

<h1>ACF</h1> Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration for Children, Youth and Families	
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	3. Originating Office: Children's Bureau	
	4. Key Words: Planning Requirements - Direct Grants to Eligible Indian Tribes	

PROGRAM INSTRUCTION

TO: Indian Tribes/Indian Tribal Organizations and State Agencies Administering or Supervising the Administration of Titles IV-B and IV-E

SUBJECT: Planning Requirements for Receipt of Direct Title IV-B Child Welfare Services Grants by Indian Tribal Organizations. [This Program Instruction SUPERSEDES ACYF-IM-83-4]

LEGAL AND RELATED REFERENCES: Sections 422, 425, 427 and 428 of the Social Security Act; 45 CFR 1355 and 1357; ACYF-IM-83-4, ACYF-IM-85-36 and ACYF-IM-90-28

BACKGROUND: The Department of Health and Human Services (HHS) believes that the direct funding of Indian Tribal Organizations (ITOs) strengthens Tribal child welfare services programs, as intended in the goals and requirements of the Social Security Act (the Act) as amended. Section 428 of the Act specifically authorizes the direct provision of child welfare funds to ITOs.

In fiscal year (FY) 1992, the Administration on Children, Youth and Families (ACYF) estimated that 87 ITOs could have applied for direct title IV-B child welfare services payments. In that year, however, only 31 ITOs applied and they received, collectively, approximately \$500,000. The Department believes that two of the major obstacles to ITO participation historically have been the complex planning process and the relatively small dollar amounts available to ITOs.

The Department has developed a strategy to overcome these obstacles and encourage greater participation of ITOs in direct title IV-B funding. This Program Instruction addresses the new simplified planning process.

ELIGIBILITY CRITERIA FOR APPLICANTS: The HHS regulations at 45 CFR 1357.40 require eligible Indian Tribal Organizations that wish to apply for direct title IV-B payments to:

1. provide, under a contract (or grant) with the Secretary of the Interior under section 102 of the Indian Self-Determination Act (25 U.S.C. 450f), child welfare services (including child welfare assistance, social services, and general assistance) which would, otherwise, be provided directly by the Secretary of the Interior; and
2. have a plan for child welfare services that is jointly developed by the ITO and HHS. This Program Instruction describes how eligible entities may develop such a plan.

Any Indian Tribal Organization which is interested in applying for direct title IV-B funding, but is uncertain of whether it is eligible to apply, is encouraged to contact the appropriate Department of Health And Human Services (HHS) Regional Office (see attached list) for assistance.

Any ITO title IV-B child welfare services plans approved prior to the effective date of this Program Instruction shall remain in effect until they expire.

JOINT PLANNING REQUIREMENT: As noted above, Indian Tribal Organizations that wish to apply for direct title IV-B payments are required to participate in joint planning with the HHS Regional Office. The ITOs should contact the Regional Office to schedule the joint planning activity. Joint planning consists of:

1. reviewing and analyzing the child welfare service needs of children and their families,
2. selecting the unmet needs that the plan will address, and
3. developing goals and objectives to increase the ITO's capacity to provide the child welfare services which the ITO and HHS agree must be provided in order to meet the identified child welfare needs of children and families.

TITLE IV-B PLAN REQUIREMENTS: In order to simplify the planning process, HHS is encouraging ITOs to consider using any of their title IV-B plan documents which may already have been prepared for other purposes but which also address the title IV-B plan requirements and assurances which are included in Attachments B and C. For example, many ITOs have submitted Indian Child Welfare Grant applications to the Bureau Of Indian Affairs (BIA). An ITO may choose to attach a copy of that BIA application with a cover letter which briefly notes which of the title IV-B requirements are already addressed in the BIA application (or other appropriate document). Other possibilities include: grant applications to foundations or to HHS or other Federal agencies; and existing tribal documents, such as an annual Tribal child welfare plan. For purposes of simplifying the joint planning process for ITOs, existing documents which were prepared for a different but related purpose will be acceptable if they:

- a. cover all or some of the IV-B plan requirements;
- b. are current (within the past 24 months); and
- c. are approved or endorsed by the current ITO official leadership.

If all of the title IV-B requirements are not addressed in the document(s), the missing information must be provided by the ITO in the cover letter or in completed, signed and dated copies of Attachments B and C.

The title IV-B child welfare services plan may be written in a form determined by the ITO, but must include the requirements and assurances contained in Attachments B and C. The ITOs may choose to photocopy the forms in Attachments B, C, D and E and type or print the answers in the blank spaces provided.

TITLE IV-B PLAN SUBMITTAL: The jointly developed title IV-B child welfare services plan must be submitted to the appropriate HHS Regional Office. The ITO is required to notify the title IV-B agency of the State(s) in which the Tribe is located of the submission of the plan. The HHS Regional Office will notify the ITO when the plan meets all the requirements. The HHS Regional Office will return a copy of the approved title IV-B plan to the authorized ITO representative, and forward a copy to the Children's Bureau in Washington, D.C.

ELIGIBILITY FOR ADDITIONAL PAYMENTS: ITOs that receive direct title IV-B child welfare services payments may also request additional Federal section 427 payments if they comply with certain required foster care protection s.

Interested ITOs should consult with their appropriate HHS Regional Office on both the amount of additional payments available and the specific foster care protections required.

INQUIRIES TO: Joseph A. Mottola
Acting Commissioner

ATTACHMENTS

[Attachment A](#)- Addresses and Telephone Numbers of HHS Regional Offices
[Attachment B](#)- Indian Tribal Organization Title IV-B Child Welfare Services Plan
[Attachment C](#)- Ongoing Assurances
Attachment D- Annual Budget Request for Title IV-B Funds (**Note:**This attachment is not available)
Attachment E- Annual Summary of Child Welfare Services (**Note:**This attachment is not available)

Attachment A

Addresses and Telephone Numbers of HHS Regional Offices

REGION I

States:

- Rhode Island
- Vermont
- Connecticut
- Maine

- Massachusetts
- New Hampshire

Director: Office Of State Programs: Tina Janey-Burrell

Phone: (617) 565-3296

Address:

Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
John F. Kennedy Federal Building (Room 401)
Government Center
Boston, Massachusetts 02203

REGION II

States:

- New York
- New Jersey
- Virgin Islands
- Puerto Rico

Director: Child Care, Child Welfare and Developmental Disabilities Division: Sal Milano

Phone: (212) 264-2975

Address:

Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Jacob K. Javits Federal Building (Room 1243)
26 Federal Plaza
New York, New York 10278

REGION III

States:

- Delaware
- Maryland
- Pennsylvania
- Virginia

- West Virginia
- District of Columbia

Branch Child Care, Child Welfare and Developmental Chief: Disabilities Branch: (Vacant)

Phone: (215) 596-1224

Address:

Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
3535 Market Street, P.O. Box 8436 (Room 5450)
Philadelphia, Pennsylvania 19104

REGION IV

States:

- Alabama
- Florida
- Georgia
- Kentucky
- Mississippi
- North Carolina
- South Carolina
- Tennessee

Director: Child Care, Child Welfare and Developmental Disabilities Division: Bill Behm

Phone: (404) 331-2398

Address:

Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
101 Marietta Tower, Suite 821
Atlanta, Georgia 30323

REGION V

States:

- Illinois
- Michigan

- Ohio
- Wisconsin
- Minnesota
- Indiana

Director: Child Care, Child Welfare and Developmental Disabilities: Kathleen Penak

Phone: (312) 353-6503

Address:

Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
105 West Adams Street, 21st Floor
Chicago, Illinois 60603

REGION VI

States:

- Texas
- Arkansas
- Louisiana
- New Mexico
- Oklahoma

Director: Children And Family Programs: Manuel Soto

Phone: (214) 767-6596

Address:

Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
1200 Main Tower, Suite 1700
Dallas, Texas 75202

REGION VII

States:

- Missouri
- Iowa
- Nebraska

- Kansas

Director: Child Care, Child Welfare and Developmental Disabilities Division: Robert Reed

Phone: (816) 426-5401

Address:

Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
601 East 12th Street (Room 384)
Kansas City, Missouri 64106

REGION VIII

States:

- Colorado
- Montana
- North Dakota
- South Dakota
- Utah
- Wyoming

Director: Child Care, Child Welfare And Developmental Disabilities Division: Charles Graham

Phone: (303) 844-4890

Address:

Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
1961 Stout Street (Room 924)
Denver, Colorado 80294-3538

REGION IX

States:

- California
- Arizona
- Hawaii
- Nevada
- Guam

- American Samoa
- Palau
- CNMI

Director: Child Care, Child Welfare and Developmental Disabilities Division: Carol Rosen

Phone: (415) 556-6153 or 5814

Address:

Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Federal Office Building
50 United Nations Plaza
San Francisco, California 94102

REGION X

States:

- Washington
- Alaska
- Oregon
- Idaho

Director: Child Care, Child Welfare, Developmental Disabilities and Runaway and Homeless Youth: Dick McConnell

Phone: (206) 553-0480

Address:

Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Blanchard Plaza (Room 600H--RX30)
2201 Sixth Avenue
Seattle, Washington 98121

Attachment B

Indian Tribal Organization Title IV-B Child Welfare Services Plan

1. Name of Indian Tribe or Indian Tribal Organization (ITO):
2. Brief description of the ITO:
3. Brief description of the legal and organizational relationship of the ITO to the Indian people in the area to be served:
4. Brief description of the Tribe's legal responsibility, if any, for children who are in foster care on or off the reservation and those awaiting adoption:
5. Brief 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:
6. List or provide copies of the standards for foster family homes and institutional care and day care. See ITO attachment(s) labeled:
7. List or briefly describe the ITO's political subdivisions, if any:
8. Indicate whether the ITO is controlled, sanctioned or chartered by the governing body of Indians to be served and, if so, provide documentation of that fact: See ITO document attachment (if applicable) labeled:
9. Brief description of any limitations on authorities granted the ITO (if applicable):
10. Tribal resolution(s) authorizing the ITO to apply for a direct title IV-B grant. See ITO attachment labeled:
11. Brief description of the services to be provided, including which preplacement preventive and reunification services are available to children and families, specifying the geographic areas where the services will be provided. The services may include, but are not limited to: 24 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; and post-adoption services. See ITO attachment labeled:
12. Brief description of the steps which the ITO will take to provide child welfare services and to make progress in:
 - A. covering additional political subdivisions, if relevant;
 - B. reaching additional children in need of services; and
 - C. expanding and strengthening the range of existing services and developing new types of services, along with a description of the ITO's child welfare services' staff development and training plans.

See attachment labeled:

13. ITO choice of duration for the plan to be in effect (1, 2, or 3 years): years.
14. Completed Annual Budget Request Form (CWS-101). (See Attachment D)
15. Completed Annual Summary of Child Welfare Services Form. (See Attachment E)

Assurances

The (ITO) makes the following assurances, which will remain in effect for the duration of this title IV-B plan.

- 16. This title IV-B plan has been developed jointly with HHS.
- 17. The Plan will comply with HHS regulations listed at 45 CFR 1355.30, except (i) and (m).
- 18. Safeguards will be provided which restrict the use of information concerning individuals assisted under the title IV-B plan to purposes directly connected with:
 - A. the administration of the plan of the ITO;
 - B. any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any such plan;
 - C. the administration of any other Federal or federally assisted program which provides assistance, in cash or in kind, or services directly to individuals on the basis of need;
 - D. any audit or similar activity conducted in connection with the administration of any such plan or program by any governmental agency which is authorized by law to conduct such audit or activity;
 - E. reporting and providing information to appropriate authorities with respect to known or suspected child abuse or neglect;
 - F. the safeguards so provided shall prohibit disclosure, to any committee or legislative body (other than an agency referred to in clause (D) with respect to an activity referred to in such clause), of any information which identifies by name or address any such applicant or recipient; and
 - G. except that nothing contained herein shall preclude an ITO from providing standards which restrict disclosures to purposes more limited than those specified herein or which, in the case of adoptions, prevent disclosure entirely.

DATE: _____
CERTIFIED BY: _____
TITLE: _____
ITO: _____
DATE: _____
APPROVED BY: _____
TITLE: _____
HHS/RO: _____

Attachment C

Ongoing Assurances

Federal regulations require that the following assurances be submitted and be in effect on an ongoing basis. The (ITO) makes the following assurances with the understanding that they will be amended when significant changes are made in these areas.

1. _____ has been designated as the single organizational unit in the ITO which will be responsible for furnishing the child welfare services included in the title IV-B plan (to the extent that ITO agency staff will also provide child welfare services).
2. Procedures have been established to coordinate between services provided for children under title IV-B and the services and assistance provided under the relevant approved title XX plan and any ITO programs having a relationship to title IV-B child welfare services.
3. Standards and requirements imposed with respect to child care under title XX shall apply with respect to day care services, if provided under the title IV-B plan, except insofar as eligibility for such services is involved.
4. The plan for training and use of paid paraprofessional staff, with particular emphasis on the full-time or part-time employment of low-income persons, as community aides is as follows:
5. The plan for use of nonpaid or partially paid volunteers in providing services and in assisting any advisory committees established by the ITO is as follows:
6. The plan for the use of the facilities and experience of voluntary agencies in the development of services for children, in accordance with ITO programs and arrangements, as authorized by the ITO is as follows:
7. (ITO) will provide such reports, containing such information, and participate in such evaluations, as the Secretary of HHS may require.

DATE: _____

CERTIFIED BY: _____

TITLE: _____

ITO: _____

DATE: _____

APPROVED BY: _____

TITLE: _____

HHS/RO: _____