Practice Brief 3

Tribal Children and Forced Assimilation

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Introduction: Forced Assimilation and Today's CAC Professional

Most U.S. residents are familiar with the history of the violent colonization of Indigenous North Americans by settler colonists, the U.S. military, and various local and state forces. Relatively few non-Natives are aware, however, of the extent and nature of the concurrent campaign of forced assimilation that began in the early 1800s and was officially sanctioned by the U.S. and state governments through the 1970s[1].

While federal and state governments today do not intentionally break up Tribal families as a matter of policy, and while child-serving professionals are, for the most part, well-intentioned and conscious of their professional codes of ethics, the rates at which state child welfare systems remove Tribal children and break up Tribal families remain alarmingly high[2]. Thus, the view in many Tribal communities[3] and among experts in child welfare systems[4] is that present-day systems and practices participate in an ongoing intergenerational historical injustice against Tribal children, families, communities, and cultures. Sarah Kastelic, Executive Director of the National Indian Child Welfare Association (NICWA), articulated this view in a recent interview[5]:

The legacy of the past continues today. Our contemporary child welfare system and its disproportionate removal of Native children from their families is simply the modern iteration of Indian boarding schools. It's not enough to acknowledge the history. We must stop the systematic and structural ways that policies continue to damage families and perpetuate intergenerational trauma.

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CAC professionals may not be the key figures in custody or removal decisions, but their role in highly charged and intimate investigations of maltreatment involving AI/AN children necessarily implicates them in this historical context. Familiarity with this history should, therefore, be a core competency in the field and a necessary component of the larger goal of building relationships with Tribal leaders, Tribal agency stakeholders, and individual Tribal members.

This document outlines the history of forced assimilation targeting Tribal children, as well as the continuation of those policies' effects into the present day.

The Boarding School Era

During what we now call the Boarding School Era, which spanned the years 1819-1969, Tribal children were removed from their homes and communities to attend residential schools, many of them located very far from their families and homelands[6]. In the words of Richard H. Pratt, the founder of the Carlisle School in Pennsylvania, one of the first boarding schools for Tribal children and an influential model for other institutions, boarding schools were designed to take in Tribal youth in order to "Kill the Indian in him, and save the man."[7] This was part of a broader U.S. strategy of intentionally disrupting Tribal communities and ways of life, which was considered a less costly way of appropriating Tribal lands than direct violent action. The 1969 Kennedy Report, compiled by the U.S. Senate's Committee on Labor and Public Welfare, makes explicit the intentional nature of the strategy:

A careful review of the historical literature reveals that the dominant policy of the Federal Government toward the American Indian has been one of forced assimilation, which has vacillated between the two extremes of coercion and persuasion. At the root of the assimilation policy has been a desire to divest the Indian of his land and resources [. . .] From the first contact with the Indian, the school and the classroom have been a primary tool of assimilation. Education was the means whereby we emancipated the Indian child from his home, his parents, his extended family, and his cultural heritage. It was, in effect, an attempt to wash the 'savage habits' and 'tribal ethic' out of a child's mind and substitute a white middle-class value system in its place[8].

Tribal children sent to boarding schools were given Anglo-American names and clothing and forbidden from speaking their own languages or behaving in accordance with their cultures. Violations of these policies were often met with beatings or other abusive acts. Abusive and life-threatening conditions have been documented at many schools and were no secret to government observers and policymakers[9]. The 1928 Meriam report, commissioned by the Department of the Interior and compiled by the Brookings Institute, and the 1969 Kennedy Report both note that physical, sexual, and emotional abuse of students at boarding schools were well documented, as were disease, malnutrition, overcrowding, and a lack of adequate health care. As of 1926, the U.S. Indian Office estimated that 83% of Tribal children were attending boarding schools[10].

An official U.S. government inquiry aiming at a comprehensive understanding of the boarding school system began in 2021 at the direction of U.S. Secretary of the Interior Deb Haaland. The resulting Federal Indian Boarding School Initiative released an initial report in 2022, documenting the outlines of the system drawing on archival government documents. That report found that the federal Indian boarding school system consisted of 408 federal schools across 37 states or territories, including 21 schools in Alaska and 7 in Hawaii. The investigation identified marked or unmarked burial sites at approximately 53 different schools across the system. As the investigation continues, the Department expects the number of identified burial sites to increase.

The Indian Adoption Project

In the 1950s, as the Boarding School system was abandoned amid ongoing questions about its costs (both financial and social), its effectiveness at achieving its goals, and the humanitarian concerns it raised, the Bureau of Indian Affairs (BIA, which was responsible for child welfare services on reservations, and which still oversees child welfare on many reservations) developed an Indian Adoption Project in partnership with the Child Welfare League of America[11]. This project, which continued the process of forced assimilation by other means, involved forcibly removing Native children from their parents and placing them with non-Native adoptive families. The IAP operated on the disturbing assumption that assimilation into white culture was an unquestioned good and that Tribal families were inherently unfit to raise their own children[12]. The IAP also reflected the BIA's desire to alleviate the financial burden placed on the federal government by the unwieldy boarding school system, with adoptive parents willingly taking on the costs of assimilation[13].

Between 1958 and 1978, Tribal children were removed from their homes and placed with adoptive (primarily white and middle-class) families, using the mechanism of child welfare proceedings[14].

These proceedings were routinely initiated based on misunderstandings of Tribal cultures. For example, Tribal child-rearing was more communal than in Anglo-American homes. Tribal children were often placed in the care of extended family members, who were considered integral parts of the caregiving continuum. Public and private social workers of the Adoption Era frequently classified such situations as parental neglect and initiated removals[15]. In other cases, poverty, as defined by standards prevailing in middle-class White communities and involving the lack of amenities that had never been part of Tribal culture, was cited as evidence of unsafe conditions in the home. In still other cases, social workers pressured or manipulated Tribal parents into signing away their parental rights[16]. In the 1970s, a US Congressional report on the adoption of Tribal children[17] evaluated the extent and effect of systematic child welfare removals from Tribal homes and communities as part of a larger examination of the issues of sovereignty and jurisdiction. The findings were that 25% to 35% of all Native Children were removed from their homes, often extremely far from their Tribal communities. Ninety percent of these placements were in non-Native homes.

The effects of these removals, on top of the effects of boarding schools, extended the intergenerational damage to Tribal families and communities that had begun with war, colonization, and the boarding school system[18]. The transmission of positive parenting practices and time-tested supportive cultural traditions related to parenting was broken. People who were removed from their homes as children often describe returning to their homelands to find that they lack a sense of belonging in their Tribes and families. Tribes suffered due to the broken links in the chain of cultural transmission, as elders' wisdom and cultural knowledge increasingly died with them.

The pain of fractured family and Tribal connections, and the loss of cultures and languages, is incalculable. Mental health and trauma experts see the intergenerational effects of these losses in many of the health and well-being disparities that Tribal communities experience today[19]. Many Indigenous Peoples today see the rejuvenation of Tribal ways of life, rooted in Tribal sovereignty, as the key to the future well-being of their people.

Ongoing Destructive Practices

A growing awareness of the abuses related to forced assimilation, as well as an awareness of the racist ideology that underpinned these policies, led to the US Congress' passage of the Indian Child Welfare Act (ICWA) in 1978[20]. The law makes clear that it is meant as a corrective to past and ongoing injustices, articulating its guiding principles as follows:

- "that there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children";
- "that an alarmingly high percentage of Indian families are broken up by the removal, often unwarranted, of their children from them by nontribal public and private agencies and that an alarmingly high percentage of such children are placed in non-Indian foster and adoptive homes"; and
- "that the States, exercising their recognized jurisdiction over Indian child custody proceedings through administrative and judicial bodies, have often failed to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families"[21].

ICWA protects the best interests of Native children by setting minimum federal standards for states in the handling of the removal and placement of Indian children[22]. It also provides for Tribal representation in child welfare proceedings, making the Tribe itself a party to proceedings or, alternately, allowing the Tribe to assume jurisdiction over the proceedings[23]. Evidentiary standards for removal under ICWA are higher than in cases involving non-AI/AN children, and the burden is on child welfare workers to demonstrate that they have made active efforts to keep the Native family together[24]. These active efforts include notifying all potentially relevant Tribes when an AI/AN child is the subject of a state proceeding, a measure intended to determine eligibility for Tribal membership in cases when children are descendants of more than one Tribe and/or their descent is unclear.

Active efforts also require that supports and services be provided to the offending caregivers and that the child's family be involved in remedying the situation. When removals do occur, placement with extended family members and/or within the Tribal community is explicitly prioritized over placement with non-Tribal foster families[25].

Despite these statutory protections, Tribal children remain overrepresented in state child welfare and foster systems today, as they have consistently throughout the decades following the 1978 passage of ICWA. The 2020 rate at which AI/AN children were the subject of substantiated maltreatment claims in state CPS systems was 15.5 per 1,000, more than double the rate for white children[26]. Average national rates hide staggering disproportions in some states. The AI/AN child victimization rate of 57.9 in Iowa was more than 4 times greater than that of white children in that state; the rate of 50.3 in Alaska was 7 times greater than that of white children; and the rate of 26.8 in Minnesota was more than 9 times greater than that of white children.

Foster care data tell a similar story. Nationally, AI/AN children accounted for 1% of the total child population as of the most recently available data that can be correlated with child welfare data, but they constituted 2.6% of the population of children in foster care[27]. Again, there are dramatic variations from state to state. The following table shows a foster care disproportionality index for states with the highest levels of disproportionality[28]. An index of 1 indicates that there is a 1-to-1 relationship between foster care placements and total population (in other words, 1 = no disproportionality).

2020 Disproportionality Index for AI/AN Children in Foster Care
Minnesota
15.43
Wisconsin
6.00
North Dakota
5.59
Iowa
4.68
South Dakota
4.64
Nebraska
3.93
Montana
3.78
Oregon
3.30
Washington
3.13
Utah
3.05
Alaska
2.75
North Carolina
2.18

What do we know about how these disproportionalities occur? It is true that many Tribal communities are characterized by the chronic presence of multiple known risk factors for child maltreatment, including high rates of poverty, unemployment, substance abuse, family stressors, community violence, and geographic isolation. At the same time, we also know that many child protection workers have little understanding of Tribal cultures or communities and that despite the strength of the statutory protections in ICWA, implementation of the law varies significantly from state to state and agency to agency. It is difficult to conceive of how strict adherence to the spirit of ICWA—explicitly intended to minimize the placement of Native children in foster care—could coexist with the levels of foster care disproportionality shown in the table above.

A representative example of state CPS implementation of ICWA was at issue in a recent unanimous decision by the Washington State Supreme Court[29] to reverse the removal of Tribal children from their mother. The court found that the state CPS worker in charge of the case did not make active efforts to overcome numerous barriers related to the mother's poverty and that this failure included a lack of support for the impoverished mother's attempt to access rehabilitative services. In her opinion, Chief Justice Raquel Montoya-Lewis reflects on the significance of the case:

The history of the United States and its relationship with Native tribes, communities, and families tell a story of promises made and broken. We rely on the commitment made by Congress and the Washington State Legislature to decline to remove Native children from their families and communities unless absolutely necessary and to actively work toward reunification in those limited instances when the high standard for removal has been met. Today, we hold our state child welfare system and our courts to those promises[30].

While the issue of state CPS ICWA implementation remains under-studied, some research suggests that bias and a lack of cultural understanding play a significant role in the decisions of CPS workers regarding AI/AN children. A Casey Family Programs study found that at each point of interaction with child welfare systems, AI/AN families are more likely than white families to experience further or more intense involvement[31]. AI/AN families are twice as likely to be investigated after claims of maltreatment are made and twice as likely to have the claims against them substantiated. AI/AN children are then four times more likely than white children to be placed in foster care. While other factors certainly affect the overall picture, these disproportions indicate clear systemic bias.

Another recent study of foster care data found that AI/AN children, relative to other foster populations, were significantly less likely to be in care due to physical abuse, sexual abuse, or the use of drugs or alcohol and that they were significantly less likely to have documented disabilities or behavior problems[32]. Indigenous youth were, however, significantly more likely to be removed from the home due to neglect and to have case documentation relating to their parents' or caregivers' alcohol misuse. In other words, the AI/AN foster care population had been relatively safe by comparison with other children who ended up in foster care, but they had been judged unsafe due to their caregivers'

behaviors. We are left to wonder how big a role biased views of Indigenous parenting, complete with stereotypes about alcohol abuse, are playing in the destruction of AI/AN families.

These are precisely the sorts of biases involving stereotypes about Indigenous people and their approaches to parenting that dictated policies at all levels of government during the Boarding School era and the Adoption Era. Tribes today assert their sovereignty to protect their children and families from a continuation of these ugly chapters of our collective history.

Conclusion

Acknowledging Tribal histories of forced assimilation is necessary but not sufficient to address the structural forces that continue to undermine Tribal families and communities. While CACs may not always be directly involved in the decisions or situations that result in a continuation of intergenerational trauma and loss, they may be positioned to work with Tribes in ways that promote resilience and system change. Viewing our work through the lens of history may help us understand barriers to partnering with Tribes and lead toward more authentic collaborations with them. Only when local Tribes are actively involved in our work can we meaningfully say that we promote the best interests of the AI/AN children we serve as CAC professionals.

NCARC Practice Briefs 4, 5, and 6 provide actionable strategies and specific recommendations for involving Tribes and incorporating the perspectives of Tribal stakeholders into CAC procedures and practices.

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