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## GENERAL MEMORANDUM 13-005

### Report of the Attorney General's Task Force on Children Exposed to Violence

In October 2011, Attorney General Eric Holder appointed a task force to study the effects on children of being exposed to violence and to make recommendations on "ways our nation can prevent, reduce, and treat children's exposure to violence." The National Task Force on Children Exposed to Violence (Task Force) report, *"Defending Childhood: Protect, Heal, Thrive,"* was released in December 2012. Among the focuses of the Task Force was children exposed to violence in American Indian and Alaska Native communities; the report makes two tribal-specific recommendations. The report can be downloaded at: <http://www.justice.gov/defendingchildhood/cev-rpt.full.pdf>

The Task Force held four hearings, one of which was in Albuquerque, NM and was specific to issues that children, families and service providers face in tribal and rural communities concerning exposure to violence. Three listening sessions were also held, one of which was in Anchorage, AK and which focused on experiences of people in Alaska Native villages and other rural areas of Alaska. In addition, many individuals and organizations submitted written testimony to the Task Force.

The report is organized into six chapters and includes 56 recommendations. *Chapter One* recommendations are described as "foundational" in nature and include the proposal that a national task force or commission be appointed to examine the needs of American Indian/Alaska Native (AI/AN) children exposed to violence. *Chapters Two and Three* contain recommendations "to ensure that we reliably identify, screen, and assess all children exposed to violence and thereafter give them support, treatment, and other services designed to address their needs." *Chapters Four and Five* focus on prevention and emphasize "the importance of effectively integrating prevention, intervention, and resilience across systems by nurturing children through warm, supportive, loving, and nonviolent relationships in our homes and communities." Included in the *Chapter Four* recommendations is better compliance with the letter and spirit of the Indian Child Welfare Act through a coordinated effort among the Bureau of Indian Affairs, the Administration for Children and Families, and the Office of Juvenile Justice and Delinquency Prevention.

Finally, *Chapter Six* calls for a major change in our juvenile justice system that "acknowledges that the vast majority of the children involved in the system have been exposed to violence, necessitating the prioritization of services that promote their healing." Among the recommendations is that juvenile justice services should be

"appropriate to children's ethnocultural background that are based on an assessment of each violence-exposed child's individual needs."

We quote in full below the Task Force recommendations concerning a national commission to examine the needs of Native children exposed to violence and concerning improved implementation of the Indian Child Welfare Act.

*1.2 Appoint a federal task force or commission to examine the needs of American Indian/Alaska Native children exposed to violence.*

American Indian/Alaska Native (AI/AN) children have an exceptional degree of unmet need for services and support to prevent and respond to the extreme levels of violence they experience. The federal government has a unique legal responsibility for the welfare of AI/AN children. It also has a special relationship with Indian tribes based, at least in part, on its trust responsibility. In fact, in much of Indian country, the U.S. Attorneys act as the primary prosecutors of violent crime. Sadly, federal partners working in Indian country are all too familiar with the societal impacts of children exposed to violence. The Defending Childhood Task Force heard compelling testimony that underscored this reality. Although this task force could not adequately address the complexity of the issues, it recognizes the urgent need for further attention. To that end, a federal task force or commission should be developed to examine the specific needs of AI/AN children exposed to violence and recommend actions to reduce crime and violence and protect AI/AN children from abuse and neglect. The task force or commission should explore the additional burdens confronting AI/AN communities in meeting the needs of children exposed to violence and propose policies and courses of action for addressing the current gaps in services.

Priorities for this task force or commission should include improving the identification and appropriate treatment of AI/AN children who have been exposed to violence, helping AI/AN communities and tribes rise out of violence, and involving AI/AN youth in solutions. This task force or commission also must examine and address the needs of AI/AN children living outside of reservations, in urban or rural settings off of AI/AN lands. The task force should be developed through a consultation process consistent with the government-to-government relationship between the federal government and tribal governments. The appointment and management of the task force or commission and the selection of its members should be carried out through an equal collaboration between the Attorney General and the Secretary of the Interior. Special attention should be paid to the incarceration of AI/AN children who are convicted and sentenced in the federal judicial system.

*4.10 Ensure compliance with the letter and spirit of the Indian Child Welfare Act (ICWA).*

Children exposed to family violence particularly need to retain their connection with their cultures and communities, which is a key factor that can protect them from the psychological harm and insecurity caused by exposure to violence in their families. Remaining in their communities and staying involved with cultural, religious, and community activities provides children with an

indirect connection to their families even when they cannot live in their family homes or with family members. This is particularly important but also particularly difficult when families live in isolated communities that have been subjected to trauma over many generations, such as AI/AN communities.

AI/AN women and children face family violence at rates far greater than other groups. This tragedy occurs on reservations, in Native communities, and in urban settings and results in AI/AN children's experiencing out-of-home placement far more often than other children. In 1978, with the passage of ICWA, the federal government recognized the importance of keeping AI/AN children with AI/AN families and the important role tribal governments must play in protecting their children. ICWA clearly articulates placement preferences for AI/AN children removed from their homes because of abuse or neglect and the efforts public agencies must make to keep AI/AN children safe in their own homes, and it also sets clear requirements for public agencies and courts on communicating and working with tribal agencies and courts. These requirements apply to child custody proceedings regardless of where the AI/AN child resides in the United States.

Thirty-four years after ICWA's passage, full implementation of the act remains elusive. Judges and attorneys in the state and the tribal court systems must educate each other and work together to ensure the ICWA requirements achieve the stated policy "to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families." Tribes must receive direct access to federal foster care funds (Title IV-E) not only for the provision of foster care but also for the training of workers and administration of a system that will protect their most vulnerable and traumatized members. Movement toward full implementation of ICWA must be accompanied by technical assistance to tribes so they can effectively enlarge their capacity for family court systems, licensing and monitoring of foster homes, and participating in state child protective services cases that involve AI/AN children. Because ICWA is a federal statute, successful implementation will be best ensured through strong, coordinated support from the Bureau of Indian Affairs in the Department of the Interior, the DHHS Administration for Children and Families, and the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice.

Please let us know if we may provide additional information or assistance with regard to the report of the National Task Force on Children Exposed to Violence.

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