



Rocky Mountain Tribal Leaders Council

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Written Comments on Proposed Information Collection Activity: Adoption and Foster Care Analysis and Reporting System (AFCARS)

Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services, Office of Management and Budget #: 0970-0422

The Rocky Mountain Tribal Leaders Council (RMTLC) submits the following written comments in response to the Administration for Children and Families' proposed information collection activity regarding the Adoption and Foster Care Analysis and Reporting System (AFCARS). RMTLC is a Tribal organization representing the collective interests of federally recognized Tribal Nations across the Northern Plains and Rocky Mountain regions, including Tribes located in Montana, Wyoming, and Idaho. These Tribal Nations maintain inherent sovereign authority over the welfare of their children and families and engage in federal policy to ensure that the United States upholds its trust and treaty obligations.

RMTLC member Tribes represent diverse communities across this region, many of whom operate or coordinate child welfare services under a combination of Tribal, state, and federal systems. As such, RMTLC brings a regional perspective informed by direct experience with Title IV-E implementation, Indian Child Welfare Act (ICWA) compliance, and the systemic challenges that continue to impact Native children and families.

The Adoption and Foster Care Analysis and Reporting System (AFCARS) is the federal government's primary case-level data system used to track children in foster care and adoption systems. As the central federal dataset informing child welfare policy, AFCARS plays a critical role in shaping funding decisions, program design, and accountability measures across jurisdictions. For Tribal Nations, AFCARS is a mechanism that determines whether Native children are visible in federal policy decisions and whether disparities impacting Tribal communities are acknowledged and addressed.

Across the RMTLC region, Native children continue to experience significant and persistent overrepresentation in state child welfare systems. In Montana, Native children account for approximately 30 to 35 percent of the foster care population, despite representing a much smaller share of the overall child population. In Wyoming, Native children make up roughly 25 to 30 percent of children in foster care while representing less than 10 percent of the child population. In Idaho, Native children represent a smaller but still disproportionately impacted population, estimated at approximately 5 to 7 percent of children in foster care compared to a much lower share of the general population. These disparities reflect systemic challenges in ICWA compliance, identification of Native children, access to culturally appropriate services, and investment in Tribal prevention systems.

These regional disparities underscore the urgent need for accurate, consistent, and enforceable data collection. Without complete and reliable data, the federal government cannot

effectively monitor compliance with ICWA, allocate resources equitably, or support Tribal Nations in protecting their children.

RMTLC strongly supports the 2024 AFCARS Final Rule, issued by the Administration for Children and Families through Information Memorandum ACF-ACYF-CB-IM-24-09. This Final Rule represents a critical advancement in federal child welfare policy by requiring state Title IV-E agencies to collect and report additional information related to the procedural protections of ICWA.

Specifically, the Final Rule requires states to report whether agencies made inquiries to determine whether a child is an Indian child under ICWA and when that information was first identified. It requires reporting on whether the child's parent or Indian custodian received notice in accordance with ICWA, and whether and when a court determined that ICWA applies. It also requires documentation of requests to transfer jurisdiction to Tribal court, including whether those requests were denied and the reasons for denial. Additionally, the rule requires reporting on voluntary and involuntary terminations of parental rights and removals under ICWA, as well as whether ICWA placement preferences were followed.

These requirements represent the first comprehensive federal framework for measuring ICWA compliance across state systems. For Tribal Nations, this is a transformative shift. For decades, the absence of standardized ICWA data has allowed noncompliance to persist without visibility or accountability. States have not been uniformly required to demonstrate whether they are meeting their obligations under ICWA, and Tribes have often lacked access to the data necessary to advocate effectively for their children.

RMTLC emphasizes that this Final Rule is the direct result of sustained Tribal advocacy, consultation, and leadership. Tribal Nations across the country, including those represented by RMTLC, consistently raised concerns about the removal of ICWA-related data elements in earlier AFCARS rulemaking and called for their restoration. Through years of engagement with federal agencies, Tribal leaders made clear that data is essential to ensuring accountability and protecting Native children. The issuance of IM-24-09 reflects that advocacy and represents a long-overdue correction to federal data systems.

The positive impact of this Final Rule for Tribal communities cannot be overstated. By requiring states to collect and report ICWA-related data, the federal government will, for the first time, be able to identify patterns of noncompliance, measure disparities, and take informed action to address systemic inequities. This will strengthen the implementation of ICWA, improve coordination between states and Tribes, and support Tribal Nations in exercising their jurisdiction and protecting their children.

RMTLC strongly urges the Administration for Children and Families to fully uphold and implement the AFCARS Final Rule without delay, reduction, or rollback. Any weakening of these requirements would undermine years of Tribal advocacy and perpetuate the very data gaps that have contributed to the overrepresentation of Native children in foster care systems.

RMTLC further emphasizes that AFCARS implementation must respect Tribal sovereignty and Tribal data governance. Tribal Nations must have access to data related to their children and the ability to review and validate that data for accuracy. In many cases, Tribes rely on state-administered systems for data reporting, making it essential that Tribal governments have timely and meaningful access to that information.

In addition, RMTLC underscores that data collection must be paired with federal investment in Tribal capacity. Tribal Nations must be supported in building and sustaining child welfare systems, including workforce development, data infrastructure, and culturally grounded prevention and family preservation services. Without these investments, data collection alone will not improve outcomes for Native children.

RMTLC urges the Administration for Children and Families to ensure full implementation and enforcement of ICWA-related data elements, strengthen oversight of state compliance, provide Tribal Nations with access to AFCARS data, and invest in Tribal child welfare systems. These actions are essential to ensure that AFCARS functions as a tool for accountability and protection.

In conclusion, the Rocky Mountain Tribal Leaders Council views AFCARS as a critical federal accountability tool tied directly to the United States' trust responsibility to Tribal Nations. The continued overrepresentation of Native children in foster care systems across Montana, Wyoming, and Idaho demonstrates the urgent need for accurate data, strong ICWA enforcement, and meaningful federal investment in Tribal communities.

RMTLC urges the Administration for Children and Families to fully implement and uphold AFCARS in a manner that enforces ICWA compliance, respects Tribal sovereignty, and ensures that Native children remain connected to their families, communities, and cultures.