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May 28, 2026

Children's Bureau, Administration for Children and Families
U.S. Department of Health and Human Services
330 C Street, SW
Washington, DC 20201

Re: Proposed Information Collection Activity—Adoption and Foster Care Analysis and Reporting System (91 FR 15622)

Dear Information Collection Clearance Officer:

On behalf of the Cherokee Nation, I submit the following comments regarding the proposed AFCARS information collection. As one of the few Tribal Nations administering a comprehensive Title IV-E program, the Cherokee Nation has substantial firsthand experience with federal reporting systems, data requirements, and the operational burden associated with maintaining accurate, high-quality information. Our perspective is shaped by the Cherokee Nation's direct involvement in child welfare practice and responsibility to protect Cherokee children and families.

Cherokee children are citizens of a sovereign Tribal Nation, and federal protections, particularly the Indian Child Welfare Act (ICWA) exist to preserve their identity, their connections, and their rights. For decades, the absence of ICWA-specific reporting in AFCARS has limited the visibility of Native children in state systems and hindered the ability of Tribal Nations to ensure that the statutory protections of ICWA are being honored. This gap has had real and lasting consequences for our families.

I. Importance of ICWA-Related Data to Cherokee Nation

The ICWA data elements included in the 2024 AFCARS final rule represent a meaningful step forward. For the first time, the data collected at the federal level will reflect core ICWA requirements such as early inquiry, notice to Tribes, active efforts, and adherence to placement preferences. These elements are not abstract regulatory concepts: they are essential practices that directly affect the safety and well-being of Cherokee children. The data elements align with ICWA requirements and enable Tribes, states, and federal agencies to gain a more detailed understanding of service trends and outcomes.

As a direct funded Title IV-E tribal program, Cherokee Nation relies on accurate data every day, this data guides case planning, supports decision-making, and ensures compliance with federal requirements. The ICWA-related elements allow Tribal Nations, states, and federal partners to collectively understand how Native children are being served, where practices are falling short,

and where additional training or support is needed. Without this data, meaningful evaluation of ICWA implementation is impossible.

II. Alignment of Data Elements with ICWA Requirements

Cherokee Nation supports the structure of the ICWA data elements because they reflect the practical realities of ICWA compliance. These data points mirror long-standing legal requirements, not new or additional obligations. States already engage in the activities these elements track; AFCARS simply creates a consistent way to document and analyze those efforts.

As a Title IV-E–funded Tribal program, we understand the level of documentation, recordkeeping, and system management that federal reporting requires. We also recognize that accurate ICWA data improves the quality of services and strengthens government-to-government collaboration. Cherokee Nation experiences daily the difference that complete, well-maintained case information makes for children, families, and agencies. The data elements at issue are consistent with the type of documentation already expected within any well-functioning child welfare system.

Where documentation gaps occur between state agencies and courts, the solution lies in improved training, casework guidance, and communication, not in reducing the scope of data collection. Strengthening these processes benefits all parties, especially Native families whose rights under federal law depend upon accurate and timely information.

III. Consideration of State Burden

Because Cherokee Nation operates its own Title IV-E program, we are acutely aware that the development and maintenance of data systems require time, planning, and resources. We appreciate the importance of balancing federal expectations with operational feasibility. However, it is also essential to recognize that the absence of ICWA-related data has placed a significant burden on Native children, their families, and Tribal Nations for more than three decades.

Additionally, a state would only need to complete the proposed data elements if a child in its care is determined to be ICWA-eligible. Federal law requires all states to ask whether there is reason to believe ICWA applies. If the answer is no, the state is not required to complete any of the ICWA-related data elements included in AFCARS. For states with small Native populations, which is the vast majority, the primary burden would lie in developing the data elements and integrating them into their systems, rather than in ongoing operational costs.

The Cherokee Nation believes the benefits of transparent, accurate data far outweigh the administrative burden. ICWA-related data will provide critical insight into disproportionality, placement patterns, and systemic challenges affecting Native children. These insights are necessary to support meaningful and lasting improvements in child welfare practice.

IV. Commitment to Improving Outcomes for Native Children

Cherokee Nation strongly supports retaining and implementing the ICWA data elements as adopted in the 2024 AFCARS final rule. ICWA has been in place for more than 45 years and AFCARS for nearly 30; however, the data needed to fully understand and address the ongoing challenges Native children face in state child welfare systems, and to strengthen collaboration between Tribes and states still has not been established. Incorporating ICWA data elements into

AFCARS represents a significant step toward creating a more transparent and accountable child welfare system for some of the most vulnerable children in our communities. This effort represents a pivotal opportunity to improve accountability, strengthen partnerships, and ensure Native children receive the protection they are guaranteed under federal law.

We appreciate the opportunity to provide comments. We look forward to continued collaboration with the U.S. Department of Health and Human Services, state partners, and other Tribal Nations to advance practices that promote child safety, family stability, and preservation of cultural identity.

Sincerely,

A handwritten signature in black ink that reads "Chuck Hoskin, Jr." in a cursive style.

Chuck Hoskin, Jr.
Principal Chief of the Cherokee Nation