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An Indian Child Welfare perspective on disproportionality in child welfare

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ABSTRACT

American Indians and Alaska Natives have struggled with outplacement of children from their families and communities since the beginning of colonization of North America. American Indian and Alaska Native efforts to keep children in their families, communities and tribal nations have created an Indian Child Welfare perspective that is vital to understanding disparities and disproportionalities in child welfare. The history of Indian Child Welfare consists of repeated documentation of institutional bias and institutional racism confirming that United States policies were designed to remove American Indian and Alaska Native children from tribes to undermine indigenous nations and to benefit non-native peoples. From an Indian Child Welfare perspective this means that institutional racism and institutional bias are the primary causes of disparities and disproportionalities in child welfare. The implication for other communities is the need to do their own research and documentation of the participation of their children and families in child welfare.

1. Introduction

The Indian Child Welfare Act (1978) [U.S.C. 25, §§ 1901–1963] defines modern child welfare practice with American Indians and Alaska Natives in the United States, and established the term Indian Child Welfare as the practice of working with American Indian and Alaska Native children and families. This act espoused child welfare practice for an "Indian child." An "Indian child" is defined as "any unmarried person who is under age eighteen and is either (a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe" 925 USC 1606. What is known today as Indian Child Welfare is a part of traditions and principles of health and well-being extending thousands of years back in time before European contact. In the last several hundred years, efforts by tribes, clans and families to keep and reclaim American Indian and Alaska Native children became a center of resistance to oppression by colonial powers and eventually the United States government. Today, American Indian and Alaska Native nations and urban Indian organizations see Indian Child Welfare as a part of a revival of culture, identity and reemergence of the sovereign power of native nations.

An Indian Child Welfare perspective of current disparities and disproportionalities in child welfare is therefore grounded in resistance to colonial and governmental efforts to remove children, while looking to the generations before to find their strengths and resources and looking ahead to future generations to provide a bright future. An Indian Child Welfare perspective is based in wisdom knowledge, and philosophy described in this generation as American Indian and Alaska Native epistemologies (Trafzer, Gilbert, & Madrigal, 2008). To contribute to knowledge in these epistemologies, research findings must be understood in context, and results are reported in a method that describes interconnections related to the results (Trafzer et al., 2008). Rather than focusing on a single study or research report on disproportionality in child welfare to make claims about contributing factors, an Indian Child Welfare perspective looks to the following: (a) history of child welfare; (b) policies and practices continuing from that history; and (c) the child welfare process as a whole.

To review disproportionality in child welfare from an Indian Child Welfare perspective, definitions will be reviewed, and the long history of United States federal and state government policies promoting the removal of children from American Indian and Alaska Native nations will be summarized. An Indian Child Welfare perspective suggests extensive history of racially biased policies, often described as genocidal policies, toward American Indian and Alaska Native families and children and puts the burden of proof on federal and state child welfare programs to indicate they have changed their policies and procedures to reduce institutional racism and to reduce overrepresentation of American Indian and Alaska Native children in foster care. Finally, implications of an Indian Child Welfare perspective on disproportionality for other populations, especially other communities of color will be examined, with recommendations for responses to disparities in child welfare.

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1.1. Indian Child Welfare

Indigenous peoples of North America have a long history of caring for families and children (Cross, Earle, & Simmons, 2000). The Indian Child Welfare Act (1978) [U.S.C. 25, §§ 1901–1963] officially affirmed the power of American Indian and Alaska Native sovereign governments to provide for children who were citizens of their nations. Indian Child Welfare is an evolving set of practices related to American Indian/Alaska children and their families who are involved or at risk of involvement in a child welfare system. While tribes have historically made the welfare of children a priority, current Indian Child Welfare practices evolved in response to systematic efforts of the United States government to remove Indian children from their families. American Indians and Alaska Natives asserted from the outset that the common welfare of indigenous people requires the preservation of cultural values, the defense of legal rights, and education of the general public (Hoxie, 1992).

1.2. Disproportionality in child welfare

Racial disproportionality in child welfare refers to the overrepresentation of one or more racial or ethnic groups in comparison with their percentage in the population of children (Dettlaff & Rycraft, 2010; Harris, Jackson, O'Brien, & Pecora, 2009). For example, American Indian and Alaska Native children are overrepresented in the child welfare system in Washington State (Miller, 2008; WSRDAC, 2008).

To understand racial disproportionality researchers should go beyond one point in the child welfare system, for example intake, and consider multiple decision points in the child welfare process (Derezotes, Richardson, King, Kleinschmit-Rembert, & Pratt, 2008; Harris & Hackett, 2008). Disproportionality tends to be more pronounced at some decision-making points (e.g., investigation) than at others (e.g., substantiation) (Fluke, Yuan, Hedderson, & Curtis, 2003).

Racial disparity may be defined as significant differences between population groups that are unjust or unfair; an exact definition of racial disparity and how to measure disparity is a matter of debate (Hebert, Sisk, & Howell, 2008). Differences in child welfare often considered to be racial disparities include children of color, when compared to white children, are more likely to be removed from the care and custody of their birth parents and placed in foster care, stay in foster care longer, receive fewer services, and have less contact with child welfare caseworkers while they are in care (Barth, 1997; Child Welfare Watch, 1998; Harris & Courtney, 2003; Harris & Hackett, 2008; Harris & Skyles, 2005; Wulczyn, 2003). American Indian and Alaska Native scholarship has consistently documented disparities for American Indian and Alaska Native children in child caring systems before and after the passage of the Indian Child Welfare Act (1978).

1.2.1. History of child welfare for American Indians and Alaska Natives

The United States and other countries, especially Canada, Australia and New Zealand, were forged in the process of confronting and negotiating with established native populations (Hoxie, 2008). Hoxie (2008) describes this process as "Settler Colonialism" drawing on the original work of Australian author A. Grenfell Price (1929, as cited in Hoxie, 2008). In North America, settlers primarily arrived from Europe. They then surrounded the established American Indians. Once the indigenous peoples were surrounded, the settler colonists sought to push the natives out, and to take away native resources. Native leaders sought to protect their people using armed resistance, economic and cultural resistance, and by seeking compromise and negotiations with the settler colonists. Every native in the United States was affected by settler colonialism (Hoxie, 2008).

A key resource claimed by settler colonists was the labor of the people through slavery. Europeans introduced a permanent and intergenerational form of slavery to North America (Weaver, 2009). The first people enslaved were American Indians. For example, 35.5% of recorded American Indians in the Rhode Island colony in 1774 were living with European colonizing families; usually American Indians were with those families to be servants (Sainsbury, 1975, as cited in Silliman, 2010). As the colonies developed, the people enslaved became a mixed population of American Indian and African slaves, and toward the end of the 18th century, the enslaved population became mostly Africans (Weaver, 2009). In Alaska, Russians enslaved Alaska Natives to carry the fur trade down the Pacific Coast of North America. The legacy of enslaving American Indians and Alaska Natives for labor in colonial times foreshadows the transformation of boarding schools into forced labor camps and sources of free labor for later settlers (Adams, 1995). "Colonial officials and settlers in the American West and Australia not only appropriated the land, labor, and resources of indigenous inhabitants, but also sought to dispossess them of their children. This colonial practice involved an invasion into the most intimate spaces and relationships of indigenous people's lives" (Jacobs, 2005, p. 455).

The removal of tribes and American Indian and Alaska Native people from lands claimed by European and later United States settlers was "filled with violence" (Weaver, 2009, p. 1553). Brave Heart and DeBruyn (1998) and Graham (2008) outline the case for genocide and cultural genocide of American Indian peoples summarizing evidence of an American Indian holocaust. Multiple "trails of tears" follow the Indian Removal Act of 1824, and those forced removals were devastating for children. For example, in March 1864, 800 Navajos, mostly women, children and old men, began a 300-mile march to Fort Sumner and the Bosque Redondo Reservation, in east-central New Mexico. By the time they reached the new reservation 110 Navajos perished. Most tribes resisted removal and reductions of their homelands to reservations. The Indian Wars of the 19th century include the Sand Creek Massacre of Cheyenne and Arapaho southeastern Colorado (1864), Captain Jack executed at the end of the Modoc War in Oregon (1873), Custer defeated by Crazy Horse and Lakota allies at the Little Big Horn (1876), Chief Joseph's of the Nez Perce (Nimi'ipuu) surrender (1877), Geronimo the Bedonkohe Apache surrenders (1886), and the Lakota Pine Ridge Wounded Knee massacre (1890).

1.3. Boarding schools

As the Indian wars came to a close, another solution to the "Indian problem" was necessary (Graham, 2008). Removal of Indian children to boarding schools was first and foremost a means to decrease the military threat of American Indian nations (Graham, 2008). Captain Richard Henry Pratt brought the Indian boarding school from Hampton Institute in Virginia to Carlisle, in Pennsylvania in 1879 (Ahern, 1997). Pratt and an Indian reform movement began to assimilate Indian children to society to "Kill the Indian, but save the man" (Russell, 2005; Talbot, 2006). The federal government promoted boarding schools, and the removal of large numbers of Indians from reservations, tribes, clans and families as a key element of assimilation policy (Jacobs, 2005). The federal Indian boarding school program was allocated $20,000 in 1877. By 1900, appropriations were almost three million dollars (Ahern, 1997). During this time the number of schools more than doubled from 150 to 307, with 150 of those day schools on or near reservations (Ahern, 1997; Jacobs, 2005). The number of Indian children in boarding schools increased from 3598 to 21,568 (Ahern, 1997).

While boarding school suggests a classroom experience, the education of Indian students was primarily to be unskilled or semi-skilled labor. They worked to maintain the schools, grow crops and to cook their own food and sew their own uniforms (Adams, 1995). "…through the "outing system" they exchanged their labor for the privilege of placement with a white family; and in some instances, they became a low wage labor pool in the communities that hosted Indian boarding schools" (Sarri & Finn, 1992, p. 224).