

Child Welfare appeal wins but grant rejected

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The Aleutian Pribilof Island Association received word that a grant request to implement the Indian Child Welfare Act was denied — at about the same time that the APIA was notified that a similar refusal of a grant request was ruled "incorrect."

The Indian Child Welfare Act was passed three years ago to insure that Indian and Alaska Native children are placed in homes with their

cultural background if they are placed for adoption or placed in a foster care home.

The Act was passed because a high percentage of Indian and Native children were being adopted out of their culture by mostly Caucasian missionaries and social workers.

Under the Act, a child must be placed in the culture from which he or she was born if at all possible.

The APIA had sought \$150,000 from the Bureau

of Indian Affairs to pay for workers to make sure that the requirements of the Indian Child Welfare Act are carried out in the Aleutian Pribilof chain.

That grant request was denied by a citizens review board which was formed to hear the Indian grant requests. Such a review board is formed annually to review grant requests, according to Gene Powers, Chief of the division of support services for the BIA Juneau Area office.

The board rejected the grant request because the APIA application was not graded high enough for grant request approval.

That "grade" must be at least 85, according to APIA social services director Dorothy Jones. APIA got a rating of 64. The association has never been awarded a BIA grant for the Indian Child Welfare Act.

But, according to Greg Brelstord, Executive Director of APIA, the BIA did not follow its own regulations in dealing

with the grant request.

Those regulations required that the BIA provide technical assistance to any grant seeker so that the grant request can be brought up to BIA requirements.

"If the BIA did its job and provided technical assistance," said Brelstord, "we would have the money."

The APIA was not alone in being rejected for its grant request. Of the 20 applica-

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Register mix-up blamed for regulation problem

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tions submitted to the BIA, only seven were funded.

Those organizations and the amount they will receive are: Bristol Bay Native Association, \$149,900; Kodiak Area Native Association, \$150,000; Native Village of Tyonek, \$50,000; Copper River Native Association, \$39,640; Kuskokwim Native Association, \$88,468; Central Council of Tlingit and Haida Indian Tribes of Alaska, \$263,116; and the Inupiat Council of the Arctic Slope, \$252,377.

Rejected were: The Fairbanks Native Association

which sought \$147,724; Sitka Community Association, \$150,000; Angoon Community Association, \$39,558; Metlakatla Indian Community, \$34,578; Tanana Chiefs Conference, \$227,298; United Crow Band of Tok, \$139,978; Hawaii Council of American Indians, \$64,841; Cook Inlet Native Association, \$300,000; APIA, \$150,000; Ketchikan Indian Corp., \$66,102; North Pacific Rim, \$149,998; Association of Village Council Presidents, \$139,489; and Nome Eskimo Community, \$73,834.

Reasons for most of the rejections included problems

with the grant requests but Brelsford and many others question the validity of that reasoning, especially in light of the ruling on the APIA case.

APIA had appealed a ruling against the organization receiving funding for the 1981 fiscal year. The appeal was based on the argument that the lack of BIA technical assistance in helping APIA meet the requirements of the BIA for approval of the grant, was wrong.

The BIA maintained that that regulation only meant that the assistance needed only to be "housekeeping" — that is, that it only had to make sure

that the application could be handled quickly.

The appeals board ruled that the regulation being questioned "is not the type of 'housekeeping' provision that the BIA alleges. It creates substantive rights to advance notification of possible disapproval of a grant application and to assistance as available to remedy the problems."

The ruling said although the ICWA didn't require that this form of technical assistance regulation be adopted, once it was, the BIA was bound to it "and it has the force and effect of law."

The appeals board also ruled that a general orientation session on grant applications didn't meet the requirements of the regulation.

The board ordered the BIA to provide it (the board) with information showing that the BIA doesn't have enough money to pay for the APIA 1981 grant.

Ironically, about the same time APIA received the good news about its appeals win, it and 12 other organizations received word of their rejection.

Those rejections probably will be appealed by each of the groups involved but those decisions will be made on individ-

ual basis.

None of those contacted had received any notification of problems with their application prior to their rejection notices. That was one point criticized by the appeals board.

According to Powers, that lack of prior notification occurred because of a problem with the Federal Register.

The Register, which is the official record for federal proceedings and deadlines, in January carried the notice that final deadline for ICWA applications was late in February — Feb. 22, Powers believes.

He does not know what date that notice was published.

Powers called the problem with the Register an "awkward dilemma" because the deadline published in the Register was too short to allow the BIA time to get back to the applicants to bring the grant requests into line.

Thus, mechanics of notification caused problems in complying with the BIA regulations, said Powers.

Powers answered one complaint that the decisions were made on availability of funds rather than the merits of the cases by saying the allegation "is not founded on objective look at the cases."