

ACF 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: Office on Child Abuse and Neglect	
	4. Key Words: Application and Issuance of Direct Grants to Eligible Tribes and ITOs; Sec. 428 of SSA P.L. 96-272	

PROGRAM INSTRUCTION

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

SUBJECT: Applications for and Issuance of Direct Grants to Eligible Indian Tribes and Indian Tribal Organizations: 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; 45 CFR 1355.30, 1357.10(c), 1357.15(b), (c) and (d), 1357.25(d) and 1357.40

BACKGROUND: The Secretary has directed that a program of direct grants to Indian Tribes be established and that criteria be defined for eligibility for direct grants. The Department believes that direct funding of Indian Tribes will strengthen Tribal child welfare services programs, as intended in the goals and requirements of the Social Security Act as amended by P.L. 96-272.

ELIGIBILITY CRITERIA FOR APPLICANTS: The option of applying for direct title IV-B funding is available to eligible Indian Tribes which:

- a. are located in States that have a jointly developed Child Welfare Services Plan (CWSP) that meets the requirements of title IV-B of the Act; and
- b. are providing child welfare services under a contract with the Secretary of the Interior pursuant to section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) which would otherwise be provided directly by the Secretary of the Interior.

FUNDING PROCEDURES:

Federal funds available for direct grants to eligible Indian Tribes shall be paid by the Secretary, or his designee, from the title IV-B allotment of the State in which the Tribe is located. If an eligible Tribe includes a population from more than one State, a proportionate amount of the grant will be paid from each State's allotment.

The receipt of title IV-B funds shall be in addition to and not a substitute for funds otherwise previously expended by the Tribe for child welfare services. Eligible Tribes may form a consortium and apply for direct title IV-B grants.

A list of potentially eligible Tribes and the projected FY 1983 title IV-B allotments for those Tribes securing direct grants is attached (Attachment A). The statistical information used to develop the individual Tribal allotments is based upon the best available data. The order of data preference is (1) U.S. Census data, (2) data from the Bureau of Indian Affairs, U.S. Department of Interior, and (3) best available source. Information received subsequent to the completion of the attached list may change the status of any individual Tribe.

The amount of the State's title IV-B allotment that is allocated to an eligible Indian Tribe within the State's borders is based upon that portion of the Tribe's reservation population under 21. A weighting factor of 1.4 is applied to compensate for a generally lower per capita income for Tribal members.

Federal financial participation (FFP) is available at the rate of 75% for allowable costs in expenditures under title IV-B to establish, extend and strengthen child welfare services and to effectively administer, evaluate and monitor the Tribal plan. The Tribe or consortium will be responsible for the remaining 25% of allowable program costs.

JOINT PLANNING:

45 CFR 1357.40 requires that each eligible Tribe applying for a direct title IV-B grant submit a Child Welfare Services Plan developed through joint planning by Tribal and Federal representatives. 45 CFR 1357.40(b) defines joint planning as the 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 enhance the capability of the Tribe in providing child welfare services.

The Tribal CWSP is essentially a statement of the Tribe's plan for developing and strengthening its child welfare services program. The Federal role in joint planning is collaborative and is not intended to take precedence over the Tribe's initiative and right to establish child welfare services goals and objectives. (A more detailed discussion of the joint planning process may be found in ACYF Information Memorandum 83-4, issued June, 1983.)

TITLE IV-B PLAN SUBMITTAL:

Title IV-B plans may be effective for one, two or three years, at the option of the Tribe. If the Tribe decides to submit a plan every two or three years, the plan must have appropriate effective dates.

The Child Welfare Services Plan may be submitted in a form determined by the Tribe. However, the plan must include the following elements:

- The name of the Indian Tribe (or Tribes, if a consortium);
- A brief description of the organization and structure of the Tribe;
- A brief description of the legal or 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 including children awaiting adoption;
- A brief description of Tribal jurisdiction in civil and criminal matters, including existence of a Tribal court and the type of court and codes, if any;
- Identification of the standards applied to foster family homes and institutional care and day care;
- The Tribe's political subdivisions, if any;
- If a Tribal Organization is designated to operate the grant program, whether that Tribal Organization is controlled, sanctioned or chartered by the governing body of Indians to be served and, if so, documentation of that fact;
- Any limitation on authorities granted the Tribal Organization;
- The Tribal resolution(s) authorizing application for a direct title IV-B grant;

The title IV-B services plan, including the Annual Budget Request (CWS-101), shall be submitted to the appropriate Regional Office, Administration for Children, Youth and Families. A copy of the Annual Budget Request should simultaneously be forwarded to:

Children's Bureau
Financial Management Division
P.O. Box 1182
Washington, D.C. 20013

Upon submission, the Indian Tribal Organization, as the Tribe's representative, must promptly notify the State title IV-B agency of the submission. If the Tribal population to be served by the direct title IV-B grant is located in more than one State, each State's title IV-B agency must be notified. In turn, each State's title IV-B agency will be required to provide the Tribe with a copy of the State's title IV-B CWSP upon request.

In order to calculate the Tribe's allotment and make the direct grant in a timely manner, the Tribe must apply on or before July 1 and a completed Child Welfare Services Plan must be submitted to the appropriate ACYF Regional Office no later than August 15th. These dates are necessary to ensure that title IV-B funds are available for the direct grant and to notify States of the total available to them.

TRIBAL ELIGIBILITY FOR ADDITIONAL PAYMENTS:

If an eligible Indian Tribe applying for a direct title IV-B grant wishes to receive a share of additional title IV-B appropriations above \$141M, it must be located in a State that has met the section 427 requirements of the Act and must itself meet the requirements of section 427 for children who have been in foster care under the responsibility of the Tribe. The Tribe must:

- a. Have conducted an inventory of all Indian children under the responsibility of the Tribe who have been in foster care for a period of six months, and make determinations about the necessity for and appropriateness of their placements (sec. 427(a)(1));
- b. Have in operation an information system capable of tracking every child who is in foster care or who had received care within the preceding 12 months (sec. 427(a)(2)(A));
- c. Have in operation a case review system for each foster child under the Tribe's supervision (sec. 427(a)(2)(B)); and
- d. Have in operation a service program designed to return children to their own homes or to achieve another permanent placement (sec. 427(a)(2)(C)).

EFFECTIVE DATE: Effective upon issuance.

INQUIRIES: Regional Program Directors for the Administration for Children, Youth and Families (Attachment B)

/s/

Clarence E. Hodges
Commissioner

Attachments:

[Attachment A](#) - List of potentially eligible Indian Tribes including the projected FY 1983 title IV-B allotments for Tribes securing direct grants

[Attachment B](#) - List of ACYF Regional Offices

Attachment A

February 16, 1983

INDIAN TRIBES POTENTIALLY ELIGIBLE FOR DIRECT GRANTS UNDER SECTION 428

CHILD POPULATION AND FEDERAL SHARE OF FUNDS

State	Tribal Organization	Estimated Tribal Population Under 21	Share of \$156,326,000	Share of \$141,000,000
Region I				
Maine	Passamaquoddy Indian Township	200	\$701	\$635
Maine	Passamaquoddy Pleasant Point	297	\$1,041	\$944
Maine	Penobscot	281	\$984	\$892
Maine	Holton Band of Maliseets	135	\$473	\$429
TOTAL			\$3,199	\$2,900
Region IV				
Florida	Seminole	626	\$1,781	\$1,603
N. Carolina	Cherokee	2,312	\$7,376	\$6,647
Mississippi	Choctaw	1,536	\$5,554	\$5,010
Region V				
Wisconsin	Menominee	1,267	\$3,642	\$3,284
Region VI				
New Mexico	Jicarilla Tribe	931	\$3,088	\$2,795
New Mexico	Ramah Navajo	546	\$1,811	\$1,639
New Mexico	Acoma Pueblo	638	\$2,116	\$1,916
New Mexico	Laguna Pueblo	1,678	\$5,566	\$5,039
New Mexico	Zuni Pueblo	3,202	\$10,621	\$9,617
New Mexico	Puebla of Islette	989	\$3,200	\$2,971
New Mexico	Santa Domingo	1,157	\$3,838	\$3,475
New Mexico	San Felipe Pueblo	998	\$3,310	\$2,997

New Mexico	Jemez Pueblo	764	\$2,534	\$2,295
New Mexico	Navajo			
	New Mexico Part	15,410	\$51,114	\$46,282
	Arizona Part			
	Utah Part			
TOTAL			\$87,278	\$79,026
Oklahoma	Kiowa	1,887	\$5,602	\$5,057
Oklahoma	Commanche Tribe	1,910	\$5,670	\$5,118
Oklahoma	Cheyenne and Arapaho ¹			
TOTAL			\$11,272	\$10,175
Region VII				
Kansas	Four Tribes of Kansas Consortium			
Kansas	Prairie Potawatomi	154	\$427	\$387
Kansas	Kickapoo	185	\$513	\$464
Kansas	Sac and Fox	27	\$75	\$68
Kansas	Iowa			
	KS Part	10	\$28	\$25
	NE Part			
TOTAL			\$1,043	\$944
Region VIII				
Colorado	Southern Ute	490	\$1,342	\$1,212
Colorado	Ute Mountain	566	\$1,551	\$1,400
TOTAL			\$2,893	\$2,612
Montana	Confederated Tribes of Salish & Kootenai Flathead Tribe	1,738	\$5,933	\$5,399
Montana	Northern Cheyenne	1,824	\$6,226	\$5,667
Montana	Rocky Boy's Chippewa Cree	897	\$3,062	\$2,787
TOTAL			\$15,221	\$13,853
N. Dakota	Sisseton-Wahpeton Sioux			
	N.D. Part	4	\$13	\$13
	S.D. Part			

S. Dakota	Sisseton-Wahpeton Sioux				
		N.D. Part			
		S.D. Part	1,524	\$5,425	\$4,943
Utah	Paiute Indian Tribe of Utah		130	\$432	\$390
Utah	Navajo Nation				
		New Mexico Part	2,917	\$9,686	\$8,756
		Arizona Part			
		Utah Part			
Utah	Uintah Ouray		1,163	\$3,862	\$3,491
TOTAL				\$13,980	\$12,637
Region IX					
Arizona	Navajo Nation				
		Arizona Part	39,470	\$117,442	\$106,045
		New Mexico Part			
		Utah Part			
Arizona	Ft. McDowell Mohave Apache Indian Community		150	\$446	\$403
Arizona	Salt River Pima-Maricopa		1,358	\$4,041	\$3,454
Arizona	Gila River		3,550	\$10,563	\$9,538
Arizona	San Carlos		3,050	\$9,075	\$8,195
Arizona	Hopi Agency				
		Hopi	3,066	\$9,123	\$8,237
		Kaibob	45	\$134	\$121
Arizona	Ft. Mohave Res.				
		AZ Part	71	\$211	\$190
		CA Part			
Colorado	River Res.				
		AZ Part	1,033	\$3,074	\$2,775
		CA Part			
TOTAL				\$154,109	\$138,958
California	Ft. Mohave Res.				
	CA Part ¹				
	AZ Part				
California	Washoe Tribe (CA, NV)				
	Carson Colony (NV)				

	Woodfords Colony (CA)	47	\$111	\$100
Nevada	Fallon Inter-Tribal Council Fallon Paiute	101	\$250	\$235
Nevada	Lovelock Tribe	76	\$194	\$177
Nevada	Yomba Tribe	28	\$71	\$65
Nevada	Inter-Tribal Council Ft. McDermitt Shoshone	287	\$732	\$668
Nevada	Winnemucca Colony	15	\$38	\$35
Nevada	Summit Lake Paiute ¹			
Nevada	Moapa Business Council	109	\$278	\$255
Nevada	Las Vegas Colony	59	\$151	\$138

Region X

Alaska	United Crow Band, Inc. ¹			
	Mentasta			
	Tanacross			
	North Way			
	Tetlin			
	Tah			
Alaska	Kiana Tradition Council ¹			
Alaska	Kotzebue IRA ¹			
Alaska	Mauneluk Assoc.	2,342	\$5,551	\$5,139
Alaska	Norvik IRA Council ¹			
Alaska	Selawik Native Assoc. ¹			
Alaska	Admiralty Citizens Council ¹			
Alaska	Central Council of Tlingit and Haida	4,864	\$11,529	\$10,673
Alaska	Ketchikan Indian Assoc. ¹			
Alaska	Metlakatla Indian Community	516	\$1,223	\$1,132
Alaska	Sitka Community Assoc.	1,026	\$2,432	\$2,251
TOTAL			\$37,036	\$34,286
Idaho	Coeur D'Alene	295	\$982	\$891
Idaho	Nez Perce	723	\$2,406	\$2,184
TOTAL			\$3,388	\$3,075
Oregon	Warm Springs	1,089	\$3,019	\$2,728

Oregon	Siletz ¹			
Washington	Colville Agency	1,777	\$4,542	\$4,099
Washington	Quinault	490	\$1,252	\$1,130
TOTAL			\$5,794	\$5,229
TOTAL - ALL TRIBAL ORGANIZATIONS			\$363,611	\$329,410

¹ No population data available.

ATTACHMENT B

DEPARTMENT OF HEALTH AND HUMAN SERVICES Office of Human Development Services

Regional Office Telephone Listing

Region I

A. Kenton Williams
Regional Administrator, HDS
FTS (8) 223-3236 or 617-223-3236

Richard Stirling
Regional Program Director, ACYF
FTS (8) 223-6450

JFK Building
Boston, Massachusetts 02203

Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

Region II

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

Federal Building, 41st Floor
26 Federal Plaza
New York, New York 10278

New Jersey
New York
Puerto Rico
Virgin Islands

Region III

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

Box 13716, 3535 Market Street
Philadelphia, Pennsylvania 19101

Delaware
District of Columbia
Maryland
Pennsylvania
Virginia
West Virginia

Region IV

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

101 Marietta Tower, Suite 903
Atlanta, Georgia 30323

Alabama
Florida
Georgia
Kentucky
Mississippi
North Carolina
South Carolina
Tennessee

Region V

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

13th Floor
300 South Wacker Drive
Chicago, Illinois 60606

Illinois
Indiana
Michigan
Minnesota
Ohio
Wisconsin

Region VI

William Acosta
Regional Administrator, HDS

Arkansas
Louisiana

FTS (8) 729-4540 or 214-767-4540

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

1200 Main Tower Bldg.
Dallas, Texas 75202

Region VII

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

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

Region VIII

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

Federal Office Bldg.
1961 Stout Street
Denver, Colorado 80294

Region IX

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

Roy Fleischer
Regional Program Director, ACYF

New Mexico
Oklahoma
Texas

Iowa
Kansas
Missouri
Nebraska

Colorado
Montana
North Dakota
South Dakota
Utah
Wyoming

American Samoa
Arizona
California
Guam
Hawaii
Nevada

FTS (8) 556-6153 or 415-556-6153

Trust Territory

50 United Nations Plaza
San Francisco, California 94102

Region X

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

Alaska
Idaho
Oregon
Washington

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

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Seattle, Washington 98121