

Good Morning. I am Joe James, Chairman of the Yurok Tribe. I am honored to be here to discuss the status of Native children and youth in California today.

First, I want to express my gratitude to the Alyce Spotted Bear and Walter Soboleff Commission and the commissioners who are here this week to learn about the status of Native Children in California and to the federal legislators who created and funded this commission. For too long, in spite of our resilience and rich heritage, Native families have been harmed by policies and practices that began with colonization and have continued, at the hands of the U.S. government and the State. As a result, our communities experience family separation, poverty, violence, and discrimination at higher rates, and these vicious cycles persist.

There is nothing more vital than ensuring that the next generation of Native children and youth can thrive, and we value the important work the commission does to study the issues currently facing Native American youth. The Commission's work to make recommendations that improve the current system, with the goal of developing a sustainable system that delivers wrap-around services to Native children across the country, is some of the most critical work of our time. I also want to honor the two incredible tribal leaders that this commission is named for, Alyce Spotted Bear and Walter Soboleff. I am grateful for their work that inspires all of us to be here today.

In California, it is sobering to look at the statistics and reports on Native children and youth, especially in the aftermath of Covid-19, which was so harmful to Native Communities. The time is now to change the circumstances for our youngest and most vulnerable Native people. For too long, in spite of our resilience and rich heritage, Native families have been harmed by policies and practices implemented by the federal and state government. As a result, our communities experience family separation, poverty, violence, and discrimination at higher rates, and these issues persists in vicious cycles for native families. Yet much has been done and the work continues—incredible efforts up and down the state that you will hear about this week.

As a Tribal leader, I have great pride about the resilience and strength of California's tribal people.

The Yurok Tribe, where I am a proud member and current Chairman, is the largest surviving tribe in California, with more than 6,000 enrolled residents with ancestral homelands spanning across today's counties of Humboldt, Del Norte, and Trinity, into the Pacific Ocean and along the Klamath River. The Tribe is a vital cultural and political leader in our region and our Tribal Court is internationally recognized for developing holistic approaches to support and uplift people, families, and our community at large.

As part of understanding the resilience of California's native communities, it is just as important to understand our diversity. California has the highest Native American population of any state, and represents 12 percent of the total Native population in the country - which is approximately 740,000 people. Over one-half of native people in this state had family members

who were relocated to California's large urban areas as part of the federal government's termination policy in the 1950s and its relocation policies which followed. California currently has 109 federally recognized tribes, with nearly 100 separate reservations or rancherias, and 81 groups petitioning for federal recognition. California's tribes are as small as five members and as large as 6,000 members. Therefore, when creating solutions to the challenges we face in California, the federal government needs to avoid "one size fits all" solutions and work with tribes on the ground to develop regional programs and approaches tailored to the needs of these populations.

We know there is much work to be done when it comes to supporting our Native children and young people, and their families. You will hear from advocates and experts this week about specific issues and opportunities in the areas of health, justice, education, and innovation about the changes that are needed in programs and funding to provide native youth with the same opportunities given to their non-native counterparts.

When preparing to speak here today, I wanted to highlight two areas that stood out to me that call for immediate attention: our education and child welfare systems.

Within education, our public school system in California is not equipping Native American students with the skills and tools they need to succeed in primary or secondary education as well as in college and the workforce. A recent study from the ACLU of Northern California showed that in Humboldt County, where part of the Yurok reservation is located, Native American students are pushed out of schools at higher rates than their peers, depriving them of critical instruction time. In Humboldt County, nearly every district suspends Native American students at disproportionately higher rates than non-Native students.

Indigenous students in Humboldt County experience suspension rates nearly five times the state average for white students. Native Students were also unable to meet basic testing standards for graduation. Although roughly 85% of Native American students in Humboldt County graduated high school in the 2018-2019 school year, 90% of those graduates did not meet entrance requirements for California universities and an overwhelming majority of Indigenous students in many districts are not adequately prepared for college.

These statistics are disturbing because they show that our children are being driven towards the juvenile justice system rather than the college system. Even more, indigenous children and families live in a state and a country where education was used as a weapon of cultural genocide and forced assimilation. For more than 100 years, the state sanctioned the removal of Native children from their families and forced them into boarding schools. Education has always been key to Indigenous people, to pass down our culture and way of life. But with the first contact between Indigenous and colonizers, public education became a tool of oppression. This must change for our young people, and action is needed today.

Many tribes, like the Yurok, have developed their own infrastructure of tribal courts and social service programs to support children and families in a way that reflects the values of our

communities. Currently there are **22** tribal courts located in California that serve approximately 40 tribes and are helping to heal and restore families. Tribes have made Indian child welfare a priority and it is time that the state does the same.

Another area of grave concern for native youth in California is the child welfare system and the government's lack of compliance with state and federal ICWA laws, and the threat posed by the *Brackeen* case coming before the Supreme Court.

Congress enacted ICWA in response to a serious and pervasive problem: State and private parties were initiating state child-custody proceedings, removing Native American children from the custody of their parents — often without good cause — and placing them in the custody of non-tribal adoptive and foster homes. At the time ICWA was enacted, between 25%-35% of all Native American children in the United States had been removed from their homes and a staggering 85% of those Native children had been put in non-native homes.

That practice not only harmed children, their families, and their tribal communities, it also posed an existential threat to the existence and strength of Indian tribes. ICWA was developed to protect the rights of Native American children, parents, and tribes in state child-custody proceedings, and safeguard the unique status of Native Americans as a separate people with their own political institutions, traditions, and cultures.

Despite both state and federal ICWA protections, California's tribal children are still being separated at rates higher than other groups. The majority of native children in our foster care system are not living in native homes. According to recent state studies, California's Native American children are represented in the foster care system at four times the rate of the general population. And 56% of California's Indigenous foster children end up in non-tribal homes. Native children are the least likely to become permanent, legal members of a safe and stable household. A 2017 study on California's compliance with ICWA found that there was failure at almost every level of compliance with the law, and that the state and counties had a great deal of work to do to get into compliance to protect native children and families.

Five years later, much work has been done to build the resources we need to ensure ICWA protections are a reality for our children. Innovative organizations like the California Families Tribal Coalition, who you will hear from this week, were created in order to ensure compliance. Now, tribes across the country face an enormous threat in the form of the *Haaland v. Brackeen* case in front of the U.S. Supreme Court. As you well know, plaintiffs in that case are challenging the longstanding protections guaranteed to Native American children, their families, and tribal communities under ICWA. Given the most recent rulings of this Supreme Court, we are concerned that a ruling may take away any legal protections that our communities have worked so hard to implement for decades. The ICWA law recognizes the unique place of tribal governments within our country's history.. While we are deeply concerned about the future of ICWA, we were grateful to see that, just last week, California Attorney General Rob Bonta led a bipartisan coalition of 24 attorneys general in filing a friend of the court brief in the case, urging the Supreme Court to reject the challenge to ICWA.

Despite the challenges I have highlighted today and the many that will be raised this week in the areas of health, education, and justice, I want to end my comments here by shining a light on all of the innovative and important work happening statewide by tribal people who are working to create a brighter future for our young people.

We are seeing innovative legislation, like [Assembly Bill 1862](#), would provide annual funding for tribes to recruit foster parents among their members, and to refurbish and repair homes so they meet standards necessary to safely accommodate children. The bill is authored by Assemblymember James Ramos, the first Native American elected to the California State Assembly. It would fill the gaps in funding so that tribal communities and families actually have the resources to ensure native children can stay in native communities. If passed, this bill would have an enormous positive impact on tribal communities.

We are also seeing innovation in programs up and down the state, from urban communities to rural communities, to support Native Children. You will hear from many of them this week, and I want to highlight some of the innovations happening in Yurok Country at home, that I am so very proud of. Through our Health and Human Services Program, we run a “Yurok Youth” program that teaches traditional values and uses cultural activities to help young people choose healthy and productive lifestyles. After school activities and other prevention and youth development activities are offered throughout the year. Yurok Youth staff also work with the juvenile justice system providing case management, referrals, and diversion strategies.

Throughout Yurok Tribal Court, we run four incredible programs to support Yurok Youth. Our Hoh-Ke-Pek’ Program serves Yurok families with youth ages 0 to 18 , to support families with young children with services including social and emotional skill-building, family visits, and cultural learning groups and family gatherings. Our “Youth at Risk” program supports young people aged 10-24 years with services like mentorship, coping skills strengthening, traditional ecological knowledge, self-awareness activities, and suicide prevention work, as needed. Our Youth Diversion Program, a collaboration between the Yurok Tribal Court, Del Norte County Superior Court, and Del Norte School District provides access to legal and family supportive services to Yurok families and youth at high risk of entering the juvenile justice system due to issues in the education system. Lastly, our “Yurok Wer’er-gery Court ” is an alternative to the juvenile justice system that gives tribal youth of the community the opportunity to have a positive effect on others’ lives while also providing the community a values-based juvenile justice system. It empowers the youth by allowing them to serve as the bailiff, judge, jury, defense attorney and prosecutor for cases involving youth offenders of the community. The restorative theme of the court allows young people to take responsibility for their actions and provide service to the community.

All of these programs help promote positive self-esteem, motivate self-improvement, create a healthy attitude towards shared community values and assist youths into becoming active and productive members of the community. I want to honor the spirit and work of the advocates, leaders, young people, and changemakers you will hear from this week, who are all working against immense odds and challenges to build and grow innovative, holistic programs that are

making a world of difference for our Native children. It is the silver lining around the many dark and sobering statistics and stories that we will dive into, that so many incredible programs have been built that are creating brighter futures for our youth, every day, on the ground.

I believe that when our resilient people are supported, when tribal programs are funded, and when laws change to reduce systemic barriers to justice and equality for our people, the future is bright for our children.

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