

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families and Office of Administration	
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**Program Instruction**

**TO:** Indian Tribes, Indian Tribal Organizations and Indian Tribal Consortia (Tribes), Tribal Financial Operations Executives and Other Interested Parties

**SUBJECT:** Tribal Title IV-E Program Cost Allocation Methodology Guidance

**LEGAL AND RELATED REFERENCES:** Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law (P.L.) 110-351); Title IV-E of the Social Security Act (the “Act”) sections 474(a)(3) and 479B; 2 CFR Part 225 (OMB Circular A-87 Cost Principles); 45 CFR 1356.60; 45 CFR 92.14; 45 CFR Part 95 – Subpart F; Program Instruction (PI) ACYF-CB-PI-08-05 (issued 10/23/2008); ACYF-CB-PI-09-11 (issued 09/17/2009); ACYF-CB-PI-10-11 (issued 07/09/2010); Information Memorandum (IM) ACYF-CB-IM-08-03 (issued 10/24/2008)

**PURPOSE:** This PI provides information on the applicable cost allocation requirements to Tribes that are operating or planning to operate a title IV-E program pursuant to section 479B of the Act. The PI addresses the cost allocation requirements that must be met and the procedures that must be developed prior to claiming title IV-E Federal Financial Participation (FFP) for costs other than assistance payments. Specific guidance is provided on how Tribes with approved title IV-E plans should comply with the requirement to identify which administrative costs (including training and certain automated systems costs) are allocated and claimed for FFP purposes under each title IV-E program. It also discusses submission of Tribal title IV-E cost allocation methodology (CAM) documents.

**BACKGROUND:** P.L. 110-351 authorizes eligible Tribes, tribal organizations, and consortia (henceforth “Tribes”) to directly operate title IV-E Foster Care, Adoption Assistance, and Kinship Guardianship Assistance Programs.<sup>1</sup> Except as otherwise specified, the law states the title IV-E requirements apply to Tribes in the same manner as they apply to States.

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<sup>1</sup> Federally-recognized Tribes are authorized to directly administer the title IV-B, subpart 1 Stephanie Tubbs Jones Child Welfare Social Services Program, title IV-B, subpart 2 Promoting Safe and Stable Families Program, and the John H. Chafee Foster Care Independence Program and Education Training Voucher Program. Public Law 110-351 also added new provisions at Section 477(j) of the Social Security Act to give certain Tribes the option to receive

Federal funding is available for program expenditures incurred by each Tribe with an approved title IV-E plan<sup>2</sup> for title IV-E Foster Care, Adoption Assistance, and Kinship Guardianship Assistance for all allowable and allocable administrative and training costs using a Federal financial participation (FFP) rate and maintenance assistance payments using the Federal Medical Assistance Percentage (FMAP) rate applicable to each Tribe.

Since passage of P.L. 110-351, the Administration for Children and Families (ACF) has engaged Tribes in both formal and informal consultation around a number of issues relating to Tribal participation in the title IV-E programs. Consultation included a series of seven in-person meetings held around the country in the spring of 2009, as well as dialogue at grantee meetings, conferences, and other venues. As required by P.L. 110-351, some issues relating to Tribal participation in title IV-E programs, including additional information on use of in-kind expenditures from third-party sources for the Tribal share of administration and training expenditures under title IV-E, will be addressed as part of an upcoming Interim Final Rule that will be published in the *Federal Register*, with an opportunity for comment.

This PI lays out the general parameters for cost allocation for Tribes participating in the title IV-E programs. ACF will work in partnership with individual Tribes to assist them in developing cost allocation methodologies that meet the needs and circumstances of each individual Tribe.

## **INFORMATION:**

Section A. Federal Cost Allocation Parameters

Section B. Tribal Title IV-E CAM Development Requirements

Section C. Tribal Title IV-E Cost Allowability Standards

Section D. Tribal Title IV-E Administrative Costs

Section E. Tribal Title IV-E Training Costs

Section F. Tribal Title IV-E TACWIS and Other Automated System Costs

Section G. Tribal Title IV-E Effort Reporting and Identification Requirements

Section H. Tribal Title IV-E CAM Content

Section I. Third-Party In-Kind Expenditure Title IV-E Claims

Section J. Tribal Title IV-E CAM Updates

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directly a portion of the Independent Living Program and Education Training Voucher Program funds allotted to the State in which the Tribe is located.

<sup>2</sup> See Information Memorandum ACYF-CB-IM-08-03, dated October 24, 2008 for an overview of title IV-E program requirements.

## Section K. Tribal Title IV-E CAM Submission Process

## Section L. Technical Assistance

### **Section A. Federal Cost Allocation Parameters**

Federal regulations at 2 CFR Part 225 (formerly *Office of Management and Budget [OMB] Circular A-87*) detail cost principles and cost allocation guidelines applicable to State, Local, and Tribal governments. These regulations provide a uniform approach for determining applicable program costs and apply to all programs funded under titles IV-B and IV-E of the Social Security Act<sup>3</sup>.

Federal regulations at 45 CFR 1356.60(c) specify that FFP is available for administrative expenditures necessary for the proper and efficient administration of the title IV-E plan; how costs under each program must be documented is also specified. Federal regulations at 45 CFR 1356.60(b) provide guidance on the availability of FFP for training costs and 45 CFR 1356.60(d) and (e) address FFP for data collection and Statewide Automated Child Welfare Information System (SACWIS) costs respectively; development and operation of a SACWIS (subsequently referred to as a Tribal Automated Child Welfare Information System [TACWIS] to avoid confusion with State agency operations) and certain other automated data processing systems is subject to specific additional requirements. All costs must be properly identified, measured, and allocated as either a direct or an indirect cost in accordance with Federal regulations at 2 CFR Part 225, Appendix A.

### **Section B. Tribal Title IV-E CAM Development Requirements**

Administrative and training costs associated with the operation of Tribe-operated Foster Care, Adoption Assistance, and Kinship Guardianship Assistance will most likely be incurred for personnel and related support costs that cannot be readily identified with a particular program activity or attributed to a specific eligible child. In addition, certain allowable title IV-E training costs are eligible for Federal funding based on different FFP rates. Thus, it is necessary that each Tribal agency develop a cost allocation methodology (CAM) to govern calculation of title IV-E claims for FFP and submit the CAM for approval when applying to directly operate the title IV-E programs. The approved CAM will be incorporated as a term and condition of the title IV-E grant award.

The purpose of the CAM is to segregate the portions of costs claimable for Federal funding through each title IV-E program. Only those costs documented as attributable to title IV-E operations and that meet title IV-E program funding requirements are claimable for title IV-E Federal funding.

Indirect costs rates<sup>4</sup> approved by the Department of Interior<sup>5</sup> (DOI) will be used by each Tribe to assign allowable general organizational overhead or indirect non-personnel program costs to the programs it operates and in developing its claims for Federal funding of allowable administrative

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<sup>3</sup> 45 CFR Part 1355.30(i), 45 CFR 92.14, and 45 CFR Part 92.22(b)

<sup>4</sup> An indirect cost rate is defined as a cost allocation methodology used for identifying and allocating personnel and non-personnel program support costs and general overhead costs.

<sup>5</sup> The DOI is the cognizant Federal agency for all Tribes.

costs. *Participation in Tribal title IV-E programs will not alter or otherwise affect any Tribe's DOI-approved indirect cost rate.*

### **Section C. Tribal Title IV-E Cost Allowability Standards**

Title IV-E claims for allowable administrative and training costs from Tribes with approved title IV-E plans made in accordance with the cost allowability and allocation requirements discussed in this PI are eligible for FFP.

Under section 479B(b) of the Act, the availability of Federal funding for a Tribe operating a title IV-E program is subject to the same requirements and restrictions applicable to a State operating a title IV-E program, with the exception of some standards for documenting child eligibility<sup>6</sup> and the use of third-party sources to meet matching requirements<sup>7</sup>.

### **Section D. Tribal Title IV-E Administrative Costs**

According to title IV-E program regulations, FFP “is available at the rate of fifty percent (50%) for administrative expenditures necessary for the proper and efficient administration of the title IV-E” program.<sup>8</sup> A key provision is that each Tribal title IV-E CAM will need to assign administrative costs claimed under each title IV-E program to specified sub-categories. 45 CFR Part 1356.60(c) provides the following guidance on costs allowable under title IV-E:

- (1) The determination and redetermination of eligibility, fair hearings and appeals, rate setting and other costs directly related only to the administration of the foster care program under this part are deemed allowable administrative costs under this paragraph. They may not be claimed under any other section or Federal program.
- (2) The following are examples of allowable administrative costs necessary for the administration of the foster care program.
  - (i) Referral to services;
  - (ii) Preparation for and participation in judicial determinations;
  - (iii) Placement of the child;
  - (iv) Development of the case plan;
  - (v) Case reviews;
  - (vi) Case management and supervision;
  - (vii) Recruitment and licensing of foster homes and institutions;
  - (viii) Rate setting;
  - (ix) A proportionate share of related agency overhead; and
  - (x) Costs related to data collection and reporting.
- (3) Allowable administrative costs do not include the costs of social services provided to the child, the child's family or foster family which provide counseling or treatment to ameliorate or remedy personal problems, behaviors or home conditions.

Additional provisions under 45 CFR Part 1356.60(d) and (e) specify cost allowability requirements for costs associated with the development, implementation, and future operation of child welfare data collection and information systems.

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<sup>6</sup> 479B(c)(1)(C)

<sup>7</sup> 479B(c)(1)(D)

<sup>8</sup> 45 CFR Part 1356.60(c)

## **Section E. Tribal Title IV-E Training Costs**

Title IV-E specifies FFP rates for training that vary according to program, type of trainee and, in some cases, Federal fiscal year. The following training costs related to the Foster Care and Adoption Assistance programs are subject to an FFP rate of seventy-five percent (75%)<sup>9</sup>:

- (i) Training personnel employed or preparing for employment by the State or local agency administering the plan, and;
- (ii) Providing short-term training (including travel and per diem expenses) to current or prospective foster or adoptive parents and the members of the state licensed or approved child care institutions providing care to foster and adopted children receiving title IV-E assistance.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) broadened the types of caregivers and personnel whose short-term training costs are eligible for title IV-E FFP. Training costs for these additional trainees, such as relative guardians, are subject to an increasing FFP rate<sup>10</sup> that currently differs from the FFP rate applicable to other title IV-E training as specified at 45 CFR 1356.60(b). The Tribal CAM will need to provide for the proper identification and allocation of all title IV-E training costs.

## **Section F. Tribal Title IV-E TACWIS and Other Automated System Costs**

The requirements of 45 CFR Part 95, Subpart F apply when a Tribal IV-E agency incurs costs for automatic data processing equipment and services, including development of a TACWIS. The submission and prior approval of an advanced planning document (APD) is required if project costs are expected to exceed regulatory thresholds. The CAM should reference any cost allocation provisions of an approved APD and address specific cost allocation procedures for the operational costs of any directly charged automated data processing systems benefiting title IV-E programs. See ACYF-CB-PI-09-11 for additional details on these requirements.

## **Section G. Tribal Title IV-E Effort Reporting and Identification Requirements**

Each Tribe must develop and implement specific procedures to appropriately identify, measure, and allocate documented administrative and training costs; these procedures should be described in the Tribal CAM. For example, when employees perform tasks that assist in the administration of several programs, these efforts must be properly attributed (allocated) to the correct program.<sup>11</sup> In many Tribes, caseworkers are often assigned to multiple programs with different funding sources (Federal funds only, Tribal funds only, or a combination of Federal and Tribal funds). Accordingly, under the following circumstances, the assignment of employee work tasks to multiple activities or cost objectives must be supported with documentation<sup>12</sup> (e.g., personnel activity reports, statistical sampling):

- (a) More than one Federal award,

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<sup>9</sup> 45 CFR Part 1356.60(b).

<sup>10</sup> The FFP rate for these training costs increases from 55% in FY 2009, to 60% in FY 2010, 65% in FY 2011, 70% in FY 2012 and 75% in FY 2013. Additional information on the complete classifications of newly eligible trainees and other requirements is provided through ACYF-CB-PI-08-05 dated October 23, 2008 and ACYF-CB-PI-10-11 dated July 9, 2010.

<sup>11</sup> 2 CFR Part 225, Appendix B(8)(h)(4) (*formerly OMB Circular A-87*).

<sup>12</sup> *Id.*

- (b) A Federal award and a non-Federal award,
- (c) An indirect cost activity and a direct cost activity,
- (d) Two or more indirect activities which are allocated using different allocation bases, or
- (e) An unallowable activity and a direct or indirect cost activity.

Tribes can use the general guidance provided in 45 CFR Part 95, Subpart E (not specifically applicable to Tribes) to develop a CAM limited to the Federal and non-Federal programs administered by those staff or units having responsibility for title IV-E programs. Most importantly, 2 CFR Part 225, Appendix B (applicable to Tribes) provides specific guidance on personnel activity reports (PAR) or substitute systems, as well as other information useful for the development of a CAM and supporting documentation. This guidance must be used to direct the allocation of staff effort across the different programs administered by each title IV-E agency<sup>13</sup>. In many cases, it will also be necessary to allocate staff effort between title IV-E eligible and ineligible children. In the absence of direct information on title IV-E eligibility (e.g., the PAR incorporates this as a data field), alternative methods must be developed to enable allocation between title IV-E (eligible) and other funding sources (ineligible). Eligibility rates<sup>14</sup> or another suitable method may be used for this purpose; supporting documentation for the chosen method should be submitted with the CAM.

## **Section H. Tribal Title IV-E CAM Content**

No specific format is required for a CAM document. It must, however, include sufficient information to permit ACF and auditors to determine that costs claimed for title IV-E FFP were appropriately identified, measured, and allocated. This determination involves establishing that the administrative and training costs claimed for each title IV-E program are allowable and allocable, and are identified in a manner that permits proper quarterly reporting of estimates and expenditures. The CAM should also establish or identify appropriate documentation procedures necessary to maintain an audit trail to prevent disallowances of claimed costs.

The DOI-approved indirect cost rate used by the Tribe to claim IV-E FFP should be identified, as well as the source, collection procedures, and application of any statistical data. All analytic steps should be described in sufficient detail to establish the validity of the procedures used to identify, measure, and allocate costs to all programs being operated by the IV-E agency.

The CAM will need to also specify an effective date (no earlier than the effective date of the Tribe's IV-E plan approval) and meet the following requirements:

1. That the information contained in the CAM was prepared in conformance with 2 CFR Part 225.
2. That the costs are accorded consistent treatment through the application of generally accepted accounting principles (GAAP) appropriate to the circumstances.
3. That an adequate accounting and statistical system exists to support claims; and
4. That the information provided in support of the CAM is accurate.

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<sup>13</sup> According to 2 CFR Part 225, Appendix B(8)(h)(4), prior approval is required for the use of statistical sampling or other substitute systems undertaken in place of personnel activity reports or equivalent documentation.

<sup>14</sup> An eligibility rate is the percentage of the total population of clients of a particular entity (e.g., Tribe, State or political subdivision) who meet the criteria for specified program benefits during an identified time period.

## **Section I. Third-Party In-Kind Expenditure Title IV-E Claims**

Unlike States, Tribes may choose to claim in-kind expenditures by third parties as the Tribal share of allowable administrative or training expenditures allocable to title IV-E programs. If a Tribe opts to claim in-kind expenditures by third parties, pursuant to section 479B(D) of the Act, the CAM will need to identify the third-party sources of such expenditures. Information should also be provided in the CAM on how the Tribe will comply with the applicable statutory or regulatory limitations on the percentage of total administrative and training costs that may constitute in-kind expenditures from third-party sources. An upcoming Interim Final Rule will provide further guidance to Tribal title IV-E agencies on the use of third-party in-kind expenditures to fulfill the Tribal share of title IV-E claims.

Tribes are required<sup>15</sup> to keep records of all in-kind transactions and all other transactions, and must maintain these records in active files for at least 37 months following the end of the applicable fiscal quarter. In-kind transactions will be closely examined by auditors pursuant to the provisions of OMB Circular A-133. Although not required, it is recommended that prior approval for claims of in-kind transactions be sought from the Director of ACF's Division of Mandatory Grants to help prevent disallowances.

## **Section J. Tribal Title IV-E CAM Updates**

Once developed and approved, the Tribe's title IV-E CAM must be updated as needed to address organizational changes, modification to the DOI-negotiated indirect rate, changes in Federal law or regulations or any other change that affects the allocation methodology. In the absence of any updates, each Tribe must annually submit a certification that there have been no changes warranting revision of the CAM. Regardless of whether or not any updates have been made, due to audit requirements, Tribes must retain each CAM and all supporting documents and records pertaining to expenditure claims for at least 37 months following the end of the applicable fiscal quarter (see 45 CFR Part 92.42).

## **Section K. Submission Process**

The Tribal IV-E CAM documents must be submitted to:

Joe Lonergan,  
Director, Division of Mandatory Grants,  
Office of Grants Management,  
Administration for Children and Families,  
370 L'Enfant Promenade, 6<sup>th</sup> Floor East,  
Washington, DC, 20447

with a copy sent to the appropriate ACF Regional Grants Officer and Children's Bureau Regional Program Manager. The Office of Grants Management will then work with each Tribe to ensure the CAM is consistent with all applicable rules and regulations. Once approved by the ACF's Office of Grants Management (OGM), the CAM will become effective on the first day of the fiscal quarter in which the program provides services. The CAM, in subsequent years, will either remain unchanged or be updated, as needed (see Section J).

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<sup>15</sup> 45 CFR Part 92.42

**Section L. Technical Assistance**

The Office of Grants Management will provide technical assistance regarding CAM requirements and approval criteria. Refer to the below information for contact details.

**INQUIRIES TO:** Joe Lonergan, Director, Division of Mandatory Grants at the address above or by phone: 202-401-6603; or email: [jlonergan@acf.hhs.gov](mailto:jlonergan@acf.hhs.gov) with copies to Regional Grants Officers and Children's Bureau Regional Program Managers.

/s/

/s/

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Tony Hardy,  
Acting Deputy Assistant Secretary  
for Administration

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Bryan Samuels  
Commissioner  
Administration on Children, Youth and  
Families

Attachment A – ACF Regional Grants Officers  
Attachment B - Children's Bureau Regional Program Managers

**Attachment A: ACF Regional Grants Management Officers**

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**Attachment B: Children's Bureau Regional Program Managers**

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