

# ACF

Administration  
for Children  
and Families

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Administration for Children, Youth and Families**

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**4. Key Words:** CWS Plans for Title IV-B Grants to Eligible Indian Tribes under Section 428 of the Social Security Act

## INFORMATION MEMORANDUM

**TO:** INDIAN TRIBES, STATE ADMINISTRATORS OF STATE PUBLIC WELFARE AGENCIES AND OTHER INTERESTED INDIVIDUALS

**SUBJECT:** Joint Planning and Submission of Child Welfare Service Plans for Direct Title IV-B Grants to Eligible Indian Tribes Under Section 428 of the Social Security Act.

**LEGAL AND RELATED REFERENCES:** Sections 422(a), (b)(2)-(8), 425, 427 and 428 of the Social Security Act and 42 U.S.C. Section 5103(b)(3); 45 CFR 1355.30, 1357.10(c), 1357.15, 1357.25 and 1357.40

**CONTENT:** This transmittal provides information for joint Indian Tribes - Federal development of the Tribes's Child Welfare Services Plans.

**JOINT PLANNING:** 45 CFR 1357.40 requires that each eligible Indian Tribe applying for a direct title IB-B grant have a Child Welfare Services Plan (CSWP) that has been jointly developed by designated Tribal and Federal representatives. 45 CFR 1357.40 also defines the "joint planning" process as Tribal and Federal review and analysis of the Tribe's child welfare services, including analysis of the service needs of children and their families, selection of unmet service needs that will be addressed in a plan for program improvement, and development of goals and objectives to achieve those improvements and to enhance the capability of the Tribe in providing child welfare services. The Tribal Child Welfare Services Plan is intended to be a statement of the Tribe's plan for developing and strengthening the child welfare services program. The Federal role in the joint planning process and in the development of the plan document is collaborative and supportive of the Tribe's efforts. It is not intended that the Federal role will supersede the goals and wishes of the Tribe but that the relationship will be supportive and complementary. This memorandum describes a four part process for the joint development of the Child Welfare Services Plan by Tribal staff and Federal staff of the Administration for Children, Youth and Families (ACYF). Also included in Attachments "A" and "B" are a listing of the title IV-B requirements and an outline of suggested steps to be taken in the joint planning process and the development of a Tribe's CWSP. The CWSP may be submitted in a format

developed by the Tribe, however, the following process may be useful in development of the plan:

## 1. Review and Documentation of Title IV-B Requirements

A critical first step in the joint planning process is Tribal and Federal review of implementation of title IV-B legislative and regulatory requirements including:

- The requirements of section 422(a) and (b)(2)-(8) of the Social Security Act;
- The requirements of section 4276(a) and (b);
- 45 CFR 1355.21, State Plan requirements for Title IV-B [and IV-E]
- 45 CFR 1355.30, Other Applicable Regulations;
- 45 CFR 1357.15, CWSP Requirements and Submittal;
- 45 CFR 1357.40, Direct Payment to Indian Tribal Organizations. The plan development team should jointly review each requirement and the Tribe's conformity with it. Each Child Welfare Services Plan should include a statement of compliance with the requirements and an action plan to achieve unmet requirements. A suggested format for signifying compliance with the requirements is attached. (Attachment A)

## 2. Development of a Long Range Strategy for Program Improvement

In the Child Welfare Services Plan the Long Range Strategy is the product of three interdependent processes:

- analysis of the services needs of children, youth and families;
- selection of unmet needs to be addressed in the plan; and
- development of goals and objectives to implement program improvements. A needs analysis is an essential element in the development of an effective strategy for strengthening and extending child welfare services. It is a review and comparison of the services needs of Indian children, youth and families and of the program requirements in relation to the nature, scope and availability of services. The need analysis assists the Tribe in identifying problems in the delivery of services, assesses the adequacy of the services delivery system, and suggests appropriate program modifications to address the unmet services needs. All unmet needs identified in the needs analysis will not necessarily be addressed in the Tribe's Child Welfare Services Plan. A decision must be reached on which of the unmet services needs will be included in the Long Range Strategy. This decision involves several considerations:
  - evidence of gaps or deficiencies in the Tribe's ability to meet the Title IV-B requirements and
  - evidence of significant gaps or deficiencies in current services. The goals included in the Long-Range Strategy should express the expected outcomes of the Tribe's efforts to improve and strengthen child welfare services over the next one to three years. Goals and objectives should

include a statement indicating in measureable terms a target related to goal attainment and should specify a time for completion of the activity. Goals and objectives may be developed and presented in a format chosen by the Tribe.

### 3. Development of the Annual Summary

The Annual Summary of Child Welfare Services consists of three parts:

- The estimate of expenditures for child welfare services by service according to the funding source, and the estimated number of clients to be served. For two or three year plans, the annual summary may be submitted each year with the budget request or the full summary for two or three years may be submitted with the plan.
- A description of all child welfare services to children and their families in the Tribe and specification by political subdivision, if appropriate, of the geographic areas where these services will be available (section 422(b)(5) of the Act). This document should also identify services to be introduced or changed during the plan period and the approximate time for the changes.
- Subsequent annual summaries should include a report on the status of goals and objectives from the previous plan including accomplishments and problems and efforts to resolve them.

### 4. Preparation and Submission of the Annual Budget Request (CWS-101)

The Annual Budget Request (CWS-101) will be approved by the Regional Office, ACYF, when the Tribe has submitted to the Regional Office a jointly developed Child Welfare Services Plan which is in effect. Tribal plans and budget requests must be submitted by August 15 to allow for Regional Office final review and processing of the direct grant. With the completion of these four steps and the documentation applicable to each, the CWSP will represent a full statement of the Tribe's plan for developing and strengthening its child welfare services program.

**EFFECTIVE DATE:** Effective upon issuance.

**INQUIRIES:** Regional Program Director for Children, Youth and Families (Attachment C).

**Signed:** Clarence E. Hodges Commissioner

**Attachments:**

[Attachment A:](#) Assurance - A Tribal Certification form indicating which title IV-B requirements have not been met.

[Attachment B](#): Suggested steps in Developing CWSP  
[Attachment C](#): List of ACYF Regional Program Directors.

## **ATTACHMENT A**

### **ASSURANCE**

I hereby certify that, with the exception(s) indicated below (Name of Tribe or Indian Tribal Organization) complies with the requirements of law and regulations listed in the Requirements. We assure that this Plan includes goals and objectives for meeting the Requirements which are not being met. (List by number and title those Requirements with which the Indian Tribe is not in compliance

Date: Certified by Designated Indian Tribal Official

Date: Certified by ACYF/CB Representative

### **REQUIREMENTS**

Section 422(a) Child Welfare Services Plan Provisions

45 CFR 1357.40 In order to be eligible for direct payment under Title IV-B, an Indian Tribe must have a plan for child welfare services which has been developed jointly by Tribal and Federal representatives;

Section 422(b) (2)-(8) Each plan for child welfare services under Title IV-B should:

- Provide for coordination between the services provided for children under the plan and the services and assistance provided under other Tribal, State and Federal programs having a relationship to the program under title IV-B, with a view to provision of financial assistance and related services which will best promote the welfare of the Tribe's children and their families;
- Provide that the standards and requirements imposed with respect to child day care under title XX shall apply with respect to day care services under this part, except insofar as eligibility for such services is involved;
- Provide for the training and effective use of paid paraprofessional staff, with particular emphasis on the full-time and part-time employment of persons of low income, as community service aides, in the administration of the plan and to the maximum extent

possible, for the use of nonpaid or partially paid volunteers in providing services and in assisting any advisory committees established by the Indian Tribe;

- Contain a description of the services to be provided and specify the geographic areas where such services will be available;
- Contain a description of the steps which the Tribe will take to provide child welfare services and to make progress in--
  - a. covering additional political subdivisions
  - b. reaching additional children in need of services;
  - c. expanding and strengthening the range of existing services and developing new types of services and a description of the Tribe's child welfare services staff development and training plans;
- Provide, in the development of services for children, for use of the facilities and experience of voluntary agencies in accordance with Tribal and State programs and arrangements, as authorized by the Tribe;
- Provide that the Tribal Organization administering and supervising the administration of the title IV-B CWSP will furnish reports and information, and participate in evaluations as the Secretary may require.

45 CFR 1355.21 (a) The State plans for titles IV-E and IV-B must provide for safeguards on the use and disclosure of information which meet the requirements contained in section 471(a)(8) of the Act.

45 CFR 1357.15(e) In implementing the requirements of this section and sections 427(a)(2)(c) and 427(b)(3) of the Act, the State must specify, in its title IV-B State Plan, which preplacement preventive and reunification services are available to children and families in need.

The services specified may include: twenty four hour emergency caretaker and homemaker services; day care; crisis counseling; individual and family counseling; emergency shelters; procedures and arrangements for access to available emergency financial assistance; arrangements for the provision of temporary child care to provide respite to the family for a brief period, as part of a plan for preventing children's removal from home; other services which the agency identifies as necessary and appropriate such as home-based family services; self-help groups, services to unmarried parents, provision of or arrangements for mental health, drug and alcohol abuse counseling, vocational counseling or vocational rehabilitation; and post adoption services.

45 CFR 1357.40 (c) (6)-(15) The Indian Tribal Organization (ITO) title IV-B CWSP must include the following required elements:

- The name of the ITO;
- A brief description of the ITO;
- A brief description of the legal and organizational relationship of the Tribal Organization to the Indians in the area to be served;
- A statement of the legal responsibility, if any, for children who are in foster care on the reservation and those awaiting adoption;

- A description of tribal jurisdiction in civil and criminal matters, existence or nonexistence of a tribal court and the type of court and codes, if any;
- An identification of the standards for foster family homes and institutional care and day care;
- The ITO's political subdivisions, if any;
- Whether the Tribal Organization is controlled, sanctioned or chartered by the governing body of Indians to be served and if so, documentation of that fact;
- Any limitations on authorities granted the ITO; and
- The Tribal resolution(s) authorizing the ITO to apply for a direct title IV-B grant under this Part.

#### 45 CFR 1355.30 Other Applicable Regulations

The procedures and requirements in the following sections of 45 CFR, while not a part of the requirements to be covered in the title IV-B Assurance, apply to all programs (including direct grants to Indian Tribes) funded under title IV-E and IV-B of the Social Security Act:

- (a) Part 16, Department Grant Appeals Board;
- (b) Part 74, Administration of Grants, except that Subpart I, Financial Reporting Requirements, shall not apply. The Commissioner, Administration for Children, Youth and Families, shall provide forms and instructions for financial reporting.
- (c) Part 95, General Administration of Grant Programs (Public Assistance and Medical Assistance).
- (d) Section 201.5, Grants (except that ACYF shall supply appropriate forms and instructions).
- (e) Section 201.6, Withholding/Reduction of FFP.
- (f) Section 201.7, Judicial Review.
- (g) Section 201.15, Deferral.
- (h) Section 201.66, Repayment of Federal funds in installments.
- (j) Section 205.5, Plan amendments.
- (k) Section 205.10, Hearings.
- (l) Section 205.50, Safeguarding information.
- (n) Section 205.101, Organization for administration.
- (o) Section 205.150, Cost allocation plan.

## **Attachment B**

### **SUGGESTED STEPS IN DEVELOPING CWSP**

1. Preliminary Discussions - Early contacts between the Tribe's designated official(s) and the appropriate ACYF/Children's Bureau Regional Office representative regarding development of the Title IV-B CWSP would facilitate:
  - a. Agreement on steps to be taken to develop the CWSP;
  - b. Identification of the plan development team; and
  - c. Identification and review of information and materials describing the administration, organization and operation of the Tribe's child welfare services delivery system.
  
2. Review of Title IV-B Requirements
  - a. Review of the appropriate Title IV-B requirements and the Tribe's conformity with the requirements;
  - b. Documentation of the Tribe's conformity with the requirements; and
  - c. Joint consideration of unmet requirements for inclusion in the child welfare services goals and objectives.
  
3. Identification of goals and objectives to be addressed in CWSP
  - a. Review and analysis of the child welfare services currently being provided, amount and source of funding;
  - b. Review and analysis of Tribal unmet child welfare service needs including those title IV-B requirements with which the Tribe is out of conformity, and
  - c. Development of priorities and goals and objectives for implementing the priorities

4. Steps in Submission of the CWSP to the ACYF Regional Office
  - a. Preparation of Annual Summary;
  - b. Preparation of the Annual Budget Request;
  - c. Appropriate sign-offs;
  - d. Tribal/ACYF review of CWSP for completeness, relevance and appropriateness;  
and
  - e. Submission of CWSP to ACYF/CB Regional Office for review by Regional Program Director.

## **ATTACHMENT C**

### **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Office of Human Development Services

Regional Office Telephone Listing

#### **Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)**

JFK Building

Boston, Massachusetts 02203

A. Kenton Williams

Connecticut Regional Administrator, HDS

FTS (8) 223-3236 or 617-223-3236

Richard Stirling

Rhode Island Regional Program Director, ACYF

FTS (8) 223-223-6450

#### **Region II (New Jersey, New York, Puerto Rico, Virgin Islands)**

Federal Building, 41st floor

26 Federal Plaza

New York, New York 10278

John F. Devine

Regional Administrator, HDS

FTS (8) 264-3472 or 212-264-3472

Dennis Coughlin

Regional Program Director, ACYF

FTS (8) 264-2974 or 212-264-2974

**Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia)**

Box 13716, 3535 Market Street  
Philadelphia, Pennsylvania 19101

Eileen Bradley  
Regional Administrator, HDS  
FTS (8) 596-0351 or 215-596-0351

Alvin Pearis  
Regional Program Director, ACYF  
FTS (8) 596-0356 or 215-596-0356

**Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)**

101 Marietta Tower, Suite 903  
Atlanta, Georgia 30323

L. Bryant Tudor  
Regional Administrator, HDS  
FTS (8) 242-2398 or 404-221-2398

John L. Jordan  
Regional Program Director, ACYF  
FTS (8) 242-2134 or 404-221-2134

**Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)**

13th floor  
300 South Wacker Drive  
Chicago, Illinois 60606

Russell Armstrong  
Acting Regional Administrator, HDS  
FTS (8) 353-8322 or 312-353-8322

German White  
Regional Program Director, ACYF  
FTS (8) 353-6503 or 312-353-6503

**Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)**

1200 Main Tower Building  
Dallas, Texas 75202

William Acosta  
Regional Administrator, HDS  
FTS (8) 729-4540 or 214-767-4540

Tommy Sullivan  
Regional Program Director, ACYF  
FTS (8) 729-2976 or 214-767-2976

**Region VII (Iowa, Kansas, Missouri, Nebraska)**

Room 384  
601 E. 12th Street  
Kansas City, Missouri 64106

Linda J. Carson  
Regional Administrator, HDS  
FTS (8) 758-3981 or 214-767-3981

Hilton Baines  
Regional Program Director, ACYF  
FTS (8) 758-5401 or 214-767-5401

**Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)**

Federal Office Building  
1961 Stout Street  
Denver, Colorado 80294

Lemm Allen  
Regional Administrator, HDS  
FTS (8) 327-5975 or 303-837-5975

David Chapa  
Regional Program Director, ACYF  
FTS (8) 327-3972 or 303-327-2972

**Region IX (American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Territory)**

50 United Nations Plaza  
San Francisco, California 94102

Lucy Ellison  
Regional Administrator, HDS  
FTS (8) 556-4027 or 415-556-4027

Roy Fleischer  
Regional Program Director, ACYF  
FTS (8) 556-6153 or 415-556-6153

**Region X (Alaska, Idaho, Oregon, Washington)**

Third and Broad Bldg, M/S 413,  
Seattle, Washington 98121

Edward Single  
Regional Administrator, HDS  
FTS (8) 399-2430 or 206-442-2430

Frank Jones  
Acting Regional Program Director, ACYF  
FTS (8) 399-0483 or 206-442-0483