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But let me introduce to you Lonna Hunter. Lonna is the project coordinator for the Council on Crime and Justice. And then Sarah Hicks Kastelic, Deputy Director of the National Indian Welfare Association. And finally, Darla Thiele, the Director of Equine Therapy Program at the Sunka Wakan Ah Ku Program. Darla had been previously scheduled to speak later in the program but due to traditional responsibilities in her home community, requested to testify on

1 this matter.

2 So, we appreciate all three of you.
3 We'll begin with you, Lonna. And if you will
4 speak directly into the microphone, we have a
5 pretty full room so that everyone can hear and we
6 will recognize you for 15 minutes.

7 LONNA HUNTER: Thank you,
8 Senator. Thank you, Senator Dorgan and co-chair
9 Joanne Shenandoah and members and members of the
10 advisory committee. And all my relatives that
11 are in the room today, I'd like to acknowledge
12 all of you as well.

13 My name is Lonna Hunter, I'm from the
14 Tlingit and Sisseton Wahpeton Oyate Nations in
15 Sisseton, South Dakota and Juneau, Alaska the land
16 of the Tlingit Nation. I want to acknowledge the
17 land which we are in today which is the great
18 Sioux Nation and acknowledge all of our ancestors
19 and those who have come before us here as we
20 speak and set the stage for the next few
21 hearings.

22 I want to thank the Attorney
23 General's National Task Force Advisory Committee
24 on American Indian and Alaska Native children
25 Exposed to Violence for implementing this

1 recommendation, and I hope that many of the
2 outcomes and the stories you hear will help us to
3 fully realize the extent of the needs for Indian
4 children across this great land.

5 I want to acknowledge my teachers
6 Bonnie and Jim Clairmont who are here with us
7 today and the late Paul and Sheila Wellstone who
8 cares deeply about our children's safety to live
9 free from violence and to understand the extent
10 that a child witnessing violence and/or experiencing child
11 sexual abuse really is in deep, deep pain.

12 I've worked on the issue of
13 co-occurrence since the late '90s traveling
14 around Alaska, in many of the small villages and
15 looking at the issues of how we have arrived at
16 "failure to protect" and policies that were
17 implemented in the late '90s.

18 However, my heart and soul, even as a
19 lobbyist working on these issues, rests with
20 Native children. My deep conviction and passion
21 comes from being a childhood survivor of
22 witnessing violence in my own home and as a
23 survivor of child sexual abuse.

24 I hope to speak for many survivors

1 today whose voices may have been silent due to
2 murder, mental health challenges, drug and/or
3 alcohol addiction, institutionalization in
4 prisons, mental health institutions, or from deep
5 grief, deep pain and grief buried in graves
6 across Indian Country and some of those graves
7 marked unknown.

8 The issue of co-occurrence of
9 domestic violence and child maltreatment has been
10 studied in mainstream since the late probably
11 '80s into the early '90s; however, in Indian
12 Country, we are only beginning to realize the
13 magnitude of this issue.

14 I would have liked to present the
15 statistics on the studies of the co-occurrence in
16 Indian Country for children witnessing domestic
17 violence; however, there is little to no
18 research on this issue.

19 The co-occurrence between domestic
20 violence and child maltreatment according to
21 Wendy Bancroft occurs between 50 and 70 percent.
22 So 50 percent to 70 percent of children who are
23 in homes where they're witnessing domestic
24 violence, that is the rate of child maltreatment
25 that they are experiencing.

1 However, we do not know those very
2 specific statistics for Indian Country. The rate
3 of violence against Indian and Alaska Native women by an
4 intimate partner is upwards to 30 to 40 percent.
5 And so, considering the rate of violence against American
6 Indian/Alaska Native women, the high
7 co-occurrence rate suggests that it's critical
8 that we study or at least look at the research
9 on this issue in Indian Country.

10 I traveled to Rosebud with the Tribal
11 Law and Policy Institute to look at the
12 co-occurrence of domestic violence and child maltreatment to do a site
13 visit there and what I understood from interviewing child welfare
14 workers, domestic violence advocates, survivors, and
15 law enforcement, was that every child had
16 witnessed violence or it was believed that every
17 child had witnessed violence on the Rosebud
18 Reservation.

19 There were 25,000 calls to law
20 enforcement in one year and there were 25,000
21 folks who live in Rosebud, and at least two
22 children a day were victims of crime. That is
23 astronomical. That is off of the charts compared
24 to the co-occurrence of child maltreatment and
25 domestic violence in the mainstream.

1 Data from the Wind River Reservation
2 estimates that at least 66 percent of families
3 have history of domestic violence and at least 20
4 percent have been sexually abused and those are
5 low numbers. We have to remember that under
6 reporting is largely in the population of Alaska
7 Natives/American Indian families because there is
8 just basically no research.

9 Co-occurrence is looking at the issue
10 of maltreatment, but it's also connecting this to
11 the rate of child sexual abuse. The rate of
12 child sexual abuse by a batterer is four to six
13 times higher than a non-batterer. So, those
14 dynamics of child sexual abuse occur largely
15 when there is domestic violence present in those
16 families.

17 When we look at the high rate of
18 child sexual abuse in Indian Country and violence
19 against Native women, it suggests that the rates
20 could be even higher when considering the correlation to
21 under reporting. This is echoed in the testimony
22 by Elsie Boudreau, a Yup'ik survivor and child
23 advocate from Alaska. Boudreau says that in
24 2010, 40 percent of children seen at Child
25 Advocacy Centers for child sexual abuse were

1 Alaska Native, even though we only represent 15
2 percent of the entire population in the state of
3 Alaska. That is just strictly unacceptable.

4 However, what we need to keep in mind
5 is that any statistic that we are presenting on
6 either of these issues, have not be studied in 562
7 tribes in Alaska or in the United States.

8 To understand co-occurrence and the
9 rate that it occurs in our families and the
10 dynamics of domestic violence and sexual assault
11 and for children in child maltreatment, is to
12 understand the dynamics of battering. We must
13 challenge stereotypes embedded deeply in our
14 society when we look at the issues of domestic
15 violence and/or battery.

16 Challenging these stereotypes is
17 often written off as man hating or some way
18 blaming men, but the statistics suggest that this
19 is a gender violence, that these rates that women
20 are being battered and even murdered, simply do
21 not point to the issue that we can dismiss gender
22 all together.

23 We need to move beyond that and
24 create the framework around systemic oppression
25 of women and children and the dominance of

1 healing that that child will be able to maintain
2 if they can remain with the non-offending parent.

3 It is trauma to remove a child from
4 the home because of witnessing violence, and it
5 is critical to understand that this is a very
6 complex assessment that needs to occur. But, it
7 must come from the understanding -- how to
8 understand what domestic violence is and the risk
9 factors and the protective factors for that
10 child.

11 In addition, the complexity of
12 domestic violence speaks volumes when a child
13 protection policy focuses on leaving the
14 batterer. This is critical; however, you cannot
15 suggest that a woman or a parent leave the
16 batterer without understanding the full risks of
17 her leaving her partner. This is the most
18 vulnerable time for a woman. This is
19 when lethality occurs. This is when murder
20 happens. This is when children are being
21 abducted. This is a very critical time. So, it
22 is important to not blame the victim but to also
23 understand the full complexity of what that risk
24 is for the woman to leave.

25 These are complexities that you will

1 hear from today but to keep in mind trauma,
2 healing, domestic violence, child maltreatment,
3 batterers, child advocacy centers, suicide, and
4 powerful healing methods from our people working
5 on the front line of domestic violence and sexual
6 assault advocacy, child welfare, child advocates,
7 and prosecution.

8 We as Indian people, we hold the
9 healing ability to heal our communities if given
10 the resources and opportunities. I do not want
11 to present our communities as indigent, poor,
12 that we do not understand full complexity of
13 culture and the impact and the ability to
14 maintain our indigenous languages, that is part
15 of the resilience of your communities is to
16 realize the full potential of healing that we can
17 bring to our communities as well.

18 This is not to put it lightly. Our
19 communities need to tell across the nation that
20 we cannot provide for our families and for our
21 communities. We can. We simply do not access
22 and do not have access to resources that are
23 critical even just law enforcement.

24 There were two law enforcement
25 officials on in Rosebud at one shift, and when

1 you think about how big Rosebud is, it's probably
2 as big as Rhode Island. And to think that you
3 could simply just have two law enforcement to
4 hold batterers accountable, to show up at every
5 -- when there's distances to travel were upwards
6 to 40 miles one way.

7 We need vital resources that allow us
8 to be at the forefront, special demonstration
9 funding that addresses the co-occurrence of
10 domestic violence and child maltreatment,
11 batterers intervention programming, this is
12 critical; community based research to address the
13 rates that this is occurring in Indian Country;
14 cross-training on domestic violence,
15 co-occurrence, and effective interventions for
16 safety and accountability of the batterer's
17 violence; development of tribal codes that
18 reflect the cultural values and safety of mother
19 and child and accountability of the batterer;
20 funding for civil legal resources and funding to
21 address the issues of housing on our reservation
22 communities. Thank you.

23 SENATOR BYRON DORGAN: Lonna, thank
24 you very, very much for your testimony and the
25 work that you have done on this matter.

1 Next, we'll hear from Dr. Sarah
2 Kastelic. She joined the National Indian Child
3 Welfare Association in January of 2011. She had
4 previously worked for the National Congress of
5 American Indians. She has done extensive amounts
6 of work -- the National Indian Child Welfare
7 Association is the most comprehensive source of
8 information on American Indian child welfare, and
9 we appreciate you being here. You may proceed.

10 SARAH HICKS KASTELIC: Thank you so
11 much. (Speaking in Native language.) Good
12 morning. NICWA is a native nonprofit
13 organization located in Portland, Oregon. Our
14 mission is to ensure the wellbeing of American
15 Indians and Alaska Native children and families.
16 NICWA has over 24 years of experience providing
17 technical assistance and training to tribes,
18 states, and federal agencies on issues that
19 impact Indian child welfare and children's mental
20 health.

21 NICWA provides leadership in the
22 development of public policy that supports tribal
23 self-determination and child welfare and
24 children's mental health systems as well as
25 compliance with the Indian Child Welfare Act.

1 NICWA also engages in research that
2 supports and informs and proves services for
3 Native children and families. NICWA is the
4 nations most comprehensive source of information
5 on American Indian and Alaska Native child
6 maltreatment, child welfare, and children's
7 mental health issues.

8 Native children face violence in
9 their home, schools, and communities at
10 alarming high rates. For this reason, I would
11 like to thank this task force and its chairs,
12 Senator Byron Dorgan and Joanne Shenandoah for
13 their leadership and commitment that they made to
14 better understand these issues at the practice,
15 program, and policy level, and to provide
16 recommendations to ensure that the violence
17 Native children face is first and foremost
18 prevented, and if these efforts fail, that the
19 violence is adequately addressed and the trauma
20 that is created is appropriately treated.

21 The focus of today's hearing is
22 American Indian Children Exposed to Violence in
23 the Home. Violence in the home includes both
24 intimate partner violence as well as
25 maltreatment. At NICWA, we understand that the

1 intersection of these two issues cannot be
2 ignored. Parents who engage in violence are more
3 likely to perpetrate violence against their
4 children.

5 Children who witness or live where
6 intimate partner violence is present face the
7 long-term effects of trauma often associated with
8 child abuse, and children who are maltreated are
9 more likely to later perpetuate violence against
10 others including intimate partners.

11 Recognizing these important
12 relationships and NICWA's expertise, this
13 testimony will focus predominately on child
14 maltreatment or the physical and sexual abuse and
15 neglect of children in the home at the hands of
16 their caregivers and family members.

17 I want to note that child
18 maltreatment comes in a variety of forms,
19 including sexual abuse, physical abuse, and
20 neglect among others. Among these different
21 forms of child maltreatment, neglect is the most
22 frequently occurring within Native families.

23 While the focus of this testimony and
24 hearing will highlight abuse that is considered
25 to be more violent in nature, such as physical

1 and sexual abuse, neglect can have serious
2 effects upon children's self-esteem and outlook
3 for the future; some that are longer lasting and
4 more profound than the effects of abuse.

5 When thinking about child
6 maltreatment in Indian Country, diversity of
7 American Indian and Alaska Native tribes cannot
8 be overemphasized. Tribes, villages,
9 reservations, and urban Indian communities have
10 vastly different resources, social and economic
11 conditions, and cultural and traditional
12 practices. These differing conditions affect
13 child maltreatment and mean that no statements
14 about child maltreatment can apply to all tribes
15 and urban Indian communities across the country.

16 The perspectives, recommendation, and
17 values of community members, youth, and victims
18 should be given as much weight and priority or
19 more as those recommendations that come from
20 national organizations like NICWA and subject
21 matter experts, such as myself.

22 With these considerations in mind,
23 I'll provide important context for conversations
24 about child maltreatment in Indian Country and
25 recommendations for the key changes that will

1 prevent violence to Native children in the home,
2 and when this is not possible, will ensure access
3 to protection and treatment.

4 Prior to contact with Europeans,
5 tribal child-rearing practices and beliefs
6 allowed a natural system of child protection to
7 flourish. Traditional Indian spiritual beliefs
8 reinforced that all things had a spiritual nature
9 that demanded respect, including children. Not
10 only were children respected, but they were also
11 taught to respect others. Extraordinary patience
12 and tolerance marked the methods that were used
13 to teach Indian children self-discipline.

14 At the heart of this natural system
15 of beliefs, traditions, and customs, was an
16 interdependent network of extended family
17 community all of which share child-rearing
18 responsibilities. In this way, the protection of
19 children in the tribe was the responsibility of
20 all people in the community. Child maltreatment
21 was rarely a problem in traditional settings
22 because of these traditional beliefs and natural
23 safety net.

24 As European migration to the United
25 States increased, traditional tribal practices in

1 child rearing were often lost as federal programs
2 sought to systemically assimilate Native people.

3 Throughout the history of the United
4 States, Native children and families have faced
5 kidnapping, day schools, boarding schools, foster
6 homes, and adoptive placements all in an effort
7 to quote "kill the Indian" and save the man.

8 The outcome of these assimilation
9 efforts is heightened risk factors for child
10 maltreatment in Native communities. These
11 policies left generations of parents and
12 grandparents who were subjected to prolonged
13 institutionalization and who did have, as Lonna
14 said, positive models of family life and family
15 discipline.

16 Further, boarding schools and
17 relocation efforts have resulted in the
18 destruction of kinship networks and traditional
19 understandings of child rearing and protection
20 damaging the natural safety net that was in
21 place.

22 It was not until 1978, with the
23 passage of the Indian Child Welfare Act, NICWA,
24 that the federal government acknowledged the
25 inherent sovereign right of tribal governments

1 and the critical role that they play in
2 protecting their children and maintaining their
3 families. Meaning, that for two centuries, the
4 United States usurped tribe's rights to care for
5 their families, further eroding the traditional
6 and natural child protection systems of tribal
7 communities.

8 Challenges in Native communities
9 today mirror the risk factors for heightened
10 maltreatment including poverty, mental and
11 physical health problems, poor housing, and
12 violence which are directly related to federal
13 reservation and relocation policies.

14 The pattern of mistreatment of Native
15 people and communities over the course of the
16 centuries has had an additional effect on Native
17 families that creates a heightened risk for child
18 maltreatment: Historical trauma.

19 Researchers and experts believe that
20 the shared experience by Native people of
21 historic traumatic events such as displacement,
22 forced assimilation, suppression of language and
23 culture, and boarding schools creates a legacy of
24 unresolved grief that, when untreated, is passed
25 down through generations and experienced in ways

1 that reflect reactions to trauma: Increased
2 mental health indicators, substance abuse,
3 stress, and social isolation; all risk factors
4 for child maltreatment.

5 There is little information on the
6 specific and unique risk factors for child
7 maltreatment in Native families. Without an
8 accurate, nuanced understanding of the complex
9 interaction of risk factors for child
10 maltreatment, prevention, identification,
11 intervention may be ineffective.

12 According to mainstream understanding
13 of child maltreatment, limited existing data show
14 that Native children are at high risk. For example,
15 in terms of parental risk factors, Native
16 children are more likely than the overall U.S.
17 population to live in households that are below
18 the poverty line; Native parents are more likely
19 to struggle with substance abuse and mental
20 health issues and more likely to be single
21 parents.

22 In terms of child characteristic risk
23 factors, Native children are more likely to have
24 special needs.

25 In terms of family risk factors, many

1 Native communities are socially isolated.
2 Reservation communities are located in remote and
3 sparsely populated areas, and often the housing
4 within those communities is spread out over a
5 large area.

6 Further, Native women are more likely
7 than any other single racial or ethnic group to
8 experience intimate partner violence.

9 And in terms of community and
10 structural risk factors, Native people and
11 families are more likely to live in communities
12 where they will experience both high rates of
13 criminal victimization and under-policing of the
14 community. Native families are also more likely
15 to live in areas of high poverty.

16 National data on Native children who
17 experience child abuse and neglect are limited.
18 The primary data available, outside very minimal
19 data collected by the Bureau of Indian Affairs
20 and Indian Health Service, is based on state
21 child welfare data systems, which includes
22 approximately 60% percent of tribal abuse and
23 neglect cases.

24 Nonetheless, the limited data
25 available do provide some basic understanding of

1 the prevalence of maltreatment in Native families
2 and communities. Native children are 1.1 percent
3 of all child maltreatment victims reported to
4 state and county child welfare agencies.

5 Native children experience a rate of
6 child abuse and neglect of 11.1 per 1,000
7 children. This compares to the national rate of
8 victimization of 9.1 per 1,000. And Native
9 children are more likely than children of other
10 races and ethnicities to be confirmed as victims
11 of neglect, 59.7 percent of cases, and are least
12 likely to be confirmed as victims of physical
13 abuse.

14 Facing trauma in the form of child
15 maltreatment has long-term effects on the
16 well-being of Native children. Particularly,
17 when it goes undetected and undeterred.

18 Studies have shown that children have
19 been abused or neglected have higher rates of
20 mental health and substance abuse disorders, are
21 more likely to be involved in the juvenile
22 justice system, have worse educational outcomes,
23 like truancy and grade repetition, and are more
24 likely to have early pregnancies.

25 It is also important to understand

1 that individuals who experience abuse and neglect
2 are more likely to be perpetrators of intimate
3 partner violence and child maltreatment, creating
4 a cycle of violence that is difficult to break.

5 Child maltreatment does not just have
6 long-term effects on victims; it also comes at a
7 great cost to society. According to the Centers
8 for Disease Control, to manage all of the
9 services associated with the immediate response
10 to all child maltreatment costs 124 billion
11 dollars a year. Although Native children are
12 only a small fraction of child maltreatment
13 victims nationally, that would still equate to
14 billions of dollars a year being spent to respond
15 to child maltreatment of Native children. For
16 tribes who are already under resourced in the
17 area of child welfare, this can be a huge strain
18 on available resources.

19 Chronic social problems like child
20 maltreatment also hold back communities; when
21 they are unaddressed, they ultimately interfere
22 with efforts to create and encourage economic
23 development by draining off resources that could
24 be used for economic and infrastructure
25 development to, quote, "manage" these chronic and

1 persistent social problems.

2 With this background, I will now
3 share key recommendations, and I only have time
4 to highlight a few, there are many more within my
5 written testimony. My recommendations are
6 organized into five categories: Policy change,
7 funding, coordination and collaboration, training
8 and technical assistance, and data collection and
9 research.

10 Policy: Tribal governments in PL 280
11 states face significant challenges in
12 establishing an effective working relationship
13 with the child welfare system regarding
14 jurisdiction and service responsibility within
15 the states in which they reside.

16 Where concurrent jurisdiction has
17 been asserted, there can be uncertainty between
18 tribes and states about who's responsible for
19 dealing with child abuse and neglect. This can
20 often result in delays in responding to reports
21 of child abuse involving Native children on
22 tribal lands. While tribes in some PL 280 states
23 have been able to develop intergovernmental
24 agreements to address these jurisdictional and
25 service responsibility challenges, large numbers

1 have not been able to, largely due to their
2 state's reluctance or unwillingness to negotiate
3 agreements.

4 The federal process for resumption of
5 jurisdiction of child welfare services for tribes
6 under the Indian Child Welfare Act is very
7 burdensome and can take two years or more to
8 complete.

9 Our recommendation is twofold: One,
10 reform the BIA process for resumption of
11 jurisdiction with the consultation of tribal
12 governments to establish a more efficient and
13 effective process; and two, establish a mandate
14 for PL 280 states to negotiate, in good faith
15 with tribes, regarding the development of
16 intergovernmental agreements that address
17 jurisdictional and service responsibility
18 challenges in child welfare.

19 Similar requirements are already
20 contained within the Social Security Act
21 requiring states to negotiate agreements with
22 tribes on the operation of the Title IV-E Foster
23 Care and Adoption Assistance program and the
24 Chafee Independent Living program.

25 As with the domestic violence, child

1 abuse incidents on tribal lands present unique
2 challenges, especially with regard to the ability
3 to effectively deter criminal behavior in this
4 area and address criminal prosecution of
5 suspected perpetrators.

6 This year, Congress passed the
7 Violence Against Women Reauthorization Act of
8 2013, VAWA, that provided a much-needed remedy to
9 the inability of tribes to successfully deter and
10 prosecute criminal acts of domestic violence
11 involving non-Indians living within tribal lands.

12 Prior to enactment of this
13 legislation, non-Indian domestic violence
14 perpetrators on tribal lands were able to escape
15 prosecution, leaving them to commit additional
16 assaults with no legal consequences.

17 Tribes need similar authority to
18 address criminal acts of child abuse by
19 non-Indian perpetrators on tribal lands.

20 While there is limited data on this
21 issue, there are countless anecdotes of sexual
22 predators intentionally assaulting children on
23 tribal land, with little or no consequence, due
24 to lack of tribal authority to prosecute and
25 extremely low federal prosecutions.

1 We recommend that federal agencies
2 work with the Congress and tribal governments to
3 pass legislation similar in concept to the
4 provision within VAWA that would clarify tribal
5 authority to prosecute criminal child abuse of
6 Native children on tribal lands that occur at the
7 hands of non-Indian individuals.

8 With regard to funding, there are a
9 number of programs that have never been funded
10 under the Indian Child Protection and Family
11 Violence Prevention Act of 1991. We strongly
12 recommend looking at those authorizations that
13 are already in place and consider appropriations
14 there that would make a significant difference in
15 terms of child abuse treatment, child abuse
16 prevention, and investigation of child abuse
17 reports, family violence prevention and
18 treatment, and establish an Indian Child Resource
19 and Family Service Center.

20 We also recommend looking at the
21 Child Abuse Prevention and Treatment Act, CAPTA,
22 again, a number of programs which have little or
23 no resources. There are further recommendations
24 around coordination and collaboration. Certainly
25 in term of issues that are complex as these, we

1 really need to look at various systems that are
2 involved to address those challenges. Thank you
3 for your time and attention.

4 SENATOR BYRON DORGAN: Dr. Kastelic,
5 thank you very much.

6 Finally, on this panel we'll hear
7 from Darla Thiele from the Spirit Lake Nation.
8 She's the director of a diversionary project
9 within the Spirit Lake Juvenile Court System.
10 Darla, we are very pleased to have you speak.
11 You may proceed.

12 DARLA THIELE: (Speaking in
13 native language.) Good morning, my relatives, I
14 greet you with a good heart and a hardy
15 handshake. My Dakota name is Shining Star Woman.
16 I am an enrolled member of the Spirit Lake Nation
17 in Fort Totten, North Dakota. My English name is
18 Darla Thiele.

19 I am a grassroots person. I come
20 from the Spirit Lake Tribe. I've worked there
21 with the Tribe since 1993. In that time, I've
22 worked in the areas of alcohol and drug
23 prevention for five years. I've worked for the
24 Tribal Juvenile Court for 12 years and the Sunka
25 Wakan Ah Ku program for the last five years.

1 I've also obtained and went back to school and
2 got two degrees during this time in our community
3 college in Liberal Arts and Indian Studies. I
4 did this because our youth factor. I keep
5 stressing education. Tell our youth, our kids
6 you need to get our education. You need to go on
7 to school. You need to finish school. Only
8 because I wanted to model my beliefs and what I
9 see because I believe if you ask a youth to do
10 something, you better be able to do it yourself
11 and be that example for them.

12 The Sunka Wakan Ah Ku Program
13 (Bringing Back the Horses) is a culturally based
14 equine program that utilizes the cultural
15 interventions with the youth who are in the
16 juvenile justice system and/or abusing alcohol or
17 other substances. These cultural interventions
18 include traditional practices; awareness of
19 tribal history and heritage; cultural knowledge;
20 and spiritual impacts of our way of life when we
21 follow the teachings of the Dakota people which
22 are wisdom, humility, courage, honesty, respect,
23 and fortitude.

24 As Dacotah people, we are bringing
25 back the horse culture, a culture we have strong

1 ties to in our history. The Dacotah people
2 believe that the horse is sacred, he's our
3 relative and comes from the west direction, he's
4 a healer, and he speaks for our youth. We have
5 many songs that are used in ceremonies that are
6 tied to the horse. We are using cultural
7 practices and horse knowledge along with the
8 National Equine Assisted Learning. It's a great
9 tool that helps us work with our youth in our
10 community.

11 I'd like to share a story and an
12 example of our work. One of the young ladies
13 who's involved with our program. On May 21st,
14 2011, she had a brother and sister who were
15 murder. She was in the program. She found that
16 relationship as prayer. Prayer comes with
17 everything in working with our horses. She found
18 that comfort and trusted in the horse to help her
19 deal with this tragedy. She went on for a whole
20 year, she talked about her father who was put in
21 jail. She always talked about I know my dad. I
22 know he wouldn't do this. I know he's innocent.
23 She just kept on and on and on and after a whole
24 year of working with horses, and counseling and
25 talking with others, a whole year went by. And

1 in that time, her father was found innocent and
2 she was so happy. She came back and she told us
3 and she talked about her brother and sister.

4 The hard part for her now was that
5 she was a half sister, and when the funeral
6 arrangements were being done, she wasn't included
7 and it really hurt her really deeply. She was
8 hurt real deeply. But after a year came by of
9 her brother and sister being murdered, she asked,
10 she came to the program and she asked, she said
11 will you help me. Can we ride our horses in
12 memory of my brother and sister. I said, yes, we
13 can, and we took our horses and we had our ride
14 and we rode ten miles to their grave site where
15 they were buried, and we had a sending off
16 ceremony for her; we had songs; we had a song by
17 her spiritual leader; and we did a balloon
18 release. And with Indian people, there is always
19 food. So we had a meal that everybody came.

20 And she talked after that how it
21 helped her to find closure. It helped her to
22 feel better about what happened. She doesn't
23 forget her brother and sister and all that
24 happen, but she's able to move on. And she found
25 this comfort with horses and trust and love in

1 that relationship that she developed with the
2 horses.

3 We have many youth on our reservation
4 who have stories to tell. We have young ladies
5 who on weekends are at home taking turns with
6 their siblings holding the door shut while the
7 party is going on in the living room. And they
8 take turns holding the door shut to make nobody
9 comes in to bother any of the siblings.

10 We have a young man who's dealing
11 with his mother being diagnosed and dieing of
12 cancer and his father being diagnosed with brain
13 cancer. He speaks of how the only time he's not
14 afraid is when he's on that horse praying and
15 riding.

16 We have families who have nine
17 siblings and they're from home to move with other
18 family members because they don't have a home to
19 be in and lack of housing. We have our young
20 kids who are worried about suicide. We see
21 suicide happening and wondering, you know, what's
22 happening with suicide. Why is this happening.
23 What is going on. They have all these anxieties.
24 Many are put in situations that are beyond their
25 control.

1 There is a great need for more
2 spirituality among both our youth and adult
3 populations of Spirit Lake. This is coupled with
4 the need for cultural identity and a sense of
5 belonging to our community. These issues are
6 critical as we are raising youth who don't know
7 our values and the roles within our family
8 systems, which at one time in the Dacotah family
9 system, everything was kept in the community,
10 everybody had a place, everybody had a name, you
11 know, and we don't have that now.

12 This results in our kids not knowing
13 who they are and emulating other races by trying
14 to be people that they are not. And they're
15 doing this because they lack a basic knowledge of
16 who they are and where they come from. And we,
17 as Dacotah people, we are spiritual people. He
18 have a belief in Wakan Tanka, and we know that
19 prayer is a daily part of life.

20 There are many times when our youth
21 have come to me and asking and telling us, we
22 don't know how to pray. We don't know. No one
23 has ever taught us. Can you teach us how to pray
24 so at times when we need to, we can say our
25 prayers.

1 Without a strong belief system and a
2 sustained relationship with our Creator, the
3 Wakan Tanka, we cannot grow as human beings. And
4 in order to move forward, we need to come to
5 terms with the past and present and our ugly
6 history. As Dacotah people, we need to move past
7 this ugly history and push this and know who we
8 are in the present so we can push on into the
9 future because we need to planning for our
10 children and grandchildren and those that are to
11 come.

12 Our youth need to know their cultural
13 identity, and I'll say it again, our youth need
14 to know their cultural identity. They need to
15 know who they are and where they come from.

16 Colonization is another thing that
17 has taken over the lives of our parents and our
18 grandparents. They have accepted the teachings
19 of the missionaries that our ceremonies and
20 culture are evil and that they should move on and
21 no longer be practiced. They then teach this to
22 their children and then they don't allow those
23 young people who want to learn, they only want
24 their children to come to ceremonies and to hear
25 about sweats. As Dacotah people, we have a

1 ceremony for everything. They don't know their
2 family trees or their history or family ties.

3 So, again, I say our young children
4 need to know who they are. They need to move
5 forward. A lot of our youth who are in the
6 program want to know their family history, they
7 want to hear ceremonies, they want to understand
8 but they can't because their parents won't allow
9 it. So they have to wait until they turn 18
10 years old before they can come and take part and
11 learn all their cultural identities. We need the
12 answer to help them to move to the future to have
13 a safe and healthier life.

14 One of the barriers, both of our
15 youth and their families face, are professionals.
16 They come to and they have proper credentials
17 that are required by the state, but they lack the
18 cultural knowledge and ability or even desire to
19 understand where our children and their families
20 are coming from in their history and their lives.

21 When these "professionals" don't work
22 with our families to find a workable solution but
23 rather they make all the decisions for the family
24 and the children, without consulting them in any
25 part of the process, they have set that person

1 for failure. For any solution of assistance to
2 have the chance of being successful, it has to
3 involve the family, to come from within the
4 family and for the family to set the goals.

5 A good and positive example of this
6 is the Sacred Child Project. That concept is
7 right on and it works with the family and that
8 Sacred Child Project talks about how every person
9 has good qualities, they have a good side to
10 them, and they work with those qualities. They
11 work with the families to set goals that they can
12 achieve no matter how long it takes.

13 When you have professionals who sit
14 down and make all the decisions for the families,
15 they're already setting them up for failure and
16 they won't be successful.

17 Another way that is done is when
18 providers put their credentials ahead of the
19 needs of the youth. Many professionals who come
20 have a fear of losing their license by not
21 following the status quo within the state and our
22 leaders. There are times when what our young
23 people or families need is not part of the
24 prescribed methods of doing things within certain
25 disciplines and professions such as licensed

1 addiction counseling.

2 Children and youth cannot be fooled,
3 they know who is real, they know who is genuine,
4 they know who is there to help, and they know who
5 is just there for a job. I know one Licensed
6 Addiction Counselor with a Masters Degree in
7 Social Work, who, her treatment methods were not
8 always standard, but she believed in her clients
9 so much that she would not change her course when
10 another Licensed Addiction Counselor didn't
11 believe she should be doing what she doing
12 because they were not the normal standards. This
13 other counselor complained to the North Dakota
14 Licensing Board.

15 One of the recommendations that I
16 would like to say is that these professionals
17 should display a willingness or openness to learn
18 of the history and culture of the heritage of the
19 people they are to serve.

20 Another recommendation is to develop
21 a multidisciplinary team approach utilizing the
22 Sacred Child model for child protective services,
23 prevention and treatment planning that will work
24 on a case-to-case basis.

25 The other thing I would like to say

1 is that the answers lie within our people within
2 the communities, with our leaders, with the
3 grassroots people, the common people and not from
4 someone coming in and trying to solve the
5 problems for us.

6 The Sunka Wakan Ah Ku program started
7 with the grassroots people who realized that we
8 can't wait for people to come in to our
9 communities and tell us how to solve our
10 problems, to tell us how to work with our youth.

11 When the problems came to light
12 within our community, meetings were held with
13 government officials but not one of them went
14 into our communities to ask for people's advice
15 or to help resolve the crisis. It got to the
16 point where the BIA Affairs took over our child
17 protection services, and the problems worsened
18 because of the points made above and the trust in
19 the systems was deteriorated further. They
20 didn't come in and they didn't work with the
21 people, but tried to make decisions for the
22 people rather than working with them.

23 These are all serious matters that
24 we're here for today, especially when it involves
25 the safety of our children and youth. One way to

1 help us is to help us to look into -- give us
2 that opportunity to look within our own
3 communities for solutions, support our ideas, and
4 help us to implement those ideas. But don't do
5 it for us, it will not work. It needs to come
6 from within.

7 There needs to be dialogue, not just
8 testimony, there needs to be sharing of ideas and
9 discussion revolving around those ideas, not just
10 hearing thoughts, concerns, and ideas; asking
11 questions; and then deciding how to proceed.
12 While that does involve us, it still doesn't give
13 us the responsibility and ownership.

14 I want to say today -- I also want to
15 say I apologize to my elders out there for
16 speaking before them. I don't sit here as
17 someone who has all the answer or more knowledge
18 than them. I want to say thank you for giving me
19 the opportunity to come here today.

20 SENATOR BYRON DORGAN: Darla Thiele,
21 thank you very much for your testimony today.

22 This first panel was to be background
23 presentations and to give you some hearing for
24 this panel. There has been a great amount of
25 research done with respect Darla Theile's

1 circumstances on the ground programs that she has
2 related to us. We have time for just a few
3 questions from the task force and then the second
4 panel today will be specifically about child
5 sexual abuse in Indian Country and deal with some
6 experts in that area.

7 But, if there are questions from this
8 task force, any of these witnesses would gladly
9 answer them.

10 RON WHITENER: I'll direct his
11 question to Dr. Hicks Kastelic. One of the
12 things that you brought up that is something that
13 certainly I can rely on is the need to fully
14 understand the problem, you know, the research is
15 needed. Although we know that for, especially
16 tribal organizations who are trying to get
17 funding from the United States, we run into the
18 problem of generalizability. What's the pathway
19 to being able to support the type of research for
20 these promising programs to show that they are
21 working and then to justify it in Congress for
22 funding?

23 SARAH HICKS KASTELIC: Good
24 question. I think there are a couple of things
25 that need to happen. One, is that there needs to

1 be resources devoted to this. So, there is
2 actually quite a bit of robust literature in
3 terms of mainstream models and looking at child
4 maltreatment more broadly of the overall
5 population. And there are mainstreams to do
6 that. The Child Abuse Prevention Treatment Act
7 channels resources primarily to universities and
8 hospitals to do rigorous research on various
9 problematic models.

10 I think for tribal communities, as
11 you mentioned, there are a number of challenges
12 but none of them insurmountable. You know, I
13 think there's some pretty simple workarounds in
14 terms of really considering methods like over
15 channeling that help to get at some of the
16 smaller population issues. But, also looking at
17 creative ways of thinking about how evidence
18 based practices get culturally adapted for
19 various populations. And when you're looking at
20 key components to which, you know, fidelity needs
21 to be adhered but really looking at the variation
22 as well.

23 And, I think there are ways that you
24 can look at implementation of programs in
25 different communities and aggregate data in

1 creative ways that allow you to get a larger
2 sample even beyond oversampling and into
3 individual communities.

4 So, there is some information in my
5 testimony, written testimony, and I'd be happy to
6 provide a lot more information, but all of this
7 is really -- there are realistic ways to do this
8 work. We just need to have the political will
9 and dedicated resources to do it. Thank you.

10 SENATOR BYRON DORGAN: Other
11 questions of the task force?

12 ERIC BRODERICK: This question
13 is for Lonna. You said that the failure to
14 protect policies had been repealed for the
15 mainstream and not for Indian communities. What
16 would it take to repeal those failure to protect
17 policies for Indian communities?

18 LONNA HUNTER: Well, I think
19 just to answer the question to generalability,
20 (phonetic) I mean we have many sovereign nations,
21 so it would take looking at this issue in terms
22 of the best practices to come up with best
23 practices in different jurisdictions, sovereign
24 jurisdictions, in PL 280 jurisdictions, and to
25 understand what is working in child welfare, as

1 doctor mentioned earlier, that part of the issue
2 is getting the states on board with working
3 with these jurisdictions but also
4 maintaining the sovereignty of many of our
5 tribes.

6 So, understanding, I think, the
7 training issue of looking at why failure to
8 protect cannot just exist in a vacuum, that it
9 can't just be looking at just the child's welfare
10 but it has to include the mother's safety/child
11 relationship and to include batterer
12 accountability because you certainly cannot open
13 a child protection case in the mother's name and just the mother is
14 being held accountable for the batterer's
15 violence. I mean that is -- it just does not
16 work. Those things have to be considered.

17 So, I think part of it is looking at
18 research and I think the research also, to echo
19 what she mentioned earlier, it has to be
20 community based research. We can't have this
21 research come from child protection agencies or
22 agencies or systems that we do not trust to begin
23 with. It has to come from either domestic
24 violence programs, nonprofit organizations that
25 work on this issue, you know, that we can fully

1 and completely kind of turn the data and trust
2 the data coming back.

3 SENATOR BYRON DORGAN: Additional
4 question of the task force?

5 MARILYN BRUGUIER ZIMMERMAN: This
6 question is for Darla. Can you describe to me
7 what it would look like for a state or federal
8 agency that serves in the context of tribal CPS
9 or working with children in the CPS Program what
10 it would look like for the tribe to have a voice?

11 DARLA THIELE: I think that just
12 bringing all the people together, everybody
13 having a fair, equal amount of sharing and
14 working together building that trust that
15 relationship first and just bringing people all
16 together in around table.

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