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of **ALASKA**
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May 19, 2015

Ms. Elizabeth Appel
Office of Regulatory Affairs & Collaborative Action
Indian Affairs, U.S. Department of the Interior
1849 C Street NW., MS 3642
Washington, DC 20240

Re: Notice of Proposed Rulemaking – Regulations for State Courts and Agencies in Indian Custody Proceedings – RIN 1076-AF25 – Federal Register (March 20, 2015)

Dear Ms. Appel:

Thank you for the opportunity to respond to the Notice of Proposed Rulemaking regarding the Regulations for State Courts and Agencies in Indian Custody Proceeding. The State of Alaska, Department of Health and Social Services, Office of Children's Services has for many years strived to comply with the Indian Child Welfare Act (1978).

We are pleased to see many of the changes outlined in the new Bureau of Indian Affairs (BIA) proposed regulations published on March 20, 2015. Likely the BIA is well aware of the plight of the overrepresentation of Alaska Native children in the Alaska child welfare system. While Alaska Native children make up 17% of Alaska's population over 60% of the children in out of home placements are Alaska Native. The Indian Child Welfare Act was passed to ensure that Alaska Native/American Indian children, who are in the custody of the state, are placed with relatives or Tribal members. Despite the passage of ICWA, and 20 years of work by the Tribal State Collaboration Group which included numerous efforts by Tribes, tribal organizations and the state, Alaska Native children continue to be adopted or become wards to non-native, non-relatives. Since 2009, over 40% of Alaska Native children who exited care through an adoption or guardianship were adopted by or became wards of non-native non-relatives, annually.

Although the State of Alaska strives to follow ICWA, it is our hope that the proposed regulations changes will increase ICWA compliance for the placement of Alaska Native children by further defining and refining the placement preferences and protocols existing in ICWA. Additionally, the

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proposed regulations allow for thoughtful and necessary timeframes and processes for the initial involvement of Tribes in a new custody case, as well as providing guidance on the transfer of jurisdiction to tribal courts and councils on existing state child custody matters.

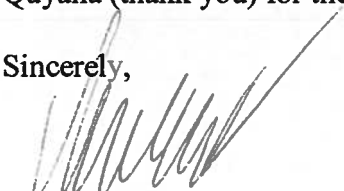
While we support these draft regulations, Alaska is concerned with §23.122 regarding who may serve as a qualified expert witness. With 229 federally recognized Tribes, nearly half of the total number of Tribes in the United States, Alaska is home to many diverse cultural and linguistic groups. The regulation requirements will create challenges to find an expert in each unique village or Tribe that can be available at hundreds of the hearings held each year where ICWA experts are required. The Department of Health and Social Services is concerned that the heavy reliance on qualified expert witnesses who can speak to the tribal cultures and values of the child's tribe and familial structures, may be difficult to achieve timely and would likely result in Alaska Native children remaining in state custody for longer periods of time. We would suggest additional language that broadens this requirement to include regional experts to provide more options for compliance with the requirements.

Like many other state agencies nationwide, Alaska faces an exponentially growing number of children in care, for a variety of social, economic and health reasons. Additionally, the increasing workload requirements as mandated through the Administration of Children and Families, the Alaska Legislature and our state courts, only compound the significant workload challenges that our employees face each day in meeting the safety, permanency, and well-being mandates in existing federal law.

Alaska recognizes that there are many steps ahead in seeing that these proposed regulations are fully promulgated, and then implemented consistently across all jurisdictions nationally. Alaska encourages the BIA to work with the Administration of Children and Families (ACF) on the implementation requirements of the proposed guidelines to assist states with a sound implementation scheme. We also hope the ACF and BIA will continue to seek ways to increase the funding available to Tribes, including flexible and sustainable funding mechanisms, so they can fully develop their tribal child welfare programs.

Quyana (thank you) for the opportunity to provide comments on the proposed regulations.

Sincerely,



Valerie "Nurr'araaluk" Davidson
Commissioner