

Catch-22 revisited

The Indian Child Welfare Act and the recent round of federal budget cuts has created a truly "Catch-22" situation, which would border on the ludicrous were it not so tragic in its consequences.

The ICWA was passed three years ago to insure that all American Native children are not removed from their homes at the alarmingly fast rate that they have been for years.

The Act requires that if a Native child is having serious problems at home, and faces removal from that home, every attempt be made to keep him in his home. If that fails, the child must either be placed with a suitable relative, or, next, with someone from the same cultural background.

But, the Act is a federal law, and adoptions are the province of the state, which frequently ignores the law. To force state compliance with the Act takes a lot of money that is often unavailable to poor Indian families. And federal money to implement its own laws is in tight supply these days.

According to its own regulations, BIA grant requestees under this law must be given "technical assistance" to bring these requests up to BIA minimum standards so they aren't rejected solely for that reason.

One such requestee — the Aleutian Pribilof Island Association — in 1981 appealed its grant rejection because the BIA had not given this "technical assistance." Their appeal was upheld — but more than a year after the money for 1981 was appropriated, awarded and spent. Thus, the APIA won a moral but very shallow victory.

For fiscal 1982 in Alaska, \$990,000 was allocated to the ICWA program. Nearly three times that amount was requested. Of the 20 grant requests made to the BIA, fully 13 organizations were denied because they did not meet these minimum BIA requirements.

It is almost certain that the 13 corporations will appeal and further, almost certain their appeals will be upheld in court.

The BIA argued that the whole appeal was a waste of time because the 1981 money was spent. That argument was unsuccessful in court, but true in fact. And that scenario is likely to be repeated this coming year.

It seems clear that if the BIA complied and brought each grant seeker up to grade, there wouldn't be enough money to go around anyway. The money always could be divided evenly among each grant seeker. In that way, some assistance — no matter how meager, could be granted to each group. Then the question is: 'do you want a whole program or a patchwork program?'

There seems no good answer to this dilemma.

If the regulations *are* complied with, the BIA still wouldn't have the money. But if the regulations *aren't* complied with, the corporations seeking money feel cheated. They appeal but can win nothing on that appeal.

And there is the probability that all federal funds for implementation of this Act will be cut off in the 1983 fiscal year.

And impaled on the horns of this dilemma are not the organizations applying for these funds, nor the BIA denying these funds. They are, after all, only kids.