

**DEPARTMENT OF THE INTERIOR**  
**BUREAU OF INDIAN AFFAIRS**



**TIWAHE**

**FINAL REPORT TO THE CONGRESS**

**DECEMBER 2021**

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## **APPENDIXES:**

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## **Congressional Report Language**

This report is in response to the Congressional language noted below.

### **House Report 115-765 - Department of the Interior, Environment, and Related Agencies Appropriations Bill, 2019**

*After the fiscal year has ended, and in consultation with affected Tribes, the Bureau is directed to publish a final report that includes measures of success and guidelines for other Tribes wanting to implement the model with Tribal Priority Allocation funds.*

### **Explanatory Statement that Accompanies Public Law 116-94 – Further Consolidated Appropriation Act, 2020<sup>1</sup>**

*The bill continues the Tiwahe Initiative at fiscal year 2019 levels across all programs and activities with funding distributed in the same amounts to the same recipients, including the funding to support women and children’s shelters. There is concern that Tiwahe funding was not properly documented or distributed as outlined in the Office of Inspector General report published in 2018; therefore, BIA is directed to submit the final reports as directed by House Report 115-765 and Senate Report 116-123 within 90 days of enactment of this Act.*

### **Senate Report 116-123 – Department of the Interior, Environment, and Related Agencies Appropriations Bill, 2020**

*The Committee believes this Initiative has helped strengthen Tribal communities by leveraging programs and resources; however, it is important to accurately track the funding going to pilot sites and others to measure overall program effectiveness and to ensure funding is not diverted for other purposes. The Committee is concerned that funding for the Tiwahe Initiative has not been properly documented; therefore, the Committee directs the Bureau to produce a comprehensive report on funding levels and distribution with an outline of recipients since the Initiative began in 2014. Within the amounts provided for Tiwahe, at least \$300,000 is to be used to support women and children’s shelters that are serving the needs of multiple Tribes or Alaska native Villages in the areas served by Tiwahe pilot sites.*

### **House Report 116-448 - Department of the Interior, Environment, and Related Agencies Appropriations Bill, 2021**

*Numerous Tribes have expressed interest in operating a Tiwahe program, yet Congress is unable to assess whether changes should be made before expanding the program because Indian Affairs has not provided the final report as directed by House Report 115-765 and by the explanatory statement accompanying P.L.*

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<sup>1</sup> 165 Cong. Rec. H11061, H11289 (Dec. 17, 2019)

*116-94. The bill provides that \$1,000,000 of funds provided for Assistant Secretary Support within Executive Direction and Administrative Services is not available for obligation until Indian Affairs provides the requested Tiwahe reports to the Committee.*

**Explanatory Statement that Accompanies Public Law 116-260 – Consolidated Appropriations Act, 2021**

*There is concern that Tiwahe funding was not properly documented or distributed as outlined in the Office of Inspector General report published in 2018; therefore, the Bureau of Indian Affairs (BIA) is directed to submit the final reports as directed by House Report 115-765 and Senate Report 116-123 within 90 days of enactment of this Act. The bill provides that \$1,000,000 of funds provided for Assistant Secretary Support within Executive Direction and Administrative Services is not available for obligation until Indian Affairs provides the requested Tiwahe reports to the Committees.*

## EXECUTIVE SUMMARY

Tiwahe (ti-wah-hay) means family in the Lakota language and symbolizes the interconnectedness of all living things and one's personal responsibility to protect family, community, and the environment. In an effort to empower federally recognized Tribes to realize this potential, Indian Affairs (IA) launched the Tiwahe Initiative (hereinafter, either Tiwahe or Initiative) in fiscal year (FY) 2015 as appropriated by the Congress. The Initiative is made up of several components, which work together to protect and promote the development of prosperous and resilient Tribal communities.

### 1. Tiwahe Demonstration Project

In discussions with IA, the pilot communities (pilot sites) were selected as participants in a 5-year demonstration project. The pilot sites (representing, in total, 61 federally recognized Tribes and Alaska Native villages) include the Association of Village Council Presidents (comprised of 56 Alaska Native villages), the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana (Fort Belknap Indian Community), the Pascua Yaqui Tribe of Arizona (Pascua Yaqui Tribe), the Red Lake Band of Chippewa Indians, Minnesota (Red Lake Nation), the Spirit Lake Tribe, North Dakota (Spirit Lake Tribe), and the Ute Mountain Ute Tribe. Together, the pilot sites focused on designing and testing holistic models of integrated services that foster collaboration among Tribal programs and with State and Federal partners. The pilot sites realized that joining together would maximize their efforts to achieve the most far-reaching results for their members. The pilot sites also joined together to publish a final Tribal report<sup>2</sup> to advise IA on a national strategy to implement Tiwahe as a best-practice model across Indian Country. The Tribal report (all seven components) are included as appendixes to provide the Congress with the pilot sites' experiences and viewpoints in working toward the mutual goal of effective implementation of Tiwahe by both the Tribes and the Bureau of Indian Affairs (BIA). Congressional appropriations supported the pilot communities across key BIA programs, including Social Services, Indian Child Welfare Act (ICWA), Housing Improvement Program (HIP), Job Placement & Training (JPT), Tribal Courts, and the Public Safety Recidivism Reduction Initiative (RRI).

### 2. Tribal Pilot Sites Tiwahe Report

As stated previously, the pilot sites, in concert with each other, produced their own joint version of a final Tiwahe Report that outlines the implementation, execution, and lessons learned through the Tiwahe Initiative. Recognizing the importance of hearing directly from the Tribes on their experiences implementing Tiwahe in their respective Tribal communities, this comprehensive report includes and references, where applicable, the Tribal Tiwahe Report (comprised of seven documents) as submitted to BIA by the Tribes. The Tiwahe Tribal Final Report is comprised of the following component reports:

1. Executive Summary
2. Congressional Summary on the Tiwahe Initiative Demonstration Project
3. Tiwahe Outcomes Framework

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<sup>2</sup> The Tribal Final Report comprises the following seven Tribal documents: (1) *Executive Summary*; (2) *Congressional Summary on the Tiwahe Initiative*, (3) *Tiwahe Outcomes Framework*, (4) *Tiwahe Roadmap*, (5) *Tiwahe Implementation Guide*, (6) *Impact Summary Report*, and (7) *Tiwahe, Integrating Family, Community and Tribal Services: Reflection and Evaluation of a Five-Year Pilot Demonstration*.

4. Tiwahe Roadmap to Implement the Tiwahe Outcomes Framework
5. Tiwahe Implementation Guide
6. Impact Summary Report: Indian Child Welfare Act Program
7. Tiwahe, Integrating Family, Community, and Tribal Services: Reflections and Evaluation of a Five-Year Pilot Demonstration

### 3. **Tiwahe-Related Projects to Enhance Tribal Programs**

In implementing Tiwahe, IA recognized there were significant needs in Indian Country across all federally recognized Tribes. IA focused on supporting not only the pilot sites with Congressional appropriations but also supported other non-Tiwahe pilot Tribes and BIA direct service field sites (which provide services to Tribes by BIA as requested by the Tribes). BIA funded various projects across Indian Country that were targeted to support Tribal programs and to enhance activities and capacity building in Tribal communities and at BIA locations. Funding was provided across the following key BIA programs: Social Services, ICWA, Tribal Courts, JPT, and RRI.

#### *Key Findings*

Tiwahe is an extensive and bold approach to furthering Indian self-determination and self-governance. It allows flexibility in the administration of key Tribal programs, supports Tribal economic self-sufficiency, and strengthens Tribal cultural connections. Tiwahe fosters systemic change in the delivery of services to children and families through the integration of Tribal practices, customs, values, and traditions. The Demonstration Project showed how Tiwahe offers Tribes the flexibility to design programming and services to address the gaps and needs of its communities. Further, Tiwahe focused on improving collaboration and coordination across core programs, such as Social Services, ICWA, Tribal Courts, RRI, HIP, and JPT.

The creativity unleashed by the infusion of Tribal culture and traditions into practice and services is transforming the delivery of services within the Tiwahe communities, offering a model of practice for BIA to operationalize and for other federally recognized Tribes to adopt and implement.

The pilot sites, as a group, made substantial progress in implementing system-level changes in their Tribal communities. Each pilot site has seen positive outcomes in relation to health and wellness of its children, youth, and families.

The pilot sites report a significant decrease in attempted and completed suicides, a dramatic decrease in recidivism rates for juveniles, reunification between children and their parents significantly earlier (4 to 6 months) than previous rates due to key positions within their Tribal courts systems, decreases in overall removals of Indian children from the community, a revitalization of the language, and the ability to start addressing homelessness, overcrowding, and housing shortages in their community. Each pilot site had flexibility to use the funding to fill in the gaps and address the service needs left by other programs and funding sources, such as grants. For example, one pilot site chose to focus on enhancements to existing services to address suicide and substance abuse prevention in their youth and services to strengthen their mental health and address trauma. The pilot sites improved and increased screening, access to family

and social services, alternatives to incarceration, access to prevention, intervention services, treatment opportunities, referral procedures, and case management services.

The integration of culturally rich and relevant programming, along with efforts to decolonize the systems providing care, have connected youth and adults with their Tribal history, their families, and their communities. The flexibilities offered under Tiwahe opened the door for the pilot sites to create fundamental shifts in the delivery of services, to include the following:

- Traditional Tribal perspectives, values, and understanding in policies and daily practices.
- Position Tribal ways of knowing at the heart of their programs, which informed all the services being provided.
- Cultural protocols and practices that underpin the operation of their programs.

This was a cornerstone of the original goals of the Tiwahe Initiative: the belief in the connection among all living things, in the importance of family and community, and in a holistic approach to life. This re-visioning and re-engineering process was new and unfamiliar to many of the pilot sites – the shift in focus toward the development of a systems approach that is grounded in the Tribe’s history, customs, traditions, and values elevated the voice of the Tribe over that of Federal regulation and policy. Further, Tiwahe advances racial equality and supports underserved communities, such as Tribal communities, in alignment with President Biden’s Executive Order 13985.

This report makes key recommendations to sustain the Tiwahe Initiative to strengthen Tribal communities and families. The recommendations include the following:

1. Accept the premise that a model of coordinated service delivery, focused on empowering families to have the freedom to control their own lives, will achieve more sustainable outcomes for families and Tribes.
2. Tiwahe is a model to support Tribal self-determination and self-governance.
3. Tiwahe is a framework that can be used in the application of operations under self-determination and self-governance contracts.
4. The Tiwahe Final Report is a founding framework to establish a structure for federally recognized Tribes to partner with BIA, other Federal departments,<sup>3</sup> and key stakeholders for a coordinated investment of services for sustainable and positive long-term outcomes for families.
5. Establish and expand the Tiwahe Pilot Initiative as a model program for all Tribes.

Overall, the pilot Tribes have demonstrated that the return in investment of the Tiwahe Initiative is both exciting and powerful, providing the Congress and BIA a solid basis for continuing and expanding the Initiative. Tiwahe provides a framework—which could be used by non-Tiwahe pilot Tribes to strengthen their Tribal communities and families—that is driven by local Tribal priorities and circumstances. This is consistent with the Federal Government’s policy on self-determination and self-governance.

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<sup>3</sup> Including agencies within Federal departments.

# TIWAHE

## CHAPTER 1



## THE PILOT SITES—THE IMPACT OF TIWAHE

### I. TIWAHE DEMONSTRATION PROJECT OVERVIEW

The Tiwahe demonstration project is one of several key projects supported by BIA with the Tiwahe funding provided by the Congress. In discussions with IA, pilot sites were invited to participate in the Tiwahe pilot project. Each of the pilot sites operated key programs—including, but not limited to, Social Services, Indian Child Welfare, employment and training, and Tribal Courts—and were receiving domestic violence funding from BIA. Key considerations for participation in the Initiative also included:

- A need for a resource and advocacy center.
- The ability to effectively leverage resources and/or Federal funding.
- The capacity to develop, implement, and track program performance measures.
- The capacity to establish and manage a multidisciplinary response team, including staff from key Tribal programs such as housing, human services (child welfare, child and adult protection), employment and training/477 Plans, law enforcement, Tribal Courts, education, childcare, medical centers, and substance abuse counseling.

Together, the pilot sites led the design and development of innovative coordinated service models that would inform a national best practice for Tribes wanting to adopt Tiwahe as an approach to leverage programs and resources.

The following sections are highlights of the Tribal report(s) from the pilot sites (submitted to BIA as “one voice”). The full Tribal reports are included in the appendixes.

#### A. Funding for the Demonstration Project<sup>4</sup>

- IA received approximately \$184.3 million in Tiwahe congressional appropriations between FY 2015 and FY 2020.
- Approximately \$74.8 million of the total was allocated to Tiwahe pilot sites to support the Demonstration Project.
- The remaining 59.4 percent was allocated to “Other” Tiwahe-related projects, which are outlined in chapter 3 of this report.

#### B. Early Indication of Success

The pilot communities were encouraged to lead their own solutions to meet local needs. The pilot sites reported that this was the first time they had experienced flexibility to transform, redesign, and reshape their Tribal programs and services to fully infuse Tribal culture, traditions, and customs and meet the needs of their Tribal community. There are a number of grounds by which the program’s success can be demonstrated. For this purpose, the following sections

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<sup>4</sup> History of Tiwahe Funding Across All IA Programs Types, FY 2015–FY 2020.

highlight examples of achievements at various levels, including Federal, Tribal, and family levels.

## **(1) Indian Affairs—Strengthened Advocacy Success**

### ***Enabling a New Environment***

Early indicators of Tiwahe success demonstrate that BIA is setting the right enabling environment for Tribes to lead their own solutions to address individual challenges, from homelessness to recidivism, substance abuse, and domestic violence to creating improved structures and organization to streamline the delivery of previously siloed services. This effective learning environment with supportive partnerships results in innovation and is a fundamental premise underpinning the development of Tiwahe.

### ***Appointment of a National Tiwahe Coordinator***

To assist in the management and oversight of the pilot effort, BIA established a National Tiwahe Coordinator (the Coordinator) to serve an essential leadership role that provides critical oversight for Tiwahe. The Coordinator established valuable relationships with the pilot sites, which assisted in making the Pilot an overall success. The pilot sites each described their engagement with the Coordinator as a successful partnership between the Federal Government and the Tribes. A key reason contributing to the success of the pilot sites was working concurrently with the Coordinator at every stage of decision making. Empowered by this concept, the pilot sites' family advocacy coordinators (FACs), the key Tribal staff tasked with managing the overall coordination of the Initiative at the Tribal level, naturally practiced the same trust with their colleagues in the pilot group, creating a wider bond of resilience and motivation for the demonstration project. Toward the end of the reporting period for the Initiative, when the Coordinator position became vacant because the incumbent left BIA, the bureau used existing experienced staff from its Office of Indian Services to continue the working relationships with the pilot sites in the interim.

## **(2) Pilot Communities—Shared Collective Success**

### ***Grounding a New Approach***

In an unprecedented way, Tiwahe became a catalyst for change. Tiwahe is a vast, all-encompassing concept; it provides an unfamiliar freedom of engaging in the process of self-directed planning. With a minimal knowledge base about measuring the aspirations of Tribal families, the pilot communities, in collaboration with IA, forged a common understanding of Tiwahe. The pilot sites achieved success in the process of co-designing an initiative with high fidelity to Tribal concepts, grounding Tiwahe as a Tribal-led, outcomes-based, coordinated service-delivery model.

### ***Building Community Momentum***

The pilot Tribal communities expressed that traditionally, programs and services have existed and functioned largely within silos. Tribes have always been in competition with each other for access to funds and for results. Tiwahe removed this barrier, and the pilot sites began to redesign services and activities in a way that supports the aspirations of Tribal families. As frontline staff from Tribal programs and Tribal departments piloted new processes to streamline engagement, Tribal staff became more aware of programs available in the community for the Tribal families being served. Building grassroots momentum, the “braiding of services” opened the eyes of

those who are exposed to communities and needs outside their work experience and began to change the way colleagues related to each other. As one FAC expressed in the independent evaluation submitted to the Red Lake Nation,<sup>5</sup> “It is eye-opening for facilities and housing department employees newly involved in helping to create safe and secure home situations for foster families to see the reality of being a foster parent. It is inspiring for them to go out and see the hard work foster parents are doing every day.”

### (3) Tribal Families—Performance Measures of Success

#### *Measuring What Matters*

From 2015 through 2018, through a cooperative effort between the Coordinator and the Tiwahe pilot sites, 11 performance measures were developed. These performance measures were output based and tracked the common activities that occurred across all the pilot sites. The table below outlines the data measures reported from the Tribes themselves from FY 2014 through FY 2018.

<b>Tiwahe Performance</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Number of Tribes in the Tiwahe Initiative	4	4	6	6	6
Percentage of Tribes coordinating services	50%	83%	100%	100%	100%
Individuals participating in services that incorporate Tribal culture	1,231	1,800	1,891	2,686	3,593
Tribal youth program participants	2,599	2,379	3,309	4,771	5,950

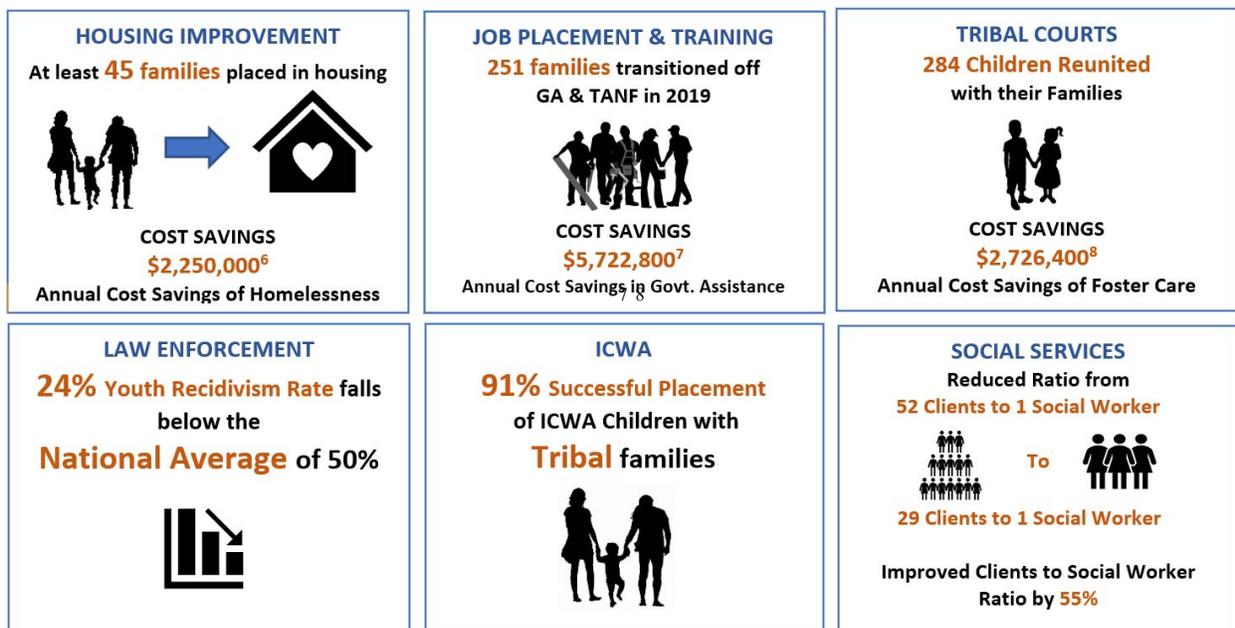
<b>Social Services</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Ratio: Clients-to-social worker	43.2	39	31.5	21.3	19
Percentage of Tribes submitting ICWA reports	100%	100%	100%	100%	100%

<b>Tribal Court Services</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Percentage of active child welfare cases represented by a guardian Ad litem (GAL), child advocate (CASA), or attorney (CA)	1%	4%	6%	42%	45%
Percentage of child welfare cases with a parent defender/advocate assigned	0%	7%	7%	58%	59%
Percentage of child welfare cases with a presenting officer assigned	17%	75%	78%	99%	100%
Percentage of Tribes with Tribal codes that authorize and require advocacy and legal representation for indigent parents and children	20%	40%	60%	60%	60%

<sup>5</sup> Tiwahe Integrating Family, Community, and Tribal Services; Reflections and Evaluation of a Five-Year Pilot Demonstration, December 2020. FHI 360 [pg. 75]. Submitted to the Red Lake Nation as part of the Final Report for the Tiwahe Pilot Demonstration.

Percentage of (1) Association Village of Council Presidents (AVCP) Tribal Courts in operation (Alaska Measure)	16%	16%	18%	34%	63%
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In FY 2018, the Tiwahe sites developed a new framework to integrate common outcome-based measures into the case planning and services for families. The framework sets the foundation for each site to modify their services and practices in order to measure the impact of Tiwahe; however, the necessary lead-in time to adapt new processes and procedures into practice and test new data against the framework was affected due to the coronavirus pandemic. All Tribes were suddenly forced to lock down and prioritize the health and safety of their members. As a result, data analysis is not yet complete, but an outcomes report will be forthcoming in 2022. In the intervening period, a baseline analysis of limited data from the pilot communities indicates that Tiwahe is showing early success in the following priority areas:



GA = government assistance. ICWA = Indian Child Welfare Act. TANF = Temporary Assistance for Needy Families.

Source: Tiwahe Tribal pilot sites

## II. WHAT WE LEARNED

### A. Tiwahe Can Fit in the Current System

IA selected a cross-section of pilot sites to participate in the demonstration project whose programs operated under the existing funding mechanisms for Indian Affairs. Each pilot site operated through an Indian Self-Determination and Education Assistance Act (ISDEAA) Title I

<sup>6</sup> Based on estimated annual costs of \$50,000 for chronic homelessness, according to United States Interagency Council on Homelessness (2017) cites studies estimating costs between \$30,000 and \$50,000.

<sup>7</sup> Based on an average monthly benefit of a TANF client with a household size of four is \$1,200, along with \$700 in SNAP benefits, which equates to \$1,900/month.

<sup>8</sup> Based on estimated monthly costs of foster care per child.

Contract (638 Contract), or ISDEAA Title IV Self-Governance compact or receives services as a direct-service Tribe served by the designated servicing BIA Regional Office/Agency. IA was interested in understanding how Tiwahe could operate within these existing funding mechanisms to determine what worked well and if there were areas for improvement. Each pilot site had a different experience implementing its Tiwahe Plan in relation to the funding mechanism.

For self-governance compacts, Tribes are authorized under Title IV of the ISDEAA to consolidate and redesign programs as well as reallocate program funding. Two pilot sites, Red Lake Nation and AVCP, operated the Initiative under self-governance compacts. Those sites reported the following:

- High trust in governing authority.
- Freedom to innovate their own solutions.
- Flexibility to use funds to support targeted needs.
- Seamless management and implementation of the IA-approved Tiwahe Plan.
- Reinforced coordination and better collaboration across Tribal, State, and Federal partners.
- Stronger performance accountability.

For 638 contracting, Tribes worked with their respective servicing BIA Awarding Official(s) (AOs) to define a scope of work with monitoring and reporting requirements. Four pilot sites operated the Tiwahe Initiative under a 638 contract. Some of the sites reported the following:

- High-trust partnership with their BIA regional offices (similar to self-governance authority).
- Freedom to innovate their own solutions.
- Flexibility to use funds to support targeted needs.
- Reinforced coordination and better collaboration across Tribal, State, and Federal partnerships.
- Stronger performance accountability.

The Initiative offered a pathway for Tribes to contract BIA direct-service programs through the ISDEAA process and a way to be more involved in outlining program operations. Tribes can work in partnership with the BIA Agency on capacity building and identify a concrete plan with action steps on how to contract the direct-service program from BIA. The Spirit Lake Tribe was the sole Tiwahe site that was initially a BIA direct-service program at the beginning of the Initiative. Through Tiwahe, the Spirit Lake Tribe transitioned the programmatic operations of child welfare from BIA to the Tribe, combining services and program operations that focus on the needs of the Spirit Lake Tribe's children and families.

### **B. Tiwahe is Complementary to Existing Programs**

Tiwahe gave the pilot communities flexibility to enhance activities and programs, strengthen internal processes and procedures, and streamline infrastructure. Based on the unique aspirations of each pilot community, it designed, implemented, and tested a number of solutions that make up a broad set of “best practice” models, ranging from how to strengthen infrastructure, processes, and procedures to redesigning service coordination.

The following highlights one example from each pilot site and the unique way Tiwahe was applied by each.

**(1) Association Village of Council Presidents (AVCP)**

***Centralized Technology—Quality Improvement Initiative***

The Tiwahe Initiative enabled AVCP to centralize its infrastructure as part of a technological and organization-wide quality improvement initiative focusing on streamlining access to family and social service programs. AVCP has seen the value of the quality improvements to their technology, especially during the COVID-19 pandemic. As a result of improved technology, AVCP could pivot key support programs to online access and maintain operations virtually to keep families engaged throughout the COVID-19 pandemic. In addition, the Initiative helped AVCP to streamline their administration more efficiently, working toward the elimination of an estimated 8 to 10 application forms required to be entered into its system for each individual service, to 1 family application form entered in its system.



**(2) Fort Belknap Indian Community (FBIC)**

***477/Social Service Collaboration—Pathway to Self-Sufficiency***

The Initiative enabled FBIC to hire a Family Interventionist Specialist (FIS), in collaboration with its Public Law 102-477 program (477), to target support for Tribal families with complex needs. This role provided individualized, in-home, preventive and after-care services from foster care, which improved awareness of employment, training, cultural resources, and support for children and parents. The coordination model with 477 is based on a cultural approach that provides a safe environment for parents to gain employable skills while improving circumstances at home.



### **(3) Pascua Yaqui Tribe (PYT)**

#### ***Education/Social Service Collaboration— Attendance Achievement Program***

The Initiative enabled PYT to enhance its Tribal Attendance Achievement Program (AAP) by hiring a Family Navigator who engages with families on the basis of a cultural approach. A key part of this role was to identify the root obstacles to school attendance and connect families with Tribal and community agencies and resources in a way that is culturally sensitive. The family navigator advocated for the interest of the family, empowering them with the right information and confidence to make decisions in a multidisciplinary environment.



### **(4) Red Lake Nation (RLN)**

#### ***Tribal Courts—Juvenile Healing to Wellness and Family Drug Courts***

The RLN reports that the Initiative enabled the Tribe to sustain its operation of two drug courts, which serve as alternatives to incarceration, and provided a culturally appropriate forum to assist clients in addressing underlying behavioral health and substance abuse issues. Leveraging Tiwahe funding with other Government-specific grants, such as the Coordinated Tribal Assistance Solicitation (CTAS), the Tribe could enhance the capacity of Tribal courts by hiring additional positions, including chief judge, guardian ad litem, and court clerk positions.



Implementing new policies and program service frameworks that incorporated RLN values ensured that Tribal staff were committed to successful outcomes for their relatives.

### **(5) Spirit Lake Tribe (SLT)**

#### ***Enhanced Procedures—Integration of Culture into Service Delivery***

The Initiative enabled the Tribe to integrate culture across a number of programs and in the way it engages with the families it serves. As the only agency in the area to offer parenting classes, the Tribe incorporated Dakota culture to learn the traditional views of families. Preventative youth cultural and leadership awareness workshops integrated culture so the Tribal youth learned how Dakota culture connects to and supports healthy lifestyles and leadership development. Culture is also incorporated into helping the community heal, as traditional Dakota art and history are incorporated into



Talking Circles offered through the Tribe's Victims Assistance Program. Participation in cultural sharing and artistry has encouraged victims of domestic violence to share their stories and

support one another as they escape abusive relationships. The Recovery and Wellness Program similarly incorporated Dakota culture, as it supported families to address trauma and concerns that the family had, especially upon returning from treatment.

### **(6) Ute Mountain Ute Tribe (UMUT)**

Housing Initiative—Intergenerational Advisory Leadership for the UMUT Housing Authority

The Initiative enabled UMUT to recruit more than 135 members of the Tribal community to participate in meetings, surveys, focus group sessions, role play, and interviews to address a family housing shortage for an estimated 200 Tribal families in Towaoc and White Mesa, Colorado. One of the highest priorities that surfaced throughout the process was the need to reduce homelessness for single-parent families and veterans of the Tribe. As a result, the Tribe utilized Tiwahe to support temporary housing as well as renovations to its current housing stock to improve quality standards for health and safety.



## **III. WHAT CAN BE IMPROVED**

### **A. Shifting from Outputs to Outcomes**

The pilot sites recognize that the current output reporting measures fail to tell the true story of how families change and the results achieved for programs operating a Tiwahe model. As a result, the pilot sites embarked on a journey to explore how to implement an outcomes-based approach to deliver, measure, and report on what matters most to American Indians and Alaska Natives (AI/AN) and support well-being outcomes that meet family aspirations. The pilot sites explored what other successful models of service coordination indigenous groups were implementing that were delivering major social value impact for families.

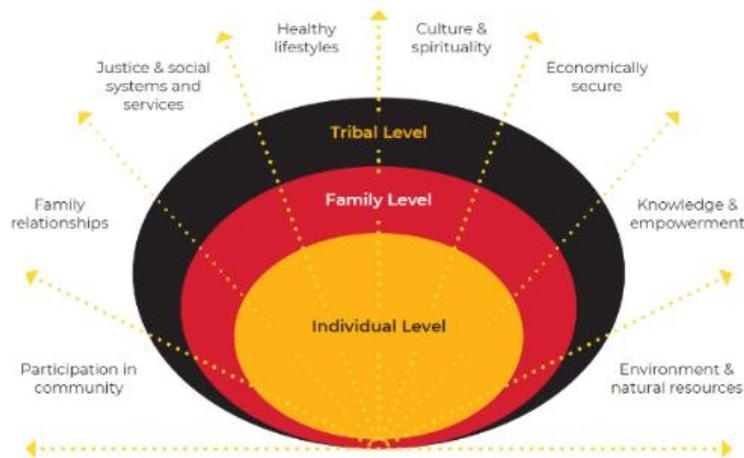
### **B. Establishing a New Outcomes-Based Framework**

A significant development that emerged from the demonstration project is the design of a framework that standardizes common measures while acknowledging that each Tribe will design its own pathway to achieve the intended outcomes—a solution that the Tribal pilot communities knew would resolve disparate data and measure common goals that impact AI/AN families. Figure 1 is a snapshot from the Tiwahe Outcomes Framework document<sup>9</sup> illustrating how data will be structured in a way that measures success from an individual, family, and Tribal level.

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<sup>9</sup> Tiwahe Outcomes Framework (pg. 23) submitted to the Red Lake Nation as part of the Final Report for the Tiwahe Pilot Demonstration.

Figure 1: Tiwahe Outcomes Framework



### C. Setting a New Benchmark for Best Practice in Indian Country

The pilot sites saw Tiwahe as more than just an integrated service-delivery model; it was an opportunity to drive a Tribal-led best-practice approach that fosters innovation and the independence to realize the aspirations of families. Understanding that this concept is both new and unfamiliar, the pilot sites looked for indigenous models to accelerate the learning of how to institutionalize Tiwahe as a benchmark for best practice in Indian Country.

An introduction between former Assistant Secretary of Indian Affairs (AS-IA), Kevin Washburn, and the Chief Executive of Whānau Tahī Ltd. (Whānau Tahī) created an opportunity to see how the New Zealand (NZ) Government implemented an indigenous policy called *Whānau Ora*, a major contemporary health initiative that its Government described as an innovative approach to all health and social service policies for Māori, the indigenous people of NZ. By invitation from the Office of Self Governance, Whānau Tahī presented the *Whānau Ora* policy at the 2015 Tribal Self-Governance Conference. This was the first time senior officials from BIA, including the Office of Indian Services, gained insight into how Māori established and expanded this initiative into a national policy for Tribal and urban communities.

The pilot sites saw *Whānau Ora* as a successful model to help inform a structure for Tiwahe that incorporates a similar view for AI/AN communities. Based on the experience of Māori leading the development of *Whānau Ora*, the pilot sites followed similar steps to document a best-practice model, which is published in the *Final Report for the Tiwahe Demonstration Project*.<sup>10</sup>

### D. Enabling a New System to Strengthen Tiwahe

*Tiwahe provides an opportunity for 638, or BIA Direct Service Tribes, to exercise self-governing authority across Tiwahe programs without going through the administrative process of becoming Self-Governance.*

—Tiwahe FAC, PYT

<sup>10</sup> See Footnote 2.

Tiwahe shifts the way current funding mechanisms are applied to long-term investment and sustainability in Indian Country. The key to Tiwahe is local solutions and trusting that Tribal communities/families know best what will work for them. BIA's effort to enable a high-trust environment for the pilot sites provided flexibility to design solutions that met local needs. Moving forward, BIA sees this as a promising sign that Tiwahe has the potential to explore better systems in the next phase of expansion that strengthens autonomy and trust in Tribal Nations and accountability that measures the impact of investment made across government.

#### **IV. FORMALIZING AN INDIGENOUS AND INTERNATIONAL RELATIONSHIP WITH NEW ZEALAND**

##### **A. Whānau Tahī Relationship with Indian Affairs**

Whānau Tahī, an international social enterprise guided by indigenous principles of “family well-being,” states that it has worked with social service agencies and the government. Its experience in structuring policies, programs, and data to demonstrate change was of particular interest to IA and became the catalyst in forging a relationship based on similar cultural values between the United States and New Zealand (NZ). The partnership between Whānau Tahī, IA, and the pilot Tribes has progressed over time through an exchange of leadership and diplomacy. A timeline of key engagements is as follows:

##### **2015**

- The IA Office of Self-Governance hosted Whānau Tahī and an NZ Delegation of Tribal leaders, executive officers, and senior government officials to present Whānau Ora at the Self-Governance Tribal Annual Consultation Conference.

##### **2016**

- The NZ Embassy hosted formal engagements facilitated by Whānau Tahī with Tribal leaders and senior government officials from IA and the Department of Health and Human Services, Indian Health Service.
- One of the Tiwahe pilot sites hosted Whānau Tahī and an NZ delegation of Tribal leaders and senior government officials in a cultural exchange.

##### **2017**

- BIA hosted Whānau Tahī as keynote speaker and presenter for the first Bi-Annual Tiwahe Conference.
- Formal roundtable discussions at the BIA with senior government officials and Tribal members sharing common learnings between Tiwahe and Whānau Ora.

##### **2018**

- The IA Office of Self-Governance hosted Whānau Tahī and an NZ delegation to present an update on Whānau Ora at the Self-Governance Tribal Annual Consultation Conference.
- Whānau Tahī co-presented and facilitated a panel discussion with the Red Lake Nation at the Self-Governance Tribal Annual Consultation Conference.

##### **2019**

- BIA hosted Whānau Tahī as keynote speaker and presenter for the second Bi-Annual Tiwahe Conference.
- The pilot sites, led by the Red Lake Nation in consultation with BIA, formalized a contract with Whānau Tahī to leverage the tools, resources, and research of Whānau Ora to develop a similar model for AI/AN.

### **B. Whānau Tahī Support for Whānau Ora**

In NZ, Whānau Tahī states that it is a key partner with the Whānau Ora Commissioning Agency in delivering and improving the government policy *Whānau Ora* to 80 percent of the Māori population. Through partnerships, community-based organizations, and Tribal services, it stated that it utilized local knowledge to address priority issues in their communities. The success of Whānau Ora was institutionalized by the NZ Government in 2009 and is now an innovative approach for all policies that impact Māori, according to Whānau Tahī.

### **C. Whānau Tahī Support for Tiwahe**

Per Whānau Tahī, it continued to expand *Whānau Ora* as a global model focused on the well-being and development of families by leveraging its experience, resources, and research to organizations and government agencies in North America and Canada. Whānau Tahī was contracted by the Red Lake Nation to support the pilot sites and their journey in developing Tiwahe during the demonstration period. Together, they established Tiwahe as the first *Tribal-led outcomes-based coordinated service model* that is nationally proven by the pilot sites and internationally benchmarked by research and evaluation. They have published their key learnings and evaluation in a final report highlighted in part V below (as provided to BIA), which outlines a blueprint to expand and strengthen Tiwahe across Indian Country.

## **V. A TRIBAL PATH FORWARD TO INSTITUTIONALIZE TIWAHE**

*NOTE: The following sections are excerpts from the Tribal report formulated by the pilot Tribes to provide their views and experiences in participating in the Initiative. The full report (all seven components<sup>11</sup>) may be found in the appendixes. BIA provided the Tribal report as submitted by the pilot sites for their joint, combined views on the implementation and execution of Tiwahe. No edits were made to the combined Tribal report to allow the Congress to hear the views of the Tribes themselves. Although BIA and the pilot sites were united in making Tiwahe a success, there are mild discrepancies in categorizing of efforts and reporting measurements.*

### **A. Final Tribal Report for the Tiwahe Demonstration Project**

The pilot sites provided a final report for the Tiwahe demonstration project to BIA outlining the impact of the Initiative on their communities. The final report is made up of a series of documents that outline a blueprint to implement Tiwahe. Seven documents make up the final Tribal report for the Tiwahe Demonstration Project. Each document noted below explains a different element of the processes required to shift the mindset to outcomes thinking and how to




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<sup>11</sup> See Footnote 2.

set up the necessary infrastructure to implement Tiwahe successfully. It incorporates cultural values and beliefs and the rights to self-determination and self-autonomy. These documents represent the pilot sites' views on the demonstration effort and can be accessed online at the following QR Code. A summary of each document is provided below.

### **(1) Executive Summary**

An overall summary of the Final Report for the Tiwahe Initiative, a 5-year pilot demonstration, from 2015 through 2019.

### **(2) Tiwahe Congressional Summary**

The Congressional Summary document summarizes the demonstration project and highlights key learnings and measures of success that emerged during the 5-year period. The pilot sites provided recommendations and key actions the Congress could take to institutionalize Tiwahe as a national best practice model.

### **(3) Tiwahe Outcomes Framework**

The Outcomes Framework document directs the Initiative toward a holistic and culturally integrated approach for measuring and reporting outcomes and impacts resulting from investments made across the pilot sites. It proposed measuring changes that really matter to Tribal families rather than outputs and targets mandated by non-Tribal entities. The Outcomes Framework guided the pilot sites toward a systematic approach. It marked a fundamental shift from reporting transactional outputs to measuring transformational outcomes. It ensured whether an activity provided by a Tribal Tiwahe program contributes to reaching the goals and aspirations of the families it serves.

### **(4) Roadmap to Implement the Tiwahe Outcomes Framework**

The Roadmap to Implement the Tiwahe Outcomes Framework outlines the set of processes required to implement, refine, and improve the Outcomes Framework. It is a high-level roadmap for future Tiwahe Tribes and the Federal Government to consider in future actions in this regard. The key steps include (1) grounding a new approach; (2) understanding what matters; (3) measuring what matters; (4) evidencing what matters; and (5) reviewing and improving. The implementation of the Tiwahe Outcomes Framework aims to enable Tribes to govern and exercise their sovereignty as to how their well-being and successes are defined, measured, and reported within Tribes and to the Federal Government.

### **(5) Implementation Guide**

The Implementation Guide illustrates the practical steps needed to operationalize the Outcomes Framework and Roadmap for future Tribes and the Federal Government. Six key phases are outlined in the Implementation Guide. Each phase highlights key activities and instructions as well as case studies and key learnings from the Tiwahe pilot Tribes.



## (6) Impact Summary Report for ICWA

The Impact Summary is an example of a comprehensive outcomes evaluation report. It is a template of how to evidence progress, change, and impact. The Impact Summary focuses on the Indian Child Welfare Act (ICWA) program. It uses the Utteaka Nau Naawak (Togetherness Strong Roots) ICWA model operated by the Pascua Yaqui Tribe as a case example.



## (7) Independent Evaluation of the Tiwahe Demonstration Project

FHI 360, an international nonprofit, conducted an independent research evaluation of the Tiwahe Demonstration Initiative. The Independent Evaluation of the Tiwahe Demonstration Project outlines the successes, stories, and critical learnings of the Tiwahe Initiative.



### B. Sustaining Tiwahe for Tribal Communities

There are important considerations for Tiwahe moving forward and potentially for expanding it. The successful implementation of Tiwahe will require a long-term commitment and significant investment in capability and capacity development from the Administration and the Congress. Tiwahe should therefore be understood as the sum of all its parts—from investment in a specialized workforce, research and development, data capability and IT infrastructure, cross-agency Tribal partnerships, and funding and contracting systems that promote collaboration rather than competition.

Early indicators of success confirm that Tiwahe is on the right path to establishing the necessary infrastructure and investment for sustainable and long-term outcomes for Tribal families. To ensure that effort continues into the next phase, IA must collaborate with the existing Tiwahe pilot to unlock the potential of Tiwahe across Indian Country.

Tiwahe was embraced by the participating Tribes throughout its implementation and execution. Each Tribe was very appreciative of the opportunity to utilize Federal funds in a manner in which Tribal needs, as best defined by each Tribe itself, worked toward a common goal of improving life for its membership and in its community to meet the challenges of today and for tomorrow.

The following is an expression of that appreciation by the pilot Tribes.

**On behalf of the Tiwahe Pilot Sites**  
**(“Thank You” in their respective Native language)**

Red Lake Nation—*Mii-gwetch (Ojibwe)*

Association of Village Council Presidents—*Quyana (Yup'ik)*

Fort Belknap Indian Community—*Kénei'ihéi'aan'ᵛ (Aaniiih) & Pinamaya (Nakoda)*

Pascua Yaqui Tribe—*Lios enchim hiokoe utte'esiavu (Hiak Noki)*

Spirit Lake Nation—*Pidamiya (Dakota Sioux)*

Ute Mountain Ute Tribe—*Towéi'yak* (*Ute Mountain Ute*)



# TIWAHE

## CHAPTER 2



**TIWAHE CONGRESSIONAL FUNDING  
FY 2015–FY 2020**

Allocation	Fiscal Year						TOTAL
	2015	2016	2017	2018	2019	2020	
ICWA	5,353,293	5,843,220	8,371,911	7,678,734	8,438,081	8,437,648	44,122,887
Social Services	4,096,723	7,827,408	16,283,352	15,796,798	16,219,909	16,716,923	76,941,113
HIP	-	-	1,688,184	1,668,592	1,680,000	1,680,000	6,716,776
JPT	550,000	-	1,100,000	1,000,000	1,000,000	1,340,000	4,990,000
Recidivism	1,000,000	3,000,000	3,000,000	3,033,000	3,033,000	3,033,000	16,099,000
Tribal Courts	-	5,011,118	7,600,000	7,600,249	7,600,000	7,600,000	35,411,367
<b>TOTAL</b>	<b>11,000,016</b>	<b>21,681,746</b>	<b>38,043,457</b>	<b>36,777,373</b>	<b>37,970,990</b>	<b>38,807,571</b>	<b>184,281,143</b>

HIP = Housing Improvement Program. ICWA = Indian Child Welfare Act. JPT = job placement and training.  
Source: DOI’s Financial Budgetary Management System, Amounts in appendix 8 represent commitments/obligations for Fiscal Year 2015–2020. Table does not represent the total enacted appropriations per fiscal year.

In implementing the Tiwahe Initiative, BIA recognizes there are significant needs in Indian Country across all Tribes.

IA focused on supporting the following:

1. The pilot Tiwahe sites with the funding enacted each fiscal year and allowing the Tribal pilots sites to leverage programs and resources.
2. Tribes who were not Tiwahe pilot sites. Funding supported critical activities across key program areas, including ICWA, Social Services, JPT, Tribal Courts, and the Recidivism Reduction Initiative.

Chapter 1 of this report, titled “The Pilot Sites—The Impact of Tiwahe,” highlights how the Tiwahe pilot sites used the congressional funding to support the integration of program services across program areas in alignment with Tiwahe pilot sites’ approved Tiwahe plans and tribally determined goals and objectives.

This chapter highlights how the BIA-funded Related Projects under the Tiwahe umbrella focusing on capacity building and support of various projects across Tribes, such as, but not limited to, integrating service-delivery systems to Tribal children and families, preserving and supporting healthy Tribal families, protecting Indian children and promoting family stability, reducing youth offender rates for incarceration, expanding court-related positions focused on supporting children and families, leveraging and expanding assistance to single families and veterans, and building a knowledgeable and skilled workforce through training and job placement.

BIA tracked Tiwahe funding across the six program areas and the Tiwahe sites utilizing the Department the Interior (DOI) official accounting system, the Financial and Business Management System (FBMS). BIA also worked with the Tiwahe sites on annual budget narratives and plans and monitored performance through onsite visits and teleconferences.

A complete breakdown of the funding by program allocation and Tribe/location can be found in Appendix 8: Indian Affairs Budget Report: History of Tiwahe Funding FY 2015–FY 2020.

## **A. Related Projects Funded Under Tiwahe**

BIA supported funding across Social Services, ICWA, Tribal Courts, RRI, and JPT to Tribes that were not Tiwahe pilot sites. In some instances, the funding also targeted the pilot sites. All of the \$1.7 million in HIP Tiwahe funding was distributed to the pilot sites only. The information below highlights how BIA supported capacity building in Tribal communities and at BIA locations across Indian Country.

### **Social Services**

Social Services funding supported the following key activities and projects:

- (1) Across-the-board increase to approximately 360 Tribes
- (2) Operational costs for the Tiwahe National Coordinator position
- (3) Women and Children's Shelters
- (4) Tribal and BIA Child Protective Services and Child Welfare workers
- (5) Center for Excellence
- (6) Tribal Access Program Kiosk Project
- (7) Whānau Tahī Ltd. Tiwahe evaluation contract

#### *(1) Across-the-Board (ATB) Increase to All Tribes*

Beginning in FY 2015, BIA distributed a portion of the Tiwahe Social Services funding through an across-the-board increase to all eligible Tribes. IA targeted this increase to all eligible Tribes as there had not been an increase to all eligible Tribes recurring Social Services base funding in more than 20 years. Eligible Tribes were defined as those with existing funded programs as prioritized by the Tribes.

The IA methodology for the distribution of funds for the ATB increase included the following:

- From 2015–2018—using each eligible Tribe's 2014 Social Services Tribal Priority Allocation (TPA) base funding level to determine the share by Tribe.
- 2019–Present—using the (1) 2014 TPA base funding level for ISDEAA Title I contractors and BIA-operated Social Services programs; and (2) using the aggregate base funding level for the ISDEAA Title IV Self-Governance Tribes to determine the share by Tribe.

#### *(2) Tiwahe National Coordinator Position*

The Coordinator position served as an advisor in the BIA Office of Indian Services on the Tiwahe Initiative. The position is responsible for providing project oversight on the Tiwahe Initiative for IA and to assist Tiwahe sites with project implementation. The Coordinator was also responsible for communicating regularly with the Tribes and IA leadership on the various financial and non-financial needs of the Tribes for project implementation and success.

#### *(3) Women and Children's Shelters*

Beginning in FY 2018, BIA provided funding to support women and children's shelters that provided services to Tiwahe sites to help reduce violent crimes, especially in the areas of abused and murdered indigenous women and children. This included supporting domestic violence and

emergency shelters. The funding supported four Tribal women and children’s shelters serving the needs of multiple Tribes or Alaska Native Villages in the areas served by Tiwahe pilot sites. The funding focused on maintaining staff and supportive services at the four facilities.

#### *(4) Tribal and BIA Child Protection Services and Child Welfare Positions*

BIA provided Social Services funding to 22 Tribes and 11 BIA Social Workers to build and enhance capacity within the Child Protection Services (CPS) and Child Welfare (CW) programs. Tribal CPS/CW programs are made up of “discrete yet interconnected functions.” These functions include, but are not limited to, child protection, case management, domestic and family violence intervention services, and the administration of referrals to other services.

The funding focused on these priorities:

1. Expanding the pool of Tribal CPS/CW case workers, with the goal to decrease client-to-staff ratios, and
2. Improving the quality of services provided to children and families.

Tribal and BIA CPS/CW caseworkers are managing workloads that often are double or triple above the recommended standard by the Child Welfare League of America. The funding included (a) offering salaries comparable to those of county, State, and Federal social services workers, and/or b) hiring additional child protection or child welfare workers to address the high client-to-staff ratios. In addition, the funding supported the Tribes and BIA-operated programs’ ongoing case management and administrative activities that help efficiently deliver the diverse activities associated with CPS/CW.

#### *(5) Center for Excellence (the Center)*

“It is critical to the success of Tribal Social Services programs and Tiwahe that the social services case workers receive the core training disciplines of social services. To this end, IA will also use the proposed increase to partner with accredited universities and colleges to recruit and train Tribal social workers and child welfare case workers. Funding will also allow IA to continue the enhancement and implementation of the Center for Excellence. The Center for Excellence gives Tribes opportunities to continue learning, cross-training, and to conduct information sharing in areas related to leadership, best practices, research, support, and training.”<sup>12</sup>

The Center is not a facility but a training modality that increases employee knowledge and skills through training, education, and support while providing the highest level of service possible to BIA and Tribal Social Services programs and employees and utilizing industry-standard technology based on regional and cultural system requirements, which results in employee retention. IA deployed the Center to achieve the following:

- Develop a knowledgeable and skilled Tribal and BIA workforce through training, education, and support;

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<sup>12</sup> IA Greenbook, 2017, page IA-HS-2.

- Launch a training platform with a focus on creating and disseminating information, knowledge, and best practices among Tribal and BIA social services staff; and
- Provide multiple training opportunities using various training modalities, including web-based training, in-person training, individual and group coaching, and simulation-based training.

The Center for Excellence has multiple components:

- Development of the *National Training Center for Indian Social Services (NTCISS)*. <https://www.ntciss.org/>.
- *BIA Leadership Academy*: The Academy focused on developing the next generation of Tribal and BIA Social Services leaders by offering various training paths. The training was adapted to be culturally responsive to Tribal and BIA needs.
- *Simulation Center at OU-Tulsa (SCOUT) Training*: The Simulation Center focused on the areas of Indian child welfare/child protection and domestic violence. The training is culturally responsive. The training increased Social Worker skills in the area of developing long-term strategies to address the factors that impact the breakup of Indian families and focus on family prevention in alignment with ICWA.
- Training on the *Native American Children's Safety Act of 2016* (Public Law 114-165 [*NACSA*]).

Further, through the Center, the BIA began a student loan repayment program to retain Native American master's level social workers. In FY 2019, BIA provided student loan repayment plan options to 24 existing workers throughout BIA at \$10,000 per employee. This effort aligns with the activities under the Center for Excellence to recruit and retain positions across Indian Country in the areas of child welfare and child protection.

#### *(6) Tribal Access Program (TAP) Kiosk Project*

The Department of Justice (DOJ) TAP Kiosk Project provides federally recognized Tribes the ability to access and exchange data with national crime information databases for both civil and criminal purposes. The DOJ launched TAP in August 2015. TAP allows Tribes to access the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) systems and other national crime information systems. Before FY 2018, TAP was made available only to Tribes. Beginning in FY 2018, IA established an interagency agreement with the DOJ to expand TAP access to BIA-operated Social Services programs and BIA law enforcement field sites. TAP allows BIA to more effectively serve and protect Tribal communities by ensuring the exchange of critical data across the CJIS systems and other national crime information systems. IA utilized Social Services funding to support the implementation of the project at four BIA direct Social Services program field sites and at 17 Tribal locations.

TAP provides BIA and Tribal Social Services programs the ability to do the following:

- Conduct a biometric, fingerprint-based record check on all adults in a prospective foster care placement, as mandated under the NACSA.
- Conduct name-based records checks for investigating allegations of abuse and neglect.
- Allow targeted Tribal Indian child welfare programs and Tribal foster care licensing programs to expedite background checks required under NACSA to license Tribal foster

homes, and allow the Tribe to expedite background checks to hire Tribal staff in its program and to address backlogs.

*(7) Whānau Tahi Ltd. (WTL) Tiwahe Evaluation Contract*

Social Services funding was provided to the Red Lake Nation to support an evaluation contract for the Tiwahe Initiative Demonstration Project as requested and agreed upon with the Tribal pilot sites. In consultation with BIA, the pilot sites researched international models that were similar to Tiwahe. Based on experience embedding indigenous frameworks and impact models of coordinated services, the pilot sites viewed WTL as a contractor that resonated with similar cultural values to undertake an evaluation of the demonstration project in concert with each Tribe.

**Office of Indian Services, Indian Child Welfare Act**

*Across-the-Board (ATB) Increase to All Eligible Tribes*

Beginning in FY 2015 and continuing through FY 2020, BIA distributed a portion of the Tiwahe ICWA funding through an across-the-board increase to all eligible Tribes (those Tribes that had existing funded ICWA programs, based on Tribal priority). IA targeted this increase to all eligible Tribes as there had not been an increase to all eligible Tribal recurring ICWA base funding in more than 20 years.

The IA methodology for the distribution of funds for the ATB increase included the following:

- From 2015–2018: using each eligible Tribe’s 2014 ICWA Tribal Priority Allocation (TPA) base funding level to determine the share by Tribe.
- 2019–Present: using the 2014 TPA base funding level for ISDEAA Title I contractors, and, in addition, using the aggregate base funding level for the ISDEAA Title IV Self-Governance Tribes to determine the share by Tribe.

**Job Placement and Training (JPT)**

JPT Tiwahe funding was appropriated for the first time in FY 2015. The funding is intended to support unemployment programs and address the shortfall of trained laborers. BIA determined that the JPT program represented an integral component of the Initiative and offered immediate and long-term benefits of gainful employment that would bring stability and prosperity to the entire Tribal family. BIA found that the additional investment in JPT assisted Tribes and Tribal individuals attain a higher quality of life and cultural continuance. This additional investment under the Tiwahe Initiative also helped AI/AN individuals and families attain a higher quality of life.

The Tiwahe JPT funds are focused on these issues:

- Supporting the successful transition back into family life.
- Enabling workers to fulfill the role of a family breadwinner.
- Targeting individuals recently released from prison or placed on probation who have no employment or substantive job skills.
- Supporting unemployed AI/AN to fill the shortfall of trained laborers and apprentices in the construction and building trades.

- Coordinating and maximizing the use of all community resources available to compel a successful family services case plan, such as these:
  - Tribal language and cultural teachings per workshops or classes;
  - Address and eliminate barriers to retention of employment or completion of training(s); and
  - Referrals to county, Tribal, or State programs for unique needs or assessment.

### **Housing Improvement Program (HIP)**

The HIP Tiwahe funding was appropriated beginning in FY 2017. The funding was divided equally each fiscal year between the Tiwahe pilot sites; the level of funding allowed no other activities to be funded outside of the sites. Tiwahe HIP funds are intended to give Tiwahe sites—

- The flexibility to leverage and expand assistance to single families and veterans,
- The means to address the dilapidated and overcrowded housing conditions in the Tribes' service areas,
- The ability to collaborate with other Federal housing programs, such as those in the Department of Agriculture, the Department of Housing and Urban Development, and the Department of Veterans Affairs, to increase home ownership, repair, and rehabilitation opportunities and develop strategies for increased energy efficiency and sustainability of new housing on Indian lands; and
- The means to address Tribal needs for foster care housing, transitional housing, temporary housing, and emergency shelters.

### **Tribal Courts**

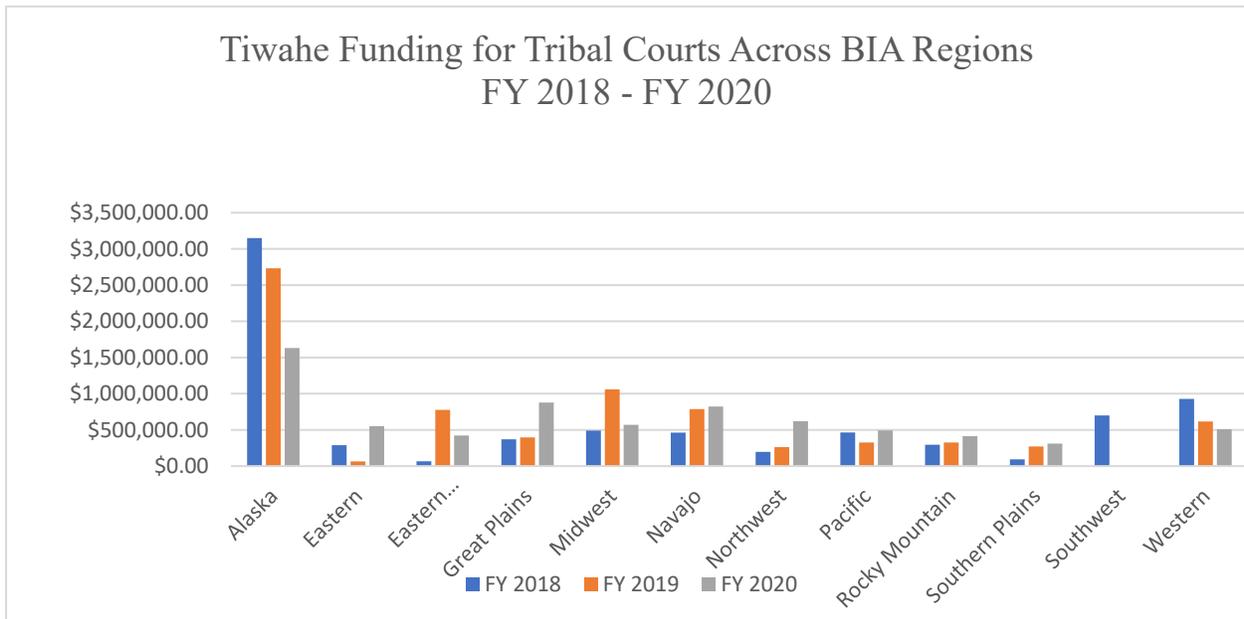
Tribal Courts<sup>13</sup> share equal footing with other BIA components in the success of the Tiwahe Initiative. To that end, in FY 2020, \$7.6 million was provided in BIA's annual appropriations to support an opportunity to fund core Tribal justice systems positions and sustain court infrastructure designed to focus on the safety and well-being of children, youth, and families through traditional and cultural methods within the Tribal justice system. Approximately 25 percent of the \$7.6 million is designated to the Tiwahe pilot sites; the remainder of this specific appropriation funds individual Tribes with core positions and other needs dedicated to child welfare and family law cases.

Tribal Courts/Justice Systems are an integral component in the Tiwahe Initiative, as courts often touch the lives of children, youth and families in the community by addressing court ordered child placement, juvenile delinquency matters, adoption, and foster care placement among other things.

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<sup>13</sup> The Tribal Courts program funding is administered through the BIA Office of Justice Services (OJS).

Figure 2: Total Tiwahe Funding for Tribal Courts that Benefited Pilot and Non-Pilot Tribes



Sources: Tribal court data from FY 2018–2020; data analysis undertaken by the Tiwahe pilot sites and included in the Final Report submitted to the Red Lake Nation; Congressional Summary on the Tiwahe Initiative Demonstration (pg. 9).

Thus, Tribal justice systems sustain Tribal sovereignty and provide continuity and safety for children and families in the Tribal community as a whole.

In FY 2015 and FY 2016, BIA designated the Tiwahe pilot sites. BIA also added additional pilots specifically for the recidivism and re-entry component under the Tiwahe Priorities Initiative. The Initiative has illustrated that it is invaluable and addressed community well-being through traditional means when possible.

Originally, the BIA/OJS addressed the Tribal Court Tiwahe Initiative in the 2016 Budget Justification (Greenbook) and targeted the \$5 million appropriation for Tribal justice core positions designated to assist courts and litigants in child welfare situations and family law situations. The identified core positions are guardians ad litem, presenters/prosecutors, indigent defense counsel, and ICWA attorneys for representation and transfer issues. Not only were the Tiwahe pilot Tribes funded but other Tribal courts throughout the Nation had identified infrastructure and core positions needs in the child/family arena of the court based on the Tribal justice support Tribal court assessments.

Further, Tribal Court Tiwahe funding increased to \$7.6 million in FY 2017 and is distributed under the same justification based on the needs identified in the Tribal court assessments as denoted in the FY 2016 BIA Budget Justification. The assessments consistently indicated that the core positions are essential and provide support to the justice infrastructure. Henceforth, those assessments reinforced the position that Tribal Courts remain in dire need of funding, training, and technical assistance in all areas, specifically in areas that affect Tribal families and children. Figure 3 indicates the funding distribution to both pilot Tiwahe Tribes and non-pilot Tiwahe Tribes.

**Positive Results**

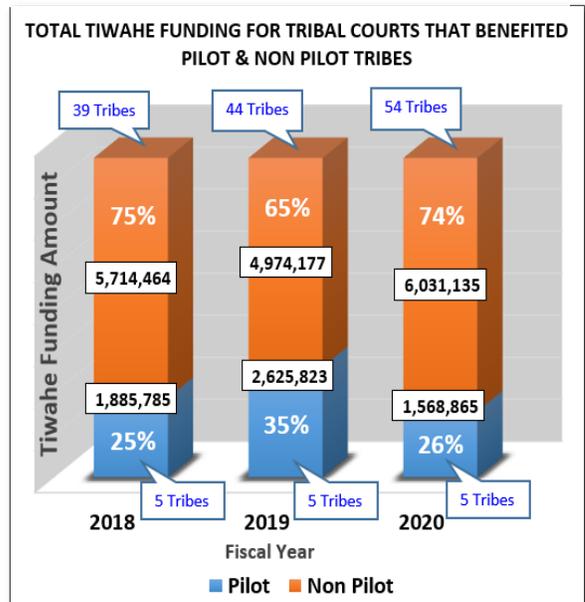
During the past 3 years, Tiwahe funds provided 321<sup>14</sup> core Tribal positions throughout Indian Country. The core positions are defined in the FY 2016 BIA Budget Justification. In addition to those positions, Tiwahe funded other essential

justice systems needs, such as equipment, training, technical assistance, and wellness courts. Funding was also provided to conduct Tribal code revisions, develop alternative courts, and provide alternatives to incarceration for juveniles and adults. The Tribal response by non-Tiwahe Tribes<sup>15</sup> suggests that providing those positions results in strengthening families by providing traditional aspects when appropriate—all of which impact families in crisis and are necessary for a stable justice system and a healthy community.

For example, the FY 2019 Tiwahe funding provided 119 critically needed court positions for both pilot and non-pilot Tribes. While pilot Tribes have created specific overall Tiwahe plans for the entire community, the non-pilot Tribes have strengthened and increased justice infrastructure and provided staffing for child and family issues arising in court based on the Tribal Justice Support Tribal Court Assessments. All of those positions, equipment, and training have provided assistance to families involved in the justice system. Figure 4 below identifies the positions provided as a result of Tiwahe funding.

In many instances, these positions (juvenile presenting officers and ICWA attorneys, parent defenders, guardian ad litem (GALs), or children’s attorneys in Tribal court and State court ICWA representation) were provided for the first time in many Tribal communities. Of particular note, Tiwahe has funded several attorneys to represent Tribes in ICWA litigation in State courts. These specific positions have proved invaluable to the Tribes and ultimately to assisting in reunification with Tribal family members, instead of State designated foster homes.

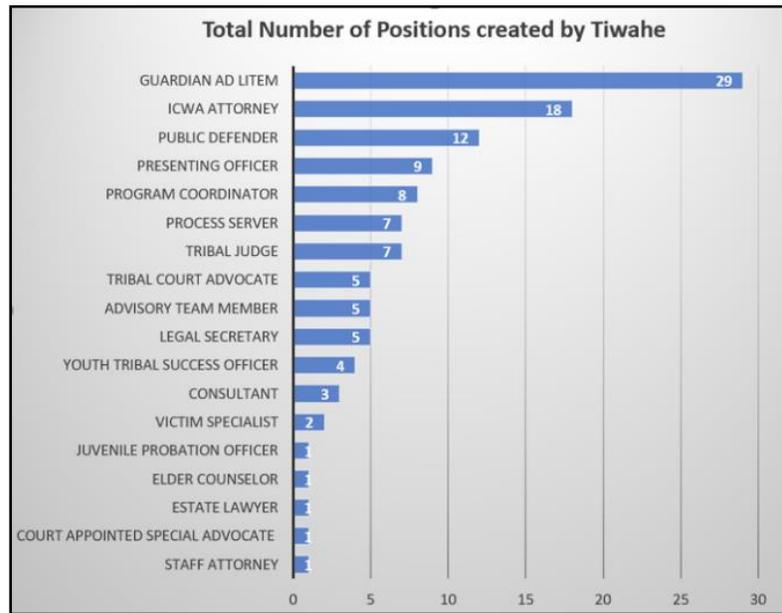
*Figure 3. Distribution of Tiwahe Funding from FY 2018 to 2020 Across BIA Regions*



<sup>14</sup> 2018 = 110 positions; 2019 = 92 positions; and 2020 = 119 positions.

<sup>15</sup> Penobscot, Lac Courte Oreilles, Yurok, Tanana Chiefs, Tlingit & Haida, Cook Inlet, Muscogee Creek, Choctaw, Cherokee, Seminole, White Earth Band of Chippewa, Lac Courte Oreilles Band of Lake Superior, Lower Brule Sioux Tribe, Superior Chippewa, other Wisconsin Tribes, and Yurok.

Figure 4. Total Number of Positions Created by Tiwahe Funding in 2019



Source: Based on Tribal Court Data from Fiscal Years 2018–2020; data analysis undertaken by the Tiwahe sites and included in the Final Report submitted to Red Lake Nation; Congressional Summary on the Tiwahe Initiative Demonstration (pg. 17).

### ***Tiwahe Pilot Sites***

The Tiwahe pilot sites have adapted the court aspect of their Tiwahe plan to address their individual needs. For example, the Red Lake Nation leverages its Tiwahe Tribal court funding to employ a Healing to Wellness Court (HTWC) judge to preside over its Juvenile and Family HTWCs because the two DOJ grants that the Red Lake Nation received to establish these courts did not provide funds for a judge. Both courts continue to operate today. The Family HTWC coordinates with the Nation’s Juvenile Court to provide added support to child welfare-involved parents. The Juvenile HTWC coordinates with the Nation’s RRI program to ensure added cultural support to reduce youth recidivism.

In FY 2016, the Association Village of Council Presidents (AVCP) joined the Tiwahe Initiative as part of the initial round of pilot Tribes. A “Model Children’s Code” was created and is available to all 56 villages within AVCP. In 2016, only 18 percent of AVCP villages had Tribal courts. By the end of 2019, the percentage of Tribal courts operating within AVCP villages had increased to 71 percent. In addition to the creation of Tribal courts, Tiwahe has also funded Tribal court enhancement in the form of specialized training for court staff and court officials. Since 2016, Tiwahe has funded training in 17 specific topic areas, including child dependency and child welfare, ethics, Violence Against Women Act, domestic violence training, court operations and procedure, and many others. Based on those improvements, a significant increase in ICWA case transfers from State courts to Tribal courts is occurring—specifically, a monthly increase from 1 case per month to 10 cases per month, along with a significant increase in participation of the social workers within the Tribal court system. Thus, these new courts are

impacting reunification and decreasing the number of Tribal children removed into State foster care.

Moreover, in the past 2 years, the Spirit Lake Tribal court has seen an increase of child welfare proceedings. For example, in FY 2018, the Court had 46 active cases, of which 65 percent of those cases were represented with GAL. Of those cases, 22 percent were represented with a defender or advocate and 100 percent were represented with a presiding officer. In FY 2019, the Tribal Court had 188 active child welfare cases, a 300-percent increase. Of those cases, more than 50 percent were represented with a GAL, 3 percent with a defender<sup>16</sup> and 100 percent with a presiding officer. The decrease in the percentage with a defender in FY 2019 is a result of the defender position being vacant.

The Ute Mountain Tribal Court began receiving Tiwahe funding in FY 2017, which resulted in the hiring of a presenting officer to address child welfare cases. Beginning in FY 2017 and through FY 2021 (as of April 2021), the Tribal Court presided over 75 active child welfare cases, of which 100 percent of the cases had a presenting officer. In FY 2020, 4 out of the 13 child welfare cases had GALs appointed. In FY 2021, there have been two child welfare cases, and each case had both a presenting officer and a GAL appointed.

The Pascua Yaqui Tribe has excelled in the Tiwahe project. The Tribe has not only incorporated GALs in its court but has hired additional attorneys to represent the Tribe in State ICWA cases. These cases are now being transferred from State court to Tribal court. The number of these cases has increased more than 125 percent since the addition of the new attorneys. The Tribe reports that the increase in reunification is primarily due to the initial representation and Tribal involvement in State cases. Moreover, the Tribe's Office of the Attorney General's ICWA Paralegals wrote the Tribe's first children's book, "Finding Home: The Journey of Malichi," in hopes that every child in care can learn and experience their PYT culture while living off the reservation—offering PYT children a gift of knowledge. These books teach parents some skills and what to strive for when reunifying with their children. The Tribe's Office of the Attorney General has given a total of 132 children's books and coloring books to all of the ICWA children in State cases and continues to give them to the children in new cases that are opened by the Tribe.



### ***Non-Pilot Tiwahe Tribes***

Non-pilot Tribes have also achieved notable successes, and some of those stories are described below. Although not exhaustive, it is a snapshot of some positive results derived from Tiwahe funding. Tiwahe provided funding for the Wellness Courts at the Penobscot Indian Tribe as well as at the Lac Courte Oreilles. The Judges in those courts rely solely on the Tiwahe funds to address child dependency issues as well as other issues that affect family wellness. The

<sup>16</sup> In FY 2019, the defender position was not staffed due to an employee challenge. While the data indicated a low number of representations in 2019, the Court now hired new personnel, and in 2020, the numbers increased to 13-percent representation. Based on analysis, the Court will be issuing a 2021 administrative order that will require representation of all parties in all child welfare proceedings.

Penobscot Tribe has an 89-percent success rate for its court, thus providing stability and safety to its community. Similarly, the Lac Courte Oreilles has had success in creating an alternate court with some traditional aspects, which results in success for its litigants.

Although Cook Inlet, Tlingit & Haida, and Tanana Chiefs Tribal communities are not a part of the Tiwahe pilot project, Tiwahe monies support essential child and family components to their newly formed Tribal justice system, such as victim specialists and juvenile and family advocates.

Of particular note, the Cook Inlet Tribe is deeply involved in the Alaska Tribal–State Child Welfare consortium. The Cook Inlet Tribal Council is the regional Tribal organization for the Cook Inlet region, which encompasses Anchorage, Alaska. Cook Inlet notes that although the percentage of AI/AN children residing in Alaska is 19 percent, over 50 percent of the children in State care are AI/AN. Alarming, in Anchorage, more than 60 percent of the children are AI/AN and involved in ICWA cases in the State court. Because of the lack of funding, many villages are not able to participate or be represented in the Anchorage child welfare cases, resulting in AI/AN children becoming lost in the State system. To that end, the Cook Inlet Tribe now receives Tiwahe funding to represent each of the 227 villages in Anchorage child welfare cases, which provides Tribal participation in child welfare cases involving their respective Tribal members. Services are now provided at a better rate, and children are reunified with village members or family members at a higher rate. Tiwahe funds illustrate that regardless of which Tribe maximizes the uses/opportunities offered by its support, the services are essential and provide child and family components to the newly formed Tribal justice system, such as victim specialist/juvenile and family advocates and village/Tribal representation in Anchorage, representing all 227 villages in ICWA State court cases and assisting in transfer when appropriate.

A further example is the Lower Brule Tribe in South Dakota, which has addressed recidivism rates within its community, dealing in large part with families in crisis and ultimately providing a safer environment for their children. The Tribe had determined that recidivism rates for Tribal members are approximately 73 percent, placing the community and families involved in crisis at high risk. The Tribal Court addresses the need for promoting life skills training, Lakota culture classes, GED testing, traditional purification ceremonies, and telehealth through partnership with the Lower Brule Indian Health Service (IHS) Department of Health and Human Services (HHS). Many of those options are available through remote hearings and remote classes. The Tribe has seen recidivism drop, and families are now in a safer environment because of the court orders, which require wellness rather than incarceration.

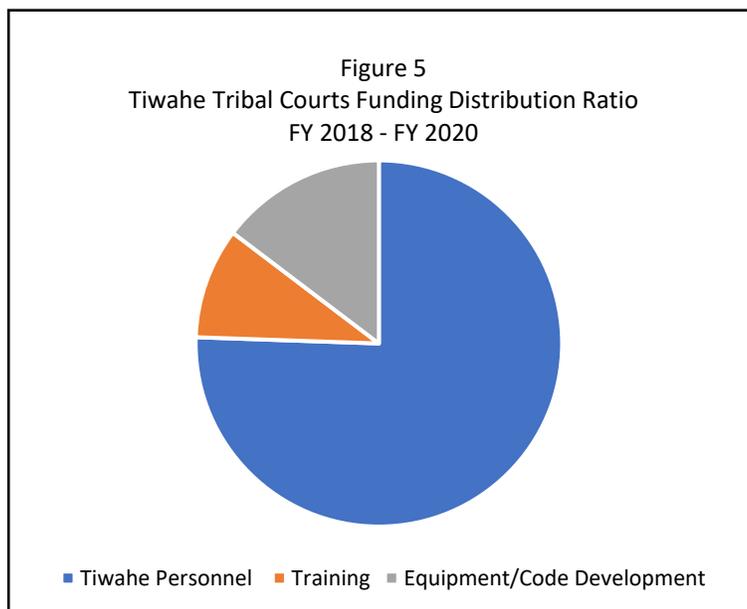
Finally, the Yurok Tribe has begun to address a protocol for Missing and Murdered Indian Persons, who are often overlooked in the criminal process. The Tribe is addressing preventive measures as well as protocols needed to address problems evidenced early on in their Tribal members' lives in an effort to combat the unfortunate results of a missing or murdered Tribal member. This is the third year of this project, and a report is available online.

With Tiwahe funding, families are better represented, resulting in the likelihood of reunification of families. Success is also achieved by bringing together resources from every aspect.

From 2017 through 2020, OJS/Tribal Justice Support (TJS) received approval from IA leadership to enter into an Interagency Personnel Act (IPA) Agreement with the Casey Family Programs, under Title IV of the Intergovernmental Personnel Act of 1970. The IPA provided a temporary assignment for a staff member from the Casey Family Programs. The IPA was designed to provide Tribal justice systems with specific technical assistance focusing on Indian children involved in both State and Tribal justice systems. Some of the highlights of this IPA include, but are not limited to, Tribal Court child welfare advocacy training at Penobscot Nation (Maine), Alabama-Coushatta Tribe (Texas), and Dry Creek Pomo (California), all of which had unique circumstances affecting Indian children involved in State and Tribal Courts. In addition, in light of the requirements in Title 25 U.S.C. Sec. 3611(c)(4), TJS is mandated to promote coordination between Tribal and State justice systems. The Casey Family organization hosted ICWA court collaborative meetings, with State and Tribal jurisdictions bringing in many of the Tribal justice systems supported by TJS. For example, through this partnership, the TJS was able to support the Spirit Lake Tribal Court in crafting a new children’s code. The 2020 Children’s Code is the basis for the newly enacted Tribal Court Administrative Order instituting representation for both children and parents in child dependency cases. According to the Chief Judge for the Spirit Lake Tribe, he has seen an increase in reunification and/or proper placement with family or Tribal members. The Chief Judge attributes this result to the Tiwahe court funding.

As the Tiwahe pilot Tribes and the non-pilot Tribes continue to progress toward their goals, their plan must remain fluid to growing change. Keeping that in mind, each of the pilot Tribes have developed their own individual means of measuring the success of their judicial plans; However, unlike other services, success is more challenging to measure for courts because a judicial procedure begins with a significant failure. A court may only act to address a specific behavior or condition only when there is evidence to do so. Therefore, success may be measured by reduced recidivism, reunification, or other factors that may not become apparent for several years. Rather than measure those individuals standing before a court, measurement of success may be defined by the improvement in the court by intangibles, such as public perception or positive outcomes and stories.

For those reasons, it has been recognized that a court’s ability to measure success of its own function can be quantified by keeping data such as the number of child welfare proceedings, its ratio against reunification and representation, and its increase (or decrease) of the caseload with regard to Tiwahe funding.



Training and technical assistance to all Tribal justice systems in this arena is essential. More than 20 percent of Tiwahe funding is distributed for training and technical assistance, and requests for training continue. Figure 5 shows the distribution ratio of Tiwahe Tribal Court funding.

Both pilot Tribes and non-pilot Tribes report that providing much-needed court positions and resources has resulted in reunification with families and/or guardianship with relatives, which allows children to stay in their communities and heal.

### **Indian Country Recidivism Reduction Initiative (RRI)**

*The program helped me stay on track and kept me busy. I met my goals, finishing probation, and gaining a full-time job. Both of which I [have] done, and I'm thankful for those that helped me.*

*—A Shoshone-Paiute/Duck Valley RRI participant*

In 2014, as a response to Tribal leaders expressing grave concern about the high rates of alcohol- and drug-driven crimes being committed in Tribal communities, BIA created the Diversion to Re-entry Division (DRD) within the Tribal Justice Support area to address the need for reducing crime-based recidivism through identification of need and risk, referral, treatment, re-entry, and tracking of offenders along a cascade of justice services. (Reference Appendix 9, Bureau of Indian Affairs: Supporting Tribal Justice Innovations: The Office of Justice Services, Field Operations Directorate, *Indian Country Recidivism Reduction Initiative (ICRRI)—All-Tribe Performance Monitoring Report*).

In FY 2015, to further extend its holistic goals, the Tiwahe Initiative was expanded to include the RRI. In that year, \$1.0 million in existing funding was allocated to the RRI, which benefited three Tribes, two of which would be Tiwahe Initiative pilot sites (Red Lake Nation and Ute Mountain Ute Tribe). In FY 2016, funding was increased to \$3.0 million, and two additional Tiwahe pilot sites received funding (Fort Belknap Indian Community and Pascua Yaqui Tribe).

The Recidivism Reduction Initiative office participated significantly from the onset in the development of the National Tiwahe Initiative by participating on the planning and coordination team. The RRI input into the Tiwahe plan has been to share access to a standardized and customized-to-fit Indian Country need and risk screening instrument that measures the common needs of each native person served, as well as the degree of risk that each is currently experiencing. Specifically, those risk levels include the incidence and prevalence of individual and family-related victimization, extent of substance use involvement, severity of mental health impacts, need for home and lifestyle supports, and ability to measure progress of time. The utilization of a common and standardized need and risk screening instrument was not fully implemented in the original phase of Tiwahe; however, going forward, the plan is to implement and integrate the instrument into common intake and followup protocols, which will fully link the Tiwahe and RRI in their ability to track service delivery and performance outcome data reporting.

The primary intent of the RRI program is to reduce recidivism in Tribal communities by identifying the primary “root causes” of crime-based recidivism, which in 79 percent of documented cases is driven by excessive use of alcohol and illegal use of drug substances. The

primary methodology or approach implemented is to apply the appropriate intervention, at the right time, using the right intensity of treatment, followed by leveraging the right type of recovery support—be it clinical, cultural, or both.

The RRI focuses on strengthening the current institutional practices and protocols intended to ensure that once an offender’s needs are identified, the offender is able to gain access to needed services, such as the following:

- Healing to Wellness Courts, which utilize data-driven decision making and justification for alternative to incarceration options.
- Administration of a highly validated, metric-rich need, risk, and responsivity screening instrument to assist with determining the type, intensity, and length of treatment services.
- Participation in pre-trial to re-entry case-managed care that is guided by a need-and-risk-based case plan.

With the continuation of the RRI, the Agency intends to further strengthen its corrections philosophy and practice by developing Federal partnerships that provide access to jail-based treatment in regional facilities, as follows:

- Ensure that in this enhanced corrections approach, dedicated substance use disorder and mental health treatment, and re-entry- and recovery-based community, re-entry preparation is implemented with inmates prior to release back into the community.
- Establish a direct liaison with recovery support services in the community that the inmate is returning to, ensuring a seamless interface with probation and parole services.
- Ensure that automated data tracking tools are implemented within the RRI, intended to document individual progress and the overall success of the Initiative.
- Generate a biannual comprehensive evaluation report on the success of the RRI (see Appendix 9: All Tribes ICRRRI Evaluation Report”).

It is well documented in justice literature that once a glaring need is identified with an offender, failure to intervene appropriately at any juncture in the justice system will simply lead to higher rates of recidivism within the justice system. Conversely, when appropriate and timely structured intervention options are applied, the justice system will be strengthened; now-available trend data show that when help is received, American Indians have higher rates of recovery than the U.S. average (64 percent vs. 55 percent).

RRI began in 2013 as a collaboration between BIA, the Ute Mountain Ute Tribe of Colorado, the Red Lake Nation of Minnesota, and the Shoshone Paiute Tribes/Duck Valley Reservation of Nevada. Starting in 2015, the RRI began expanding—at the request of Tribes—to include the Fort Belknap Indian Community of Montana, the Pascua Yaqui Tribe of Arizona, the Lower Brule Sioux Tribe of South Dakota, the Tlingit & Haida Tribes of Alaska, and the Penobscot Nation of Northern Maine.

BIA worked directly with participating RRI Tribes to develop detailed action plans for reducing recidivism in their communities. Tribes participating in the OJS RRI—

- Received training on the intent, utility, and practical application of a standardized need and risk assessment instrument that identifies offenders most prone to recidivism due to their continued use of alcohol and drugs.
- Were taught how to analyze and utilize the need and risk data to inform the courts and refer the offender to needed services associated with positive outcomes.
- Received training in the use of proactive case management to engage offenders in services that address multiple barriers to successful re-entry back into their home communities.
- Assisted with the development of protocols that monitor performance and success.
- Were taught how to determine primary contributing factors to Tribal community concerns to create a plan of action for reducing recidivism. Each participating Tribe now has a plan document and a visual model of the workflow of their recidivism reduction approach.
- Mapped out the menu of services that are needed and/or already exist in the community.
- Formed a “braided resources” approach, which includes standardized protocols, such as the need and risk screening instrument, which improves access to services in the community “service connectivity.”
- Determined a finance strategy to fund a Tribal continuum of need.
- Provided training to understand the intent, value/utility, and practical application of the Standardized Screening and Outcome Evaluation.
- Established automated pathways for information sharing that move toward a Native-specific common data platform intended to illustrate a clear and accurate picture of actual versus perceived Indian Country needs, risks and successes.”
- Found avenues, via grant funding, to expand access to substance use/behavioral health treatment, as BIA is not funded to provide treatment to the majority of offenders entering the Tribal justice system in the areas of Healing to Wellness Courts and jail-based treatment services. This effort included funding and technical assistance for improved access to logistical processes, such as telehealth, and improved communication linkages between the justice system and treatment providers, which requires improved access to automated information-sharing tools that have now become most essential in this new age created by the impacts of the COVID-19 pandemic.
- Worked with BIA, via the RRI, to create the first-ever Native-specific common data platform, based on severity of need and level of risk.

Examples of Success (510 offenders have been followed from January 2017–September 2020):

- 79 percent of offenders screened were identified to be in need of substance use disorder treatment and were referred to and started services as a result of Tribal community RRI efforts.
- 75 percent of offenders engaged with RRI *did not* have a new arrest after 12 months.
- 66 percent of offenders participating in RRI for 12 months experienced a *decrease* in substance use problems.
- 61 percent of offenders experienced a *decrease* in behavioral health problems in the 12 months following entry into RRI.

- 80 percent of offenders stated that active case management and being encouraged to participate in traditional practices ensured that they were prepared for re-entry back into their home community.

## **B. Addressing Congressional Concerns**

### **Office of Inspector General Report**

The Explanatory Statement that accompanies Public Law 116-94 states, “[T]here is concern that Tiwahe funding was not properly documented or distributed as outlined in the Office of Inspector General [(OIG)] report published in 2018.” The OIG Final Evaluation Report, Indian Affairs Office’s “Poor Recordkeeping and Coordination Threaten Impact of Tiwahe Initiative,” Report No: 2017-ER-018 (OIG Report), was issued in September 2018. The objective of the OIG evaluation was to determine whether the Office of Indian Services had accurately distributed increased Tiwahe Initiative appropriations to Title IV Tribes in FYs 2015 through 2017 (*see* OIG Report, pg. 5). The scope of the report primarily focused on the distribution of funds to Title IV Tribes, examining the accuracy of the distributions, how the Office of Self Governance maintained Tribal records, and the internal controls present (*see* OIG Report, Appendix 1). The OIG Report did not evaluate the distribution of Initiative funding to the Tiwahe pilot sites.

OIG made the following seven recommendations to AS-IA:

1. Direct the Office of Self Governance to work with Tribes to track the components of the Consolidated Tribal Government Programs (CTGP) funding and publish the individual amounts each year in BIA’s Budget Justifications.
2. Direct the Office of Self Governance to determine “appropriate levels” of Child Welfare and Social Services program funding that should have appeared in the FY 2014 Budget Justifications.
3. Direct the Office of Indian Services (OIS) to reapply its methodology and reconcile the Tiwahe funds.
4. Direct the Office of Self Governance to determine the actual funding levels of individual Tribal programs and report them annually in the Budget Justifications.
5. Direct the Office of Self Governance to develop and implement a records management policy to track the annual funding for each program.
6. Ensure that the Offices of Indian Services and Self Governance develop standard operating procedures and formalize them in a memorandum of understanding or other document agreeing to work together and create a functional funding methodology for future distributions.
7. Direct the Offices of Indian Services and Self Governance to use Part 70, Chapter 3, of the Indian Affairs Manual (“Human Services, Financial Assistance and Social Services Reporting”) as a guide to develop and implement a formal policy to address funding distributions at each office.

Recommendations 2 and 3 specifically pertained to the distribution of Tiwahe Initiative funding. The five remaining OIG recommendations—1, 4, 5, 6, and 7—are not directly related to the distribution of Tiwahe Initiative funding. The following information outlines how IA addressed OIG’s recommendations 2 and 3.

To resolve recommendation 2, the Office of Self Governance (OSG) determined the appropriate levels of ICWA and Social Services program funding that should have appeared in the FY 2014 Budget Justifications for all Title IV Tribes. The final levels resulted in a larger base amount for Title IV Tribes and in the aggregate method calculation submitted by OSG; IA leadership approved the levels for the Title IV Tribes based on the aggregate method of calculation.

To address recommendation 3, the Office of Indian Services (OIS) used the aggregate levels provided by OSG to recalculate the funding methodology and to determine the new level of funding for all Tribes and BIA Agency programs, which included Title I, Title IV, and BIA Agencies. OIS was directed to remain within the existing total available funding that was used to conduct the across-the-board distribution in FY 2019, as there was not new funding to address the increase in the base amount for the Title IV Tribes; this resulted in a decrease in the total percentage of funding each Tribe and BIA Agency received. Each Tribe and BIA Agency received 7.6 percent in Tiwahe Social Services funding and each Tribe received 18.7 percent in ICWA Tiwahe funding. Previously, Tribes and BIA Agencies received 8.7 percent in Social Services Tiwahe funding, and Tribes received 21.4 percent in ICWA Tiwahe funding.

In addition, the Office of Budget and Performance Management reprogrammed funding to Tiwahe Social Services and ICWA to address the costs associated with compensating the Title IV Tribes from FY 2015 to FY 2018 as recommended in the OIG Report. In the FY 2022 President's Budget, the across-the-board increases in funding for both Social Services Tiwahe and ICWA Tiwahe are proposed to be permanently base transferred to Tribal Priority Allocations for all Title I and Title IV Tribes and for BIA Agencies.

### **Distribution Methodology**

A full accounting of the Tiwahe funds was completed, which included the following:

- Conducting an analysis on the distribution of Tiwahe funding across all IA program areas to account for the enacted and appropriated funding from FY 2015–FY 2020.
- Working individually with each Tiwahe pilot site to reconcile funding across program areas.
- Working with each pilot site on the FY 2020 and FY 2021 distribution of Tiwahe funding to sustain program operations.

A complete table of the historical funding is provided in Appendix 8, which illustrates funding by fiscal year, program, location (Tribe), and funding allocation level.

# TIWAHE

## CHAPTER 3



## MOVING FORWARD AND BUILDING STRONGER TRIBAL COMMUNITIES

*We became one with Tiwahe. We collaborated together, and we have to work together to make this work.... We became family to make this work.*

*—An evaluation participant*

It was proven that when Tribes have the freedom to design programs and integrate services with Tribal culture and tradition, the outcomes are powerful and beneficial to Indian communities and families. The Initiative not only fosters systematic change within the individual sites, but it also unites Tribal communities together while offering a national model for other Tribes and Tribal organizations to use.

To continue fostering this culturally based systems approach, this report makes key recommendations to sustain Tiwahe; to expand the Initiative to strengthen Tribal communities and families; and to encourage the implementation of a Tiwahe policy across all Federal agencies.

In order to implement these recommendations, it should be universally accepted that:

1. A model of coordinated service delivery, focused on self-determining families, will achieve more sustainable outcomes for families and Tribes.
2. Tiwahe is a model to support Tribal self-determination and self-governance.
3. Tiwahe is a framework that can be used in the application of operations under self-determination and self-governance contracts.
4. The Tiwahe Final Report<sup>17</sup> is a founding framework to establish a structure for Tribes and Tribal organizations to partner with BIA, other Federal departments,<sup>18</sup> and key stakeholders (e.g., Tribal Interior Budget Committee) for a coordinated investment of services for sustainable and long-term outcomes for families.
5. The Initiative should be established as a permanent program for all Tribes and Tribal organizations.

To implement these recommendations and continue the Initiative, the following activities are recommended:

1. Supporting and continuing the funding and resources for the Tiwahe Initiative across all IA program areas.
2. Approval of the permanent base transfer of the Tiwahe Initiative funding across the Tiwahe pilot sites, across all program areas—Social Services, ICWA, JPT, Tribal Courts, RRI, and HIP. This will allow the existing Tiwahe pilot sites to sustain and continue to support the activities and programs established through Tiwahe over the past 6 years.
3. Continuing support of the Tiwahe Coordinator position. The Coordinator will play a critical role in providing advisement on the interpretation of legislation and regulations as they relate to the practices, procedures, and general operations of the Tiwahe Initiative programs; developing and carrying out BIA-wide practices and procedures to ensure

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<sup>17</sup> The Final Report comprises seven of the nine appendixes enclosed.

<sup>18</sup> This group includes agencies within Federal departments.

compliance and accountability; understanding BIA contracting and compacting; overseeing the implementation of annual budget justifications and estimates for the Tiwahe initiative; ensuring that funds for assigned programs are within the limitations set forth by the President's Budget, appropriation act, apportionments, and allotments before distributing funds; and advising IA on congressional inquiries and reports.

4. Establishing a Tiwahe coordinating team composed of experts from various IA program offices and the Tribal Tiwahe sites.
  - a. Doing so will ensure internally IA is operating through a coordinated service delivery model grounded in a multidisciplinary approach to ensure effective and consistent support and collaboration across IA programs. This would help streamline IA's efforts internally and help avoid the duplication of services.
  - b. The Tiwahe sites will play a critical and primary role in the Tiwahe coordinating team as the Tiwahe sites have the domain knowledge of Tiwahe. The Tiwahe sites will help IA lead its effort to design a long-term roadmap and expansion of Tiwahe to new sites and across Federal organizations. They will assist BIA in mentoring and onboarding new Tiwahe sites, including continuing the partnership with the pilot communities to expand the innovation and improve performance and accountability for Tiwahe.
5. Developing and implementing an Indian Affairs Manual (IAM) and accompanying Handbook for the Initiative grounded in Tiwahe's conceptual framework. This project will be accomplished by the Tiwahe Coordinating Team. It will organize information, core beliefs, and assumptions of the Tiwahe Initiative that inform all of IA. It will also address and integrate Tribal experiences to help improve the overall execution of this effort.

This effort includes the following:

- a. Referencing the Tribes' *The Final Tiwahe Report*<sup>19</sup> as an element of the conceptual framework. This will help guide the development of guidelines and standards to institutionalize Tiwahe as a permanent outcomes-based model.
- b. Developing and implementing universal selection criteria for new Tribes and Tribal organizations interested in participating in Tiwahe.
- c. Onboarding procedures including key requirements to participate in the Initiative, such as Tiwahe plan requirements, data requirements, budget narrative requirements, and other key participatory requirements of the Initiative.
- d. Identifying clear goals and objectives for the Initiative across all program areas.
- e. Establishing a written funding distribution methodology for each program area. This ensures the fair and equitable distribution of funding across Tiwahe sites.
- f. Establishing written guidance to address the issues experienced by the Tiwahe pilot sites in relation to the 638 contracting/self-governance compacting process.<sup>20</sup> This will be done collaboratively with the Tribes and IA.
- g. Exploring the use of the Social Return on Investment (SROI) as an evaluation methodology to value the impact created by Tiwahe. The SROI is an evaluation methodology that can appraise data from the new framework. It will be

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<sup>19</sup> See footnote 2.

<sup>20</sup> This guidance would also include those Tribes that execute 477 Plans to address their Tribal needs.

considered for generating a quantified value demonstrating the effectiveness of investment in Tiwahe.

6. Procuring a Federal contract that is compliant with the Buy Indian Act through the Federal acquisition process. The contract will support the Tiwahe Initiative and the listed activities above and throughout this report.

The Tiwahe Initiative is a strategy that is consistent with the Federal Government's policy on self-determination and self-governance. As demonstrated throughout this report, it offers the Congress and IA a solid framework to build from—as it will strengthen Tribal communities and families, driven by local Tribal priorities and circumstances.

## APPENDIXES

- Appendix 1: Tribal Report: Executive Summary
- Appendix 2: Tribal Report: Congressional Summary on the Tiwahe Initiative Demonstration Project
- Appendix 3: Tribal Report: Tiwahe Outcomes Framework
- Appendix 4: Tribal Report: A Roadmap to Implement the Tiwahe Outcomes Framework
- Appendix 5: Tribal Report: Tiwahe Implementation Guide
- Appendix 6: Tribal Report: Impact Summary Report: Indian Child Welfare Act Program
- Appendix 7: Tribal Report: Tiwahe: Integrating Family, Community, and Tribal Services: Reflections and Evaluation of a Five-Year Pilot Demonstration
- Appendix 8: Bureau of Indian Affairs Budget Report: History of Tiwahe Funding FY 2015–FY 2020
- Appendix 9: Supporting Tribal Justice Innovations: The Office of Justice Services, Field Operations Directorate, Indian Country Recidivism Reduction Initiative (ICRII)—All-Tribes Performance Monitoring Report