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Port Gamble S’Klallam Tribal Child Welfare Program Port Gamble S’Klallam Tribe

Contact:

31912 Little Boston Road NE

Kingston, WA 98366

www.pgst.nsn.us

Children are the future of any nation. In the US, a misguided and shameful history of removing Native children from their homes destroyed families and communities. Although the Indian Child Welfare Act (ICWA) of 1978 affirmed tribal nations’ role in child protection, assimilationist policies have an ongoing influence, and Native children taken into the homes of non-Native families typically grow up with no connection to their extended families and lose their cultural identity. The Port Gamble S’Klallam Tribe (PGST) resolved to create its own Child Welfare Program and recently took complete control over federal funds for child welfare, a first among tribes in the US. PGST provides services that are culturally sensitive and integrated with tribal programs to protect children and strengthen families.

Losing S’Klallam Children

For thousands of years, the S’Klallam people have lived in what is now Washington State, digging clams, fishing, and hunting along inland salt-water basins and rivers. Today, the Port Gamble S’Klallam Tribe has a reservation of approximately 1,700 acres of trust land on the northern tip of the Kitsap Peninsula, roughly 30 miles northwest across Puget Sound from Seattle. The tribe has nearly 1,300 citizens, including more than 400 children.

The destabilizing effects of racism, dislocation, and the loss of traditional economic pursuits led to serious problems with many S’Klallam families. Unfortunately, a patchwork of federal and state laws and regulations provided only fragmented and “foreign” social services on the reservation. These programs rarely took cultural traditions or values into account, left families bewildered, and were ineffective at meeting parents’ needs. As a result, some S’Klallam children found themselves unsafe within their own homes.

Distressingly, PGST was powerless to ensure that children who needed to be removed from their parents’ homes stayed within the community. Often, relatives could not afford to take on

an extra financial burden and were ineligible for child maintenance payments since they were not state-certified foster families. Deep distrust of the state meant that most tribal homes did not welcome state inspectors—to the point that over a period of twenty years, only three homes on the reservation obtained foster care licenses. Almost every S’Klallam child under court protection was placed off-reservation with a non-Native family. Children had to deal with being separated not only from their parents but also from their relatives and from cultural traditions that might offer support and healing. People often avoided reporting family problems to the authorities, knowing a child might be taken away forever.

A Happy Growing-Up Life

In the mid 1980s, PGST began running its own Indian Child Welfare program. This marked the beginning of a decades-long effort to take full control over child welfare activities. The nation adopted numerous child welfare provisions in its code, using S’Klallam traditions of collaborative problem-solving to outline court procedures for families in crisis. The code includes the words of a S’Klallam elder that “every child should have a happy growing-up life” to guide child custody decision-making. Multiple provisions emphasize the importance of an on-going role for parents, extended family members, and the tribe as a whole in the life of the child.

To address the problem of off-reservation foster placements, PGST began negotiations in 2003 with the State of Washington to operate foster care on the reservation. The resulting tribal-state agreement allowed PGST to license its own homes according to tribal standards and also made maintenance payments available to tribal foster families.

In the years that followed, program staff realized that non-S’Klallam approaches were influencing their work and that there was a need to put tribal child welfare practices into writing. The groundbreaking project, which took almost four years to create, involved dozens of interviews with tribal employees, former foster children, care providers, family members of children in care, tribal advisory boards, and tribal council members. The result is a tribal child welfare practice manual containing guidelines and tips for employees that reflect community preferences and S’Klallam values.

Administratively, PGST deliberately placed its Child Welfare Program within its integrated Children and Family Services Department, which manages youth and elder activities, Medicaid, child support, substance abuse programs, counseling services, and Temporary Aid to Needy Families (TANF). Child Welfare Program family care coordinators get feedback from parents and offer them services in a holistic way, rather than in a piecemeal, program-by-program fashion. In response to community concerns that the tribal employees helping family should not also be asked to report on them, the tribe established a position with the tribal police force known as “the detective.” This officer coordinates with the Child Welfare Program and is

responsible for investigating home situations in which there is concern about a child's well-being.

In 2008, a change in federal government rules made tribes eligible to operate the federal Foster Care Program under Title IV-E of the Social Security Act. Until that point, only states were eligible to administer these federal funds. PGST seized on the opportunity to expand control over child welfare payments and secure another funding stream for its work with vulnerable families. With extensive planning and technical assistance from Washington State, the Port Gamble S'Klallam Tribe became the first Native nation to receive federal approval to administer Title IV-E funds directly.

The Child Welfare Program has completely transformed what happens when S'Klallam families find themselves in crisis. Parents are never punished for admitting they cannot care for their children. If a child can no longer safely remain in the home, parents and relatives participate in planning for the future. The tribe has approved nearly 20 foster homes and many families proudly display the licenses in their windows. Under the tribal Child Welfare Program, the steady rise in the number of S'Klallam children going into court-ordered care has been halted. Notably, since the beginning of tribal licensing not one S'Klallam child under tribal court protection has been placed in an off-reservation foster home.

Tribal Sovereignty and Tribal Values

By operating its own tribal Child Welfare Program, PGST has reasserted its sovereignty over the future of S'Klallam children. Reflecting the S'Klallam belief that the entire tribe is the child's family, PGST makes it a priority for its youngest citizens to participate in significant cultural events. The tribal code requires that child custody determinations consider how children "will maintain significant contact with parents, siblings, grandparents, other extended family members and the Port Gamble S'Klallam community" and notes that children should be given "an opportunity to learn about and participate in the S'Klallam way." In its guardianship provisions, the code states clearly that "the care of children is both a family and tribal responsibility." The child welfare practice manual also notes that, especially for children that may have to change homes several times, the tribe takes on great importance as the child's permanent family.

PGST successfully challenged the child welfare status quo by making gradual changes that built up its track record and program authority. The tribe's program has a strong foundation, expressed in writing both in the tribal code and in the practice manual. This makes non-negotiable S'Klallam values explicit and helps reassure partners that proper procedures are in place. Negotiations with the federal government for Title IV-E funding were time-consuming and costly, but the advantage of being recognized on an equal footing with states helps the tribe claim authority for all S'Klallam children regardless of where they live. Program employees have traveled as far away as California and Michigan to request that S'Klallam children be

transferred to tribal court from other jurisdictions. Today, the tribe also receives regular invitations to child welfare summits and meetings for Title IV-E child welfare providers, giving them a new seat at the table in policy and practice discussions.

The tribe's Child Welfare Program also gained independence by taking advantage of opportunities as they became available. For example, in its negotiations with Washington State and subsequently with the federal government, the tribe was able to legitimize S'Klallam practices that differ from state and federal policies. Now, tribal provisions for involuntarily terminating parental rights are much more stringent than state rules. PGST has no timelines for permanency, an approach that is widely used off-reservation. Fostering and guardianship agreements offer stability for children without excluding parents who are expected to "keep working toward being a good parent and offering whatever they can to benefit their children." Unlike state and federal child welfare programs, S'Klallam teachings recognize that parents always have gifts to offer their children, whether or not they are able to care for them.

Bringing the Lessons Home

In the words of one Port Gamble S'Klallam tribal official, "If a tribe does not have its children, there are not many other things worth fighting for in the future." The Tribe has affirmed its right to determine what happens to S'Klallam children who are at risk and keep them connected to their cultural traditions. By working closely with its state counterparts and gaining control of federal funds, the tribal Child Welfare Program has established itself as full child welfare provider. The Port Gamble S'Klallam Tribe is now able to use S'Klallam values to care for and heal vulnerable families. Most importantly, the tribe is keeping its children home where they can develop into productive citizens and future leaders for the nation.

Lessons:

- Community values must be at the core of tribal child welfare policies, as reflected in the PGST's definition of "family" as "tribe."
- Interagency and intergovernmental relationships are fundamental to addressing child welfare and for increasing the legitimacy of the tribe's actions with the county and state.
- New mechanisms for the exercise of sovereignty provide for the welfare and protection of Native children.