effort, it should have ACES and what are helpful interventions to ACES. Maybe the question is are cultural approaches to treating ACES, is there a difference here that we can point to and if the outcome is positive? I think a study like that would help more culturally based programs like some of the things that you're doing have a stronger argument when they do go after that federal funding.

WP **warden patterson** 1:03:39
That's the last thing I was going to say. It's always good to do it because then they'll have a document that they can utilize to say that these things are happening, can we have the funds. But at the same time you want to be able to be innovative and that could make something that's always have happened before and nothing has to happen afterwards, right? You want to set the foundation for anyone out there, especially in Hawaii though that they can leap off and be innovative and unique in the way in the matter which they treat it.

MS **McKinnis, Sarah (Indian Affairs)** 1:04:18
I would just like to hop in briefly because I think, Mark, what you're saying makes a lot of sense. It's not very useful if you're not giving solutions or looking at the strengths of a community and I know there's also been some research, not as much as on ACES, but on positive childhood experiences. I think thinking about it from that lens too, I think would be very helpful. In the studies that have been done, there things like feeling a sense of belonging and participating in community traditions things like that, and I think they're not specifically about culture, but I think there's opportunity to incorporate that too.

WP **warden patterson** 1:04:52
Yeah because I think if you do a study and say "These are the ACES of this particular child, this is the journey of programming that when he went through and this is the success of it," then that's a full study.

Aoki, Lenna (Indian Affairs) 1:05:07
But Mark, really, what you what you started off with telling us about your work, your personal work and sort of what you've done, isn't this one of the solutions? Trauma informed care? I mean, I know I'm old. I've been here a long time and you know people used to think that, "Oh, what does that mean?" They don't understand these programs. The reason they're so effective and they're so impactful is because they respond to the needs of the people.

warden patterson 1:05:40
When you have a room with every state agency there, we had a girl. My staff is the case manager and everybody's trying to push this girl in a certain direction. But the girl is saying no. So I tell my case manager to support the girl. So the case manager, she's fighting with DOE. She's fighting all this and says, "No, she doesn't want to. She wants to do this." Everybody said no, no, no. They're telling their bosses. Their bosses is calling my boss, is coming back down to me and says, "You got to move on this girl." I say no. Four months we're fighting and to finally the girl comes in and looks at my case manager and says, "Okay, I'll go." It's also because no one ever fought for her before. So you built that relationship and once she understood that the case manager was doing everything she could to do what she wanted to do, she gave in. After that was all success. It was the most remarkable thing I ever saw. All because, and I always say it, the biggest thing with children is, how do we rebuild their trust in adults? It just my case manager just shy of swearing at the other state agencies but said, "No, she doesn't want them. She doesn't want them." Then boom. She changed her own mind and she was successful at that. They still have, "Hi, how are you?" Everything's okay. But building trust again. So, and that's what we're trying to do here is to develop that journey where they can learn about themselves and recognize it for that. It's not always about what the agencies want to do. T is where is the child at that particular point and how do you navigate the child to get there.
Okay, let's eat.

RJ **Romero, Jennifer (Indian Affairs)** 1:07:38
Oh gosh, this has been incredibly informative. Thank you, Mark. This is time well spent. I think everyone agrees. We so much appreciate your expertise and your willingness to come and join us today and really just have this informal conversation. It helps us to inform the legislative process. So we really appreciate you and we'll continue to be in touch. I hope that's okay as we continue to develop our ideas in the legislative process. So we'll let you get on with your day.

WP **warden patterson** 1:08:13
I appreciate all of you For what you do as well. I'm sorry you have to wear jackets now. But I actually wore long sleeves, but I wore warm up because I wanted to be in solidarity with you guys.

RJ **Romero, Jennifer (Indian Affairs)** 1:08:26
The change in seasons.

AL **Aoki, Lenna (Indian Affairs)** 1:08:29
Thank you.
Thank you so much.

WP **warden patterson** 1:08:32
It was cold this morning. It was almost 75.

RJ **Romero, Jennifer (Indian Affairs)** 1:08:36
That's rough times.

AL **Aoki, Lenna (Indian Affairs)** 1:08:38
That's freezing.

WP **warden patterson** 1:08:41
I had to use a blanket.

RJ **Romero, Jennifer (Indian Affairs)** 1:08:41
Thank you again, Mark. Alright, take care.

WP **warden patterson** 1:08:46
Aloha, you folks have a great evening.

RJ **Romero, Jennifer (Indian Affairs)** 1:08:48
Thank you. Aloha.

WP **warden patterson** 1:08:50
Aloha.

◉ **Parker, Bridget (Indian Affairs)** stopped transcription

SCIA Listening Session re The Native Children's Commission Implementation Act of 2025 (Education)-20251212_145930-Meeting Recording

The following is a transcript of the bipartisan listening session the Senate Committee on Indian Affairs minority held on December 12, 2025 with Native Hawaiian Education stakeholders. This excerpt is specific to juvenile justice and the overlap of the justice and education systems.

Kimura, Christie (Indian Affairs) 1:08:42
I wanted to go back to the juvenile justice piece and my first question is maybe Shawn, if you want to put on the record, what funding that you're talking about that's getting cut for those programs?
But then I think the more broader question I have is how can we make stronger the coordination or the integration between the juvenile justice system and the education system to improve their continuity of learning while they are, in the juvenile justice system and reentry success and things like that.

Shawn Kanaiaupuni 1:09:19
That's those are great questions. I'll tell you one story that can maybe illustrates an answer to what you're asking. When you think about. Kind of having a native perspective to these things, we're looking at generations past, and sometimes people talk about 7 generations past and using that to learn forward 7 generations. And so when I look at what has happened in the past, you know, since the time of the overthrow of the Hawaiian Kingdom our people have been incarcerated and since they started by incarcerating our Queen and holding her captive. And so that kind of legacy has continued over the years. And I would say we're back into the frame of incarcerating young people who make mistakes more heavily than in past years.
So numbers are starting to climb again even in the youth justice as well as the adult systems.
We've been standing up, as I said, alternative systems that are that are rooted in cultural identity, cultural connection, that are rooted in service and responsibility to community and to the land around us that are rooted in mentoring and finding that place of purpose because you feel a sense of belonging to community. And then you can take on the workforce development skills, the readiness, the interviewing, the

what do you wear the how to show up on time. How do you know how to do things that so you can get a Union job? All those kinds of things and because they start working and earn wages, then they're like, oh, if I had a high school degree and pass my GED test, 'cause, it's hard to do that, I could get paid more or I'll get promoted and so we really flipped the cycle of how traditionally people have approached education to work. But it's like work to get educated and then continue your cycle. You're working elevation and I don't know if that makes sense to you, but it's kind of hacking how some people have come to the pathway of finding themselves in education and work and reordering things so that it makes sense for them and we have this one example of a youth who was at the Hawaii Youth Correctional Facility. He'd been in the workforce development program for a couple of years. He got out. He exited successfully and was out for two weeks. Went back to his family, who lives under a bridge. Mom smoking meth. He started using drugs, went to a grocery store because he wanted cigarettes and robbed a store, and I guess he had a weapon, and so he got stuck in the adult prison because he was by now 18 and looking at 20 years, a sentence of 20 years. We lobbied to the judge, and working together quickly formed within a couple of months, a residential workforce program.

Because we're a community, we can. We're a nonprofit organization. We can.

We can do things very quickly that government programs can't do.

The judge was like, OK. Well, you know, given that he was in this program, this is kind of not all his fault. You know he has a family situation very difficult. They let him come out. They let him come out. He engaged in the program. I was able to go to his resentencing couple years later, and the judge said, you did serious harm. You have much to pay for in the harm that you did to whatever situation in the offenses that he created. He said, but I also see how hard you've worked in the past two years to overcome that harm. Bottom line is, surrounded by a community of people that cared about him, that youth got a sentence of four years probation at the age of 20, by then. Instead of coming out of jail at 40. 40. And he's on Molokai. He has kids. He's engaged as a peer mentor. He's now living a successful life, and so that's the kind of re-framing of relationships with the judiciary. And then also with probation. With schools he was ejected from school way early from I think 7th grade.

And so he came to us as a third grade reader, and we had to teach him how to pass his GED test as a third grade reader. And we had to pay for his teacher that taught him because the DOE [Hawaii Department of Education] wouldn't.

And so, you know, it's all of these little things that we're working to redesign and

rehack and reformulate and then bring those proof points back.
And we did that a lot with federal funds. We had appropriation in part, and then we had the Kīʻapu workforce development grant through the Native Hawaiian Education Program because we argued this is the college that kids don't have. When they're not going to college. We are the college. And so they took a risk on it. And it's proven to be quite successful and we've been able to replicate it across several different communities.
So that's the kind I don't know if that answers your question, Christie, but those are the kinds of examples when you're looking at changing somebody's course of life from a 20 year sentence at 40 years coming out of prison. If you can imagine that too, a 24 year old, who's able to lead a productive life in our community as a Hawaiian. To me, that's the work that makes us get up in the morning and do the hard work it takes every single day.

Kimura, Christie (Indian Affairs) 1:15:15
Yeah. Thank you for that.

McKinnis, Sarah (Indian Affairs) 1:18:37
I just want to go back a little bit to Christie's question about juvenile justice and youth involved in the system. And I know Sanoe you have the Kupu Ola program for middle schoolers, and I was hoping you could just talk a bit more about that and how we can support preventative programs in addition to also ensuring we're looking out for kids who've already been involved with the justice system.

Sanoe Marfil, M.Ed. 1:19:00
Yeah, sure. So our Kupu Ola program is ʻāina-based, place-based program that really started off in the education system. And So what had happened was the [Hawaii] Department of Health Office of Youth Services approached us and to see if we could partner, they wanted to look at ways in which Hawaiian culture based education is embedded for students who have been identified through the juvenile justice system, who are going back into the DOE [Hawaii Department of Education] school system. And so we started off really small.
We worked with a small population within the SPED Education department [Hawaii Department of Education Special Education] at Waianae Intermediate School for two years and that opportunity, to really sit down and learn about the students who are

repeat students so, they potentially could be in the 10th grade, but really they're still in 7th, so they're still at the intermediate level,
but we spent time with them sitting down and just building pilina just talking story and learning and growing together. And then we implemented a curriculum 2 years later. The first year, though, what I did, and Alison talked a little bit about it, is this idea of hōʻike, this idea to give our students a platform to show what they've learned to their family is huge in our community. Because our community, one the students have this pride to show what they've done, but also the families have a pride in their kids. What Alison shared is really important and that I seen that pride that new light that had come from the students as we were working with them. And then when we implemented the curriculum, I think for me what I seen is a change in teachers. Often times what had happened was in the first two years, I'm going to be honest, teacher weren't interested in Hawaiian culture-based education and the talk story session. They wanted a rigid rigor to go for their students because these students have a label on them. They're gonna act out one day, or they're gonna do something.
But for me that wasn't the case. I gave them the opportunities. We sat.
We had the time to build and so when we implemented the curriculum, that is when, for me, the teachers shift and they became interested in this opportunity to now provide culture-based education in an outdoor classroom. And so we do. We teach them about kalo. We had an aquaponic system that was sitting there that was $1,000,000 that the DOE [Hawaii Department of Education] spent sitting there for three years. We got that back up and running, began to farm fish, began to get that fish out, began to get all of our produce out to teachers, to students.
And so that type of, I talked about earlier, that mentorship, mentee, that alakaʻi, that leader part of our curriculum really shines through. And then that that pride of the students and them kind of taking a proactive approach to how they now operate in school and how they behave. The other thing is that we created an internal guideline around how many times our students are coming to school because absenteeism is real. And so for my program, in the first two years , I have data that shows that our students have never been absent, but they do then skip out their next class. And so when it was my turn to have class at the outdoor classroom in ʻāina kids would come consistently.
But what we saw was that when they go to the next period, they're not attending that period. They're in the health room or they're in the library or there someplace else. And so the principal had showed that data to me and told me that this is really

important. I see the work that you're doing. And so what he did was he introduced me to all of his science teachers and all of his history teachers. And so then what we started to do was we brought out the rest of the population at Waianae Intermediate School, and if you look at Waianae Intermediate School currently, because we've been there for 10 years now, their scores have increased. Absenteeism has almost been deleted because of all of the work that he does. And the other thing is that INPEACE is a small program compared to an after school program like after school All Stars, a big national movement. And so that leadership at Waianae Intermediate School is specifically made sure that every community resource that he could possibly partner with is on his campus. And so he was not someone who led and only wanted certain resources. He wanted to bring everyone together. And so when we talk about that collective community that then takes the child to the next level to look at something bigger and brighter so that they could be just good community members, that is really the success of a program like ours is building community for these kids.

USET
SOVEREIGNTY PROTECTION FUND

Washington, DC Office
1730 Rhode Island Ave., NW, Suite 406
Washington, DC 20036

Nashville, TN Office
711 Stewarts Ferry Pike, Suite 100
Nashville, TN 37214
P: 615-872-7900 | F: 615-872-7417

February 11, 2026

Testimony of the United South and Eastern Tribes Sovereignty Protection Fund
For the Record of the January 28, 2026 Senate Committee on Indian Affairs Hearing on "Justice and Safety for Native Children: Examining Title II of the Draft Native Children's Commission Implementation Act"

The United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is pleased to provide the Senate Committee on Indian Affairs with the following testimony for the record of the January 28, 2026 hearing on "Justice and Safety for Native Children: Examining Title II of the Draft Native Children's Commission Implementation Act." At the core of the United States' trust and treaty obligations is its duty to honor its promises and pay its debt to Tribal Nations and Native people so that we may thrive, prosper, and effectively address the governmental needs of our communities while exercising our inherent sovereignty. Title II of the draft Native Children's Commission Implementation Act takes important steps forward in empowering Tribal Nations to address the public safety needs of our children, families, and communities, and to do so in the most effective manner—by forging our own paths. USET SPF commends the Committee, and Chair Murkowski in particular, for its dedication to holistic public safety and healing for Native children and families.

USET SPF is a non-profit, inter-Tribal organization advocating on behalf of 33 federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Turtle Island.[1] USET SPF is dedicated to promoting, protecting, and advancing the inherent sovereign rights and authorities of Tribal Nations and to assisting its membership in dealing effectively with public policy issues.

There are many things to celebrate in the draft Native Children's Commission Implementation Act, within Title II and throughout. We urge the Committee to consider how the bill's proposals could be implemented to their fullest, including with additional funding flowing to Indian Country, as well as protections for existing federal programs and the federal workforce that administers them. We offer our recommendations herein to improve public safety in Indian Country through a greater exercise of our inherent Tribal sovereignty, increased governmental parity, and expanded resources in fulfillment of trust and treaty obligations.

[1] USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Catawba Indian Nation (SC), Cayuga Nation (NY), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe–Eastern Division (VA), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mi'kmaq Nation (ME), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Monacan Indian Nation (VA), Nansemond Indian Nation (VA), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Rappahannock Tribe (VA), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), Upper Mattaponi Indian Tribe (VA), and Wampanoag Tribe of Gay Head (Aquinnah) (MA).

I. Failure of the United States to Meet Its Trust and Treaty Obligations Regarding Public Safety in Indian Country

Tribal Nations are and always have been inherently sovereign governments, a status that predates the arrival of colonizing forces and exists independently from the United States' affirmation, by treaty or otherwise. While not dependent on external affirmation, it is nevertheless significant that Tribal Nations' inherent sovereignty is embedded in the U.S. Constitution, has been consistently reaffirmed by the U.S. Supreme Court, and is further reinforced in hundreds of treaties, statutes, and other legal proclamations.

Notwithstanding this background, the fact remains that the United States has taken for itself nearly all two billion acres of land over which Tribal Nations originally governed, and it now enjoys the immense value of those lands and the resources they contain. Through this taking by war, treaty-making, and other coercive means, the United States incurred a debt to Tribal Nations that it owes as long as it holds our lands and resources. This debt manifests in trust and treaty obligations to provide services and funding to Tribal Nations, Tribal citizens, and Native communities, and to recognize and promote the exercise of Tribal self-government and self-determination.

For far too long, the United States has neglected its public safety obligations to Indian Country—both by failing to fully recognize and promote Tribal Nations' inherent sovereign authorities, and by failing to devote adequate resources to developing law enforcement and judicial infrastructure to serve our communities. As a result, crisis grips much of Indian Country as our people go missing and are murdered and we are denied the opportunity for safe and healthy communities enjoyed by other Americans.

Title II of the Native Children's Commission Implementation Act would take positive strides in the right direction, especially in conjunction with other pending or previously proposed public safety legislation, but USET SPF emphasizes the importance of full funding for public safety and family services in Indian Country—anything less than that, however positive it may be, is a half-measure. We are all too familiar with the numerous reports, studies, and commissions quantifying the federal government's persistent underinvestment in Indian Country over the years. Despite the well-documented and widespread problem of underfunding, which extends far beyond areas of public safety, Congress and the Executive Branch have failed to develop any proposals to address the underlying issue in a comprehensive manner. As the Not Invisible Act Commission's report, *Not One More*, issued in November 2023, states:

> One of the Commission's most important overarching recommendations is for the federal government to honor its trust obligations and provide sufficient funding to fully address unmet needs in Tribal communities, targeting the most critical public safety, criminal justice, health care, and victim services needs for immediate investment. The [Bureau of Indian Affairs (BIA)] acknowledges that Tribal police, courts, and detention facilities are currently funded at a fraction of estimated need. The President's budget, however, has never requested funding sufficient to meet the need in Tribal communities and **Congress continues to appropriate funding at levels that virtually guarantee these issues will persist**.

The Native Children's Commission report, *The Way Forward*, issued in February 2024, made a similar recommendation, emphasizing that "Native programs are funded at fractions of their demonstrated need," and "addressing this inequity must be part of any plan to improve the wellbeing of Native children and youth," meaning "[a]cross-the-board increases to meet actual need must be implemented." The BIA itself reported in February 2024 that, as of fiscal year (FY) 2021 (the most recent year for which data is publicly

available), the United States was meeting only 13% of its $3.5 billion in public safety and justice funding obligations to Indian Country. If adjusted for inflation, this translates to public safety and justice obligations of about $4.35 billion today. By contrast, Congress appropriated just $2.9 billion in FY 2025 for the *entire* BIA.

The Native Children's Commission Implementation Act is an important step in the right direction, particularly with its initiatives to implement flexible, Tribal-sovereignty-forward programs and funding, but it cannot be overstated that what Indian Country needs—indeed, what we are *owed*—is greater investment across the board. True self-determination and self-governance for Tribal Nations will only be achievable when full and mandatory funding for Indian Country becomes the norm.

II. Support and Recommendations for Title II of the Native Children's Commission Implementation Act

USET SPF supports Title II of the Native Children's Commission Implementation Act, including funding for Tribal domestic violence services and efforts to fill gaps in data on the number and status of cases involving missing Native children. We take the opportunity here to comment on specific provisions and issues that arose during the hearing or are particularly important to USET SPF, and we again urge the necessity of timely action and full funding to implement these initiatives.

A. Support for Codifying and Expanding the Tiwahe Program

USET SPF strongly supports the proposal in Section 205 of Native Children's Commission Implementation Act to permanently authorize the Tiwahe Program (Tiwahe) and expand it to all of Indian Country, including the USET SPF service area, and we are pleased to see appropriations attached to this proposal.

Tribal Nations are strongest when we are best positioned to control our own destinies—including with regard to our public safety. Tiwahe is a prime example that demonstrates what Tribal Nations can do when our public safety and law enforcement costs are fully funded and we are free to apply that funding ourselves as we see fit. The numbers speak for themselves. Tiwahe communities extended services in new ways to 80,000 individuals over five years and reduced violent crime by 56% over the first three years. USET SPF highlighted Tiwahe's successes in our *Marshall Plan for Tribal Nations*, published in November 2022,[2] as an example of what Tribal Nations can do when the federal government provides resources and gets out of our way, trusting that we know how best to serve our own communities.

USET SPF also supports the proposal to create a Tiwahe Tribal Advisory Council, and we emphasize the importance of representation from Tribal Nations in the Southern and Eastern region on that council. Many Tribal Nations in our region have unique perspectives on issues that should factor into the council's review and decision-making processes, such as aboriginal sovereign rights, restrictive settlement acts, and the implications of small land bases.

---

[2] USET SPF, *Marshall Plan for Tribal Nations: A Restorative Justice and Domestic Investment Plan* (Nov. 2022), https://www.usetinc.org/wp-content/uploads/2022/11/USET-SPF-Marshall-Plan-for-Tribal-Nations.pdf.

B. Support for Strengthening the 477 Program

USET SPF is pleased to see that Section 901 of the Native Children's Commission Implementation Act seeks to strengthen the Public Law 477 Program (477 Program) and clarify the programs eligible for integration into a 477 plan. While not in Title II, the scope and flexibility of the 477 Program, if implemented to its fullest, could be life-changing for Tribal communities and Native children and families and revolutionary for delivery of the United States' trust and treaty obligations.

The bedrock principle of the 477 Program is to enable Tribal Nations to exercise our inherent sovereignty in our use of federal funds by improving flexibility and removing the obstacles preventing us from utilizing that funding to best respond to the needs of our communities. The 477 Program allows Tribal Nations to pool and reallocate federal funding integrated into 477 plans across the services provided through that 477 plan. 25 U.S.C. §§ 3413(a)(1)(A), (a)(2), 3410(b)(3). The 477 statute creates authority to waive integrated programs' statutory, regulatory, and administrative requirements that hamper streamlined operation. *Id.* § 3406(d). Further, once a program is integrated into a 477 plan, the 477 statute replaces the various reporting requirements tied to those integrated programs with just one comprehensive annual report on implementation of the 477 plan. *Id.* § 3410(a)(2)(A), (b).

The 477 statute sets forth three criteria that define the universe of programs eligible for integration under the 477 Program. First, the program must be operated by one of the 12 covered federal agencies. *See id.* § 3404(b). Second, the program must be implemented for one of the covered purposes, which are designed to be broad so that they encompass not just employment and training programs but also related supportive services designed to establish self-sufficiency. *Id.* § 3404(a)(1)(A). Third, in order for a program to be eligible for integration into a 477 plan, it must receive a covered type of funding. *Id.* § 3404(a)(1)(B), (a)(2). When a program meets the three eligibility criteria, as determined by the Department of the Interior (DOI), *id.* § 3407(a), it is eligible for integration into a 477 plan. In other words, these criteria set out the *sole* reasons that DOI may deny a program for integration into a 477 plan—and it falls to DOI to make that determination. Further, disapproval of a program for integration is only lawful when supported by a notice, in writing, that "contains a specific finding that clearly demonstrates, or that is supported by a controlling legal authority, that the plan does not meet the requirements described in [the section of the 477 statute containing the program eligibility criteria].'" *Id.* § 3407(b)(3).

The Native Children's Commission Implementation Act would strengthen the second program eligibility criterion by clarifying that the types of programs eligible for integration into a 477 plan include wraparound services that foster economic security, stability, or wellbeing for families, children, or youth. Further, the legislation proposes changes throughout the 477 statute to emphasize the focus of the 477 Program on promoting Tribal community members' self-sufficiency holistically.

Critically, the Native Children's Commission Implementation Act would also reaffirm DOI's exclusive approval authority over which programs can be integrated into a 477 plan. The need for closing loopholes in the 477 Program is as urgent as ever, as DOI, in 2025, began disapproving programs already previously integrated and successfully operated within Tribal Nations' 477 plans, and these disapprovals are not based on the eligibility criteria found within the 477 statute itself. **The 477 Program only works when DOI is willing to educate sister agencies and exercise its statutory authority to ensure compliance.** This is because staff in some of the covered federal agencies have consistently resisted the 477 Program, including by unlawfully exercising veto authority over integration of eligible programs they would prefer to operate themselves or by refusing to transfer funds. These staff care about their programs, and they are

not used to working with Tribal Nations and deferring to and trusting Tribal sovereignty and the different, self-determined ways Tribal Nations wish to adapt these programs to most effectively meet the needs of our communities. Instead of working with Tribal Nations and DOI to address implementation, these agencies fight to keep control over their programs, even if it means violating the mandates of the 477 statute. The proposals in Section 901 of the Native Children's Commission Implementation Act would further clarify DOI's role for itself and its sister agencies, adding to DOI's ability to ensure the 477 Program is implemented effectively and efficiently.

Additional proposed clarifying amendments would: confirm the eligibility of programs funded by block grants for integration into 477 plans; reinforce the broad scope of the 477 statute's waiver authority; ensure timely agency decision-making regarding waiver requests; affirm the 477 Program's single report model, including that no waiver is required for it to apply; further assure that the integration of programs into 477 plans will not reduce the amount of federal funding that 477 participants are otherwise eligible to receive and will not impact the eligibility of integrated programs in contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 5301 *et seq.*); and emphasize that 477 participants may consolidate and reallocate 477 funding without the need for a waiver.

USET SPF is invested in seeing the 477 Program succeed, be implemented to the maximum extent permissible under the law, and be replicated for other types of federal programs. As USET SPF pointed out in our *Marshall Plan for Tribal Nations*, the 477 Program is a model for flexible funding delivery to Tribal Nations that fosters creative success. The 477 Program is one step toward a future in which Tribal Nations have the room necessary to allocate *our* funds where most useful as a sovereign government should—including to support the public safety of our children and families.

C. Restrictive Settlement Acts

USET SPF reminds the Committee that some Tribal Nations, including some USET SPF member Tribal Nations, are living under Restrictive Settlement Acts (RSA) that limit the ability to exercise criminal and civil jurisdiction over their lands—above and beyond the limits that already exist in federal Indian law. These RSAs flow from difficult circumstances in which states demanded unfair restrictions on Tribal Nations' rights before they would remove their objections to those Tribal Nations' land rights or path to federal recognition. When Congress enacted these demands into law, it incorrectly allowed for diminishment of certain sovereign authorities exercised by other Tribal Nations across the United States.

Some RSAs purport to limit Tribal Nations' jurisdiction or to give states jurisdiction over Tribal lands. Further, some states have wrongly argued that the existence of a RSA prohibits application of later-enacted beneficial federal statutes to the Tribal Nation—especially those predicated on Tribal jurisdiction or affecting state jurisdiction. For example, some USET SPF member Tribal Nations report being threatened with lawsuits should they attempt to implement the Tribal Law and Order Act's enhanced sentencing provisions. Congress is often unaware of these arguments when enacting new legislation. USET SPF asserts that Congress did not intend these land claim or recognition settlements to forever prevent a handful of Tribal Nations from taking advantage of beneficial laws meant to improve the health, general welfare, and safety of Tribal citizens and communities. Thus, we urge you to take steps to ensure that any beneficial public safety statute enacted, including Title II of the Native Children's Commission Implementation Act, applies equally to RSA Tribal Nations.

D. Related Public Safety Legislation

USET SPF takes this opportunity to reiterate its support for the following pending or previously introduced Tribal public safety bills, which would further support the goals of Title II of the Native Children's Commission Implementation Act.

PROTECT Act
USET SPF supports the Protection for Reservation Occupants against Trafficking and Evasive Communications Today Act (PROTECT Act), which would remove barriers to Tribal Nations' exercise of criminal jurisdiction over non-Native offenders committing certain offenses on Tribal Nations' lands related to drug trafficking. The legislation would amend the Indian Civil Rights Act to cover certain drug-related offenses, amend the Stored Communications Act to recognize Tribal courts as courts of competent jurisdiction, and authorize the Bureau of Prisons to accept, at the federal government's expense, prisoners convicted in Tribal Nation courts for drug-related offenses. Opioids, and specifically fentanyl, remain a persistent problem within the USET SPF region and across Indian Country. Criminal jurisdiction to prevent drug traffickers from making such substances available in our communities is, thus, critically important to the public safety and public health of Tribal Nations.

BADGES for Native Communities Act
USET SPF supports the Bridging Agency Data Gaps & Ensuring Safety (BADGES) for Native Communities Act, which seeks to provide parity for Tribal Nations in access to federal crime information, collection, and tracking. The legislation would also promote more efficient recruitment and retention of BIA law enforcement personnel, provide resources to Tribal Nations for improved coordination with other law enforcement agencies, and mitigate federal law enforcement mishandling of evidence. Tribal Nations' lack of access to criminal and other public safety information hinders our ability to keep our children and communities safe. The BADGES for Native Communities Act is an important step toward building a stronger public safety foundation in Indian Country.

Parity for Tribal Law Enforcement Act
Due to strained resources, law enforcement officers in Indian Country are often asked to perform duties outside the scope of routine police work, such as social work and family counseling, without additional training, resources, or compensation. These issues contribute to the low rates of morale and high rates of attrition experienced by law enforcement officers in Indian Country, further compounded by chronic underfunding that often leaves Tribal Nations unable to compete with other units of government. The Parity for Tribal Law Enforcement Act would ensure that Tribal law enforcement officers operating under Indian Self-Determination and Education Assistance Act contracts or compacts have access to trainings and certifications that enable them to enforce federal law on Tribal lands. And it would further provide these officers access to federal injury, death, retirement, and pension benefits.

Tribal Warrant Fairness Act. This bill would help create parity between Tribal law enforcement agencies and other law enforcement agencies throughout the country by authorizing the U.S. Marshals Service (USMS), upon request of a Tribal Nation, to partner with Tribal law enforcement in locating missing children and arresting fugitives in Indian Country. Providing Tribal law enforcement with access to USMS resources would give Tribal Nations an important tool in addressing the Missing and Murdered Indigenous People (MMIP) crisis. Additional resources and coordination increase the likelihood that Native children are found and safely returned in the critical first hours after they are reported missing. Relatedly, access to USMS resources would help Tribal Nations address criminals' exploitation of Indian Country, providing USMS

assistance in locating and apprehending fugitives who see Indian Country as a "safe haven" for their crimes. This bill represents an important step in the broader efforts to achieve full parity between Tribal Nations and other government entities and to close the jurisdiction gap in Indian Country by facilitating the full exercise of Tribal jurisdiction.

III. Conclusion

USET SPF urges Committee to work to provide meaningful levels of flexible public safety and justice resources to Tribal Nations to support our children, families, and communities, in accordance with the federal government's trust and treaty obligations. We further urge you to consider how the Committee might take action to protect the services and programs we already receive, as well as the federal workforce that implements them. A program on paper is worth little without the funding and staff to make it a reality.

This legislation is a positive step for Indian Country, and we thank the Committee for its careful attention to support for Indian Country that trusts Tribal Nations to do what is best for our people. We urge the Committee to work with your colleagues to prioritize the finalization, passage, and implementation of the Native Children's Commission Act in its entirety.

