

**CONTRACTS & PURCHASING
SIGNATURE ROUTING FORM**

Division: Child Welfare Services

Vendor: Kaw Nation of Oklahoma

PA#: ~~1290~~
45130024

Original Contract Amount: N/A

Contract Amount including this Modification: N/A

Description: Approval provision and payment of foster care services for the tribe.

Contract Period: 07/01/12 through 06/30/2013

New Contract	<u> X </u>	Sole Source	<u> </u>
Contract Modification	<u> </u>	Intergovernmental	<u> X </u>
Competitive Bid	<u> </u>	Real Property Lease	<u> </u>
Local Project	<u> </u>	Fixed Rate	<u> </u>
Exempt Licensed Professional Services	<u> </u>	Automatic Renewal	<u> </u>
Memorandum of Agreement	<u> </u>		

	Signature	Date
From: Contract Monitor	<i>Gita Hart</i>	10/31/12
Thru: Joani Webster	<i>Joani Webster</i>	10/31/12
Thru: Linda Beltran	<i>Linda Beltran</i>	11/14/12
Thru: Kevin Haddock	<i>K. Haddock</i>	11/15/12
Thru: Kevin Wilson	<i>Kevin Wilson</i>	11/21/12
Thru: Greg Duke	<i>Greg Duke</i>	11/27/12
Thru: Jack Ely	<i>Jack Ely</i>	11/29/12
To: Deb Smith	<i>Deb Smith</i>	1-2-13

This contract needs to be modified to clarify the effective date. See page 1 pgh 1. See page 1 pgh 1 (corrected).

Greg

DEPARTMENT OF HUMAN SERVICES

PURCHASE ORDER

(DESTINATION: Contracts Unit)

LOCAPPRV: 00/00/0000

CTRAPPRV: 00/00/0000

DATE	AGENCY CONTRACT NO.	CONTRACT PERIOD
11/28/12	45130026 0000	07/01/12 THRU 06/30/13

PO#: 0930026

TO: 0000177962 0001 731184157
 KAW NATION
 PO BOX 50

FROM:
 8300A DEPARTMENT OF HUMAN SERVICES
 DIVISION OF CHILDREN AND FAMILY SERVICES
 P. O. BOX 25352
 OKLAHOMA CITY OK 73125

KAW CITY OK 74641-0050

ITEM NO.	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
1	1.00	DA	1000002530 93141504 INTERGOVERNMENTAL AGREEMENT TO APPROVE, PROVIDE AND PAY FOR FOSTER CARE SERVICES FOR NATIVE AMERICAN CHILDREN IN OKDHS CUSTODY IN ACCORDANCE WITH THE ATTACHED SPECIFICATIONS. THIS PURCHASE ORDER IS ISSUED BASED ON STATUTORY AUTHORITY OF OKLAHOMA TITLE 62. CONTRACT MONITOR: RITA HART 580-371-4013 FUNDS FOR PAYMENT OF THIS CONTRACT DO NOT RESIDE WITH OKDHS. IT IS AWARDED AS A NON-BUDGET CONTRACT IN THE AMOUNT OF .01 AS ANTICIPATED EXPENDITURES ARE UNKNOWN. NOT TO EXCEED .01	.0100	.01
				TOTAL AMOUNT \$.01

VENDORS READ AND FOLLOW CLOSELY

1. ALL invoices must reflect the Contract number.
2. State is NOT subject to Federal Tax.
3. Unless indicated otherwise, this document is not a request for services or an invoice. This action represents an obligation of funds should these services be required.
4. These terms are in accordance with signed agreement on file in DHS Contracts unless otherwise indicated.

I certify I am authorized to order for this agency and that funds for payment of this order are available.

BY: _____

TITLE: _____

State of Oklahoma
Department of Human Services

WORK PLAN

July 1, 2012

Child Welfare Services
Kaw Nation of Oklahoma

PA# ~~12010~~ 45130026

Rita Hart has been appointed as program monitor for the above stated contract and assumes responsibility for actual monitoring of all programmatic aspects of the contract including the periodic and ongoing review of reports or other valid indications of performance. The program monitor also assumes oversight responsibility for fiscal monitoring of said contract.

Linda Beltran has been appointed as fiscal monitor for the above stated contract and assumes responsibility for actual monitoring of all fiscal aspects of the contract, including ongoing verification of invoices and auditing functions.

The Program monitor will review financial and program reports and will make an on-site visit to the program during the contract year.

Rita Hart
Signature of program monitor

10/31/12
Date

Rita Hart
Printed name of program monitor

Linda Beltran
Signature of fiscal monitor

11-14-12
Date

Linda Beltran
Printed name of fiscal monitor

Joani Webster
Signature of program monitor's supervisor

10/31/12
Date

Joani Webster
Printed name of program monitor's supervisor

#12978 AP
45/30026

**Statement of Work
CFSD Program Field Representative
Kaw Nation of Oklahoma
July 01, 2012**

Project Scope Summary

The scope of this agreement is to provide a framework for coordination and cooperation between the Kaw Nation Indian Child Welfare Program and the Oklahoma Department of Human Services Child Welfare. It outlines responsibilities for both OKDHS Child Welfare Staff and Tribal Child Welfare Services. It provides for the payment of foster care payments to Tribal foster parents caring for either Tribal or OKDHS custody Indian children.

General Requirements

- Tribe to have an operational Child Welfare program.
- Tribe to have developed tribal foster home standards.
- Tribe to have staff designated to perform the requirements of the agreement.
- OKDHS to monitor and provide oversight of the agreement.

Deliverables

- Tribal Child Welfare services
- Certification of foster homes.

Schedule of Deliverables

- During the agreement year.

Timeline

- On-going

Costs

- This is not a funded agreement. Payments are provided directly to the tribal foster parents for foster care.

**FOSTER CARE AGREEMENT
BETWEEN
THE KAW NATION
AND THE
OKLAHOMA DEPARTMENT OF HUMAN SERVICES**

This agreement defines the respective roles of the Oklahoma Department of Human Services (OKDHS) and, the Kaw Nation, a sovereign nation regarding the approval, provision and payment of foster care services for Native American children. This agreement shall become effective 1st day of July 2012 and remain in effect until the 30th day of June 2013.

1. Definitions

This Agreement recognizes the definitions in the Federal and Oklahoma Indian Child Welfare Acts. Other definitions used in this Agreement include:

- a. "CWS" refers to the Child Welfare Services of the Oklahoma Department of Human Services.
- b. "CWS Tribal Coordinator" refers to the CWS staff assigned to develop, monitor and respond to the Tribal State Agreement. Other duties of the CWS Tribal Coordinator include the review and processing of tribal foster home studies, consultation with both OKDHS and Tribal staff, and conducting reviews with Tribal Child Welfare programs regarding the provisions of the Tribal State Agreement.
- c. "Custody Specialist" refers to the OKDHS staff who make determinations about Title IV-E eligibility and Medicaid for tribal custody children.
- d. "ICWA" refers to the Federal Indian Child Welfare Act as found in Chapter 21 of Title 25 of the United States Code Annotated.
- e. "Kinship" refers to those individuals or families who have either a blood (kinship-relative) or emotional relationship (kinship non-relative) to the custody child.
- f. "OICWA" refers to the Oklahoma Indian Child Welfare Act found at Section 40 of Title 10 of the Oklahoma State Statutes.
- g. "OKDHS" refers to the Oklahoma Department of Human Services.
- h. "Tribeally approved foster care homes" refers to those foster homes that the Tribe has determined to meet the foster care standards as defined by the Tribe.
- i. "Tribal child" refers to a child who is either a member or eligible for membership in the Tribe named in this Agreement.
- j. "Tribal Liaison" refers to the OKDHS Child Welfare workers who is assigned to the Tribe to assist in obtaining foster care payments and Child Care benefits for Tribal custody children placed in Tribeally approved foster homes.
- k. "Tribe", unless otherwise noted refers to the Tribe named specifically in this Agreement.

2. Conditions

- a. Nothing in this Agreement shall be construed to give the State of Oklahoma or its agent's jurisdiction over Indian persons on reservation land, as defined by Paragraph 10 of Section 1903 of Title 25 of the United States Code Annotated.
- b. In the event funds to finance this agreement become unavailable, OKDHS may terminate the agreement or reduce consideration upon written notice to the tribe. Notice shall be delivered by certified mail, return receipt requested or in person with proof of delivery. The effective of date such agreement termination or reduction in consideration shall be specified in the notice and shall be no earlier than the date of service of said notice, or the actual effective date of the federal funding reduction, whichever is later. Reductions shall not apply to payments made for serves satisfactorily completed prior to the effective date. OKDHS, as support the Title IV-E Agency, shall be the final authority as to the availability of funds to support this agreement. In the event of a reduction in consideration, the Tribe may cancel this agreement as of the effective date of the proposed reduction upon the provision of advance written notice to the OKDHS.
- c. This Agreement may otherwise be terminated by either of the parties with or without cause upon 180 days prior written notice to the other. The Agreement may be revised or canceled at any time by written mutual agreement of both parties. Any modification or amendments to this Agreement must be in writing and agree to by both parties prior to a change in service.
- d. OKDHS and Tribal leaders shall bind their staff to the provisions of this Agreement.
- e. The tribes agree to follow the provisions for confidentiality and appropriate safeguards that are required in the following federal laws with regards to the data shared, exchanged, or utilized under the scope of this agreement.
 - a. Standards for Privacy and Security of Individually Identifiable Health Information (Parts 160, 162 of Title 45 of the Code of Federal Regulations) under the Health Insurance Portability and Accountability Act (HIPAA) of 1996.
 - b. Federal Information Processing Standards (FIPS) – Publication 200- Minimum Information Security Standards for Federal Information and Information Systems found at: <http://crsc.nist.gov/publications>.
- f. Rates will be paid in accordance with the fixed rate approved by OKDHS (attachment I).
- g. The Tribe shall provide staff necessary to provide Child Welfare services during the terms of this agreement.
- h. Child Welfare services provided by the Tribe will promote child safety, permanency and well being as defined in the Adoptions and Safe Families Act.
- i. The Tribe agrees to keep confidential all information concerning juvenile proceedings covered by this Agreement and not to reveal the information to anyone who does not need the information in order to exercise the Tribe's rights under ICWA, OICWA and/or Tribal codes or law.

- j. The Tribal Child Welfare worker will be responsible for obtaining all information necessary for OKDHS to make initial Title IV-E determinations and subsequent reviews for continued eligibility for Tribal custody children.
- k. Tribal Child Welfare Services shall conform with Title IV-B and Title IV-E of the Social Security Act, Section 622 of Title 42 of United States Code and other relevant provisions of state and federal law.
- l. The Tribe will maintain the records of (1) all tribal custody children for whom OKDHS has provided a foster care payment and (2) all records of tribal foster homes certified by the Tribe and for whom OKDHS is providing a foster care payment. The Tribe will permit audit or examination of these records upon receipt of at least five (5) business days notice by authorized State or Federal personnel for the purposes of State and Federal reviews and audits.

3. Case Review

- a. The Tribe agrees to participate with OKDHS in the case reviews of children for whom foster care payments are provided. The case reviews focus on compliance with the requirements as stated in this Agreement.
- b. OKDHS will provide the Tribal program 30 days advanced notice of case reviews. Preliminary findings will be discussed with the responsible staff in an exit conference at the conclusion of the review. A written summary of findings will be provided to the Tribal program within 30 days of the conclusion of the review.
- c. The Tribal Indian Child Welfare staff will assist in reviews by making records available, and scheduling interviews as necessary
- d. If areas of non-compliance are identified, the Tribe will develop a program improvement plan within 30 days of the receipt of the written summary of findings.
- e. If a program improvement plan is required, the Tribe will provide documentation of the progress on the program improvement plan to the CFSB Tribal Coordinator on a quarterly basis.

4. Notification of Suspected Abuse or Neglect incidents of Indian Children

- a. OKDHS and the Tribe agree to conform with the notification provisions outlined in the 20-03 "memorandum of Understanding for Reporting and Investigation Child Abuse Criminal Offenses in Indian Country.
- b. OKDHS shall conform with the provisions of the ICWA and OICWA including but not limited to:
 - 1) Notifying the child's tribe of allegations involving a Tribal child by written correspondence within 36 hours of receipt of initial referral to the Tribe.
 - 2) Notifying the child's tribe within 24 hours of the removal of any identified Tribal child from their home.
- c. The Tribe agrees to report any suspected abuse or neglect incidents identified in working with tribal families residing on state land to the local OKDHS office.

5. Service Provision and Coordination

- a. OKDHS is responsible for service provision to children in OKDHS custody placed in Tribal foster homes. (Attachment I)
- b. The Tribe is responsible for services provision to Tribal custody children placed in Tribal foster homes. (Attachment I)
- c. The Tribe agrees to report any suspected abuse or neglect incidents occurring in a Tribal foster home involving OKDHS custody children to OKDHS.
- d. The Tribe agrees to assist the OKDHS CW worker in the removal of a child in OKDHS custody in a Tribal foster home located on trust or restricted lands as defined by 25 U.S.C.A. §1903 (10) if removal is necessary. OKDHS agrees to cooperate with the Tribe in the removal of a child in Tribal custody in a foster home located on state land if removal is necessary.
- e. If abuse or neglect allegations involving a tribal child occur in a foster home, a consultation occurs between the OKDHS worker and Tribal ICW worker regarding the immediate safety of the children. If necessary, the child may be removed pending the completion of the investigation. The Tribe makes decisions about removal from or return to the foster home of Tribal custody children. The State makes decisions about the removal from or return to the foster home of OKDHS custody children.
- f. Additional placement of Tribal or OKDHS custody children in the foster home will not be made until the completion of the investigation
- g. If violations of the tribal foster home standards are identified in a tribal foster home, the Tribe agrees that they will develop a written plan of compliance to correct those conditions if the home is to continue to provide care for foster children.

6. Case Requirements

- a. Case plan are prepared for children within 60 days of removal. The case plans are child specific and indicate the child's permanency plan with the estimated date of achievement. Case plans are updated at least every six months or earlier if the permanency plan changes. [Section 1356.21 of Title 45 of the Code of Federal Regulations.]
- b. Placement agreements documenting the date of the child's placement into the tribal foster home are completed and signed by the Tribe and foster parent for each foster care placement.
- c. *The tribal case worker is required to have face to face contact with tribal custody children at least once a month. At least two of the visits per quarter should be conducted in the placement provider's home. Documentation of the visit is recorded in the KK case via Tribal E-KIDS.*
- d. The tribal case worker is required to enter information required for the adoption and Foster Care Analysis and Reporting system (AFCARS) in the KK case via Tribal E-KIDS.
- e. The tribal case worker is required to complete and submit the Indian Child Welfare Program Referral, form 04TB004E (DCFS-57) (Attachment 4 item 1)

and all court orders to the assigned tribal liaison to initiate foster care payments for children in tribal custody.

- f. The tribal case worker is required to complete and submit the Indian Child Welfare Program Update, form 04TB003E (DCFS-57-A) (Attachment 4 item 2) when there is a change of placement, case plan goal or source of supporting to the child.
- g. Copies of case plans and all court orders are submitted to the tribal liaison on an on-going basis.
- h. The Tribe agrees to provide notice to tribal foster parents of review or permanency hearings concerning the foster child in custody. The foster parent may be granted an opportunity by the Court to be heard if desired.

7. Judicial Requirements /Section 1356.21 of Title 45 of the Code of Federal Regulations

- a. The Tribal Court is required to provide a judicial determination in the first order that sanctions the removal from the home that "it is (would be) contrary to the welfare of the child to remain in the home" or language to that effect. This specific judicial determination is also required when wither: (1) a child re-enters foster care after a failed trial reunification or (2) if the trial reunification extends past 180 days.
- b. The Tribal Court is required to make a judicial determination that (1) reasonable efforts were or were not made to prevent the removal of the child from the home; or (2) absence of efforts was reasonable because removal was due to an emergency. This judicial determination must be made within the first 60 days of the child's removal from the home. This judicial determination is also required when trial reunification exceeds 180 days and the child returns to foster care.
- c. The Tribal Court is required to conduct review hearing no less frequently than six months in order to determine the safety of the child, the continuing necessity for and appropriateness of the placement as well as compliance and progress with the case plan.
- d. The Tribal Court is required to conduct an initial permanency hearing no later than 12 months from the date of the child's entry into foster care. During this hearing, a judicial determination is made regarding reasonable efforts by the Tribal to finalize the permanency plan for the child. Subsequent permanency hearings are scheduled at least once every 12 months thereafter. A permanency hearing is scheduled 30 days after a judicial determination that reasonable efforts to reunify are no longer required.
- e. The Tribal Court is required to consider termination of parental rights when a Tribal custody child has been in foster care for 15 of the last 22 months or when there has been a judicial determination that aggravated circumstances exist as defined in Section 1256.21 of Title 45 of the Code of Federal Regulations unless there is documentation for exception to this requirement. Such exceptions include (1) the child is being cared for by a relative; (2) the Tribe has documented in the case plan (which is available for court review) a compelling reason for determining that filing such a petitions would not be in the best interest of the child; (3) The Tribe has not provided (when reasonable efforts are required) the

services the Tribal Court deems necessary for the safe return of the child to the child's home.

8. Placement of Tribal Children

- a. The Tribe and OKDHS shall cooperate in the placement of the Tribal children in OKDHS custody foster home placements.
- b. OKDHS agrees to respect and follow the identified Tribal order of placement preference as it appears on Attachment 2 when out of home placement is necessary for OKDHS custody children.
- c. OKDHS agrees to continue to follow the identified Tribal order of placement preference for the duration of the case.
- d. OKDHS agrees to consult with the Tribal CW representatives in placement and permanency planning for Tribal children.
- e. OKDHS agrees to contact the Tribal Indian Child Welfare program, prior to any contact with the Tribal Resource home, to obtain permission for placement of any child in the home. If prior permission is not obtained, OKDHS may be required to remove the child upon 24 hour notice by the Tribal Child Welfare office.
- f. OKDHS agrees to first contact the Tribal Indian Child Welfare office to utilize the Tribe's approved foster or adoptive home in accordance with Title 10 § 40.6 which states "in all placements of an Indian child by the Department of Human Services (DHS) or by any person or placement agency, DHS, the person or placement agency shall utilize to maximum extent possible the services of the Indian tribe of the child in securing placement consistent with the provisions of the Oklahoma Indian Child Welfare Act."
- g. The Tribe agrees to consider Indian children who are members or eligible for membership with the other Tribes of placement in their tribally approved homes.
- h. Placement agreements documenting the date of the placement into the Tribal foster home are completed and signed by the Tribe and foster parent for each foster care placement of tribal custody children.
- i. Placement agreements documenting the date of the placement into the Tribal foster home completed and signed by the foster parent and OKDHS worker for each foster care placement of OKDHS custody children. A copy of the placement agreement is provided to the Tribal CW office for their files.
- j. If at any time, the OKDHS is considering a change in placement, or the Court requires a change in placement, the OKDHS worker notifies both the Tribal ICW worker and the resource parent immediately. If placement is disrupted, OKDHS shall comply with the OICWA and ICWA placement preferences of the Tribe.

9. Approval of Tribal Foster Homes

- a. The Tribe agrees to develop and implement standards for the approval of foster homes, appearing as Attachment 3. The standards will promote safety and wellbeing of children and will include requirements for background check. The Tribe agrees to provide OKDHS a copy of any updates or changes to the standards within 30 days of tribal approval of those updates and changes.

- b. The Tribe utilizes these standards to assess and approve families to provide foster care. This documented in a home study which includes an approval summary which includes the number of children the home is approved for. The approval is based upon space and ability of the family to meet the needs of the children. Number of children may not exceed more than 5 foster children, and no more than 6 children total including the children of the foster family. Tribes may request approval for an over fill from the Tribal Coordinator in certain situations. Decisions regarding the approval of such overfills will be made on a case by case basis.
- c. Fingerprint records check as well as the OSBI name search Department of Public Safety and Sexual Offenders Records check are required for all persons over the age of 18 residing in the home of any prospective foster family. The OKDHS will provide payment authorizations for fingerprints to the tribal foster parents requested when the fingerprints are processed through the OKDHS Fingerprint Unit. Both OSBI and Fingerprint records searched can be processed through the OKDHS Fingerprint Unit.
- d. If the Tribe obtains fingerprint record searches through the OKDHS Fingerprint Unit, the results of the criminal background checks are reviewed and summarized in an addendum and places in individual folders or envelopes in a locked, secure file separate from the rest of the study. [Title 5, Section 522 of the United States Code Annotated] The addendum and results are mailed to the CFSD Tribal Coordinator in a separate envelope marked "confidential".
- e. The Tribe agrees to ensure that all staff receiving and reviewing the fingerprint records checks will have a completed fingerprint records check.
- f. The Tribe agrees that a prospective foster family will not be approved when the background check of any of the adults in the household reveals a conviction of any of the following: (1) physical assault, battery, or a drug related offense resulting in a felony conviction within the five year period preceding the application date; (2) child abuse or neglect; (3) spousal or domestic abuse; (4) a crime against a child; (5) a crime involving violence. All criminal background history is carefully assessed before approving prospective foster families.
- g. The Tribe ensures that the foster family has the opportunity to participate in Pre-service training wither through the OKDHS Pride training or training provided through the Tribe. OKDHS agrees to provide access to the OKDHS Pride Training for Tribal foster parents. The training should address the competency categories of (1) protecting and nurturing the children; (2) meeting children's developmental needs; (3) supporting relationships between children and their families; (4) connecting children to safe nurturing relationships intended to last a lifetime; and (5) working as a member of a professional team.
- h. The Tribe encourages the foster families to participate in in-service training on an on-going basis.
- i. The Tribe and OKDHS agree that a home may be jointly certified by both the Tribe and OKDHS. In such circumstances, there must be cooperation and communication regarding the placement of children in the home. The number of children must not exceed the total number of children approved for the home.
- j. For any tribal foster home OSBI and Fingerprint Background checks received through the CFSD Fingerprint Unit, OSBI will send RAPBACK of current arrests

to the Tribal Indian Child Welfare program and OKDHS. Follow up from the Tribe will be required as to the disposition of the arrest and status of the foster home Tribe (Tribes are no longer required to submit OSBI background checks every year).

10. Foster Care Payment for Involuntary Placement

- a. The OKDHS agrees to provide foster care payments for both tribal custody and OKDHS custody tribal children placed in tribally approved foster homes.
- b. The OKDHS agrees to provide difficulty of foster care payments to tribally approved foster homes who are providing foster care for tribal custody children when it is determined that the tribal custody child meets difficulty of care criteria.
- c. The OKDHS agrees to provide therapeutic foster care for those tribal custody children who meet therapeutic foster care criteria.
- d. The Tribe on behalf of the child in tribal custody agrees to apply for any money benefits to which the tribal custody child may be entitled, e.g., Child Support, Veteran's Administration benefits, Supplemental Security Income, etc. The Tribe will notify the OKDHS Tribal liaison of such benefits. The amount of foster care payment will be reduced by the dollar amount of such benefits which are intended to provide for clothing, shelter, and supervision.
- e. The Tribe agrees to notify the tribal Liaison within 3 business days when a tribal custody child is moved to another foster home, adopted, reunified, or any other change in custody or change in placement.
- f. If there is an overpayment to a tribal foster home, both the OKDHS and the Tribe will work with the foster family to develop a mutually agreeable written plan for recoupment of the overpayment.
- g. The OKDHS agrees that in the event of an underpayment is identified by the OKDHS; the OKDHS shall pay the balance within a reasonable amount of time, not to exceed 60 days.
- h. Upon request by OKDHS, the Tribe agrees to verify the accuracy of foster care payment information for tribal custody children.

11. Foster Care Payment for Voluntary Placement

- a. The OKDHS agrees to provide foster care payments for tribal children who are placed with the Tribe on a voluntary basis in a tribal foster home for children under the age of 18 for up to 180 days.
- b. Voluntary foster care placements that extend beyond 180 days require a judicial determination to effect that continued voluntary foster care is in the child's best interests.
- c. Foster care payments may be made for youth over the age of 18 who were in care prior to their eighteenth birthday for the purpose of completing their high school education. The youth must be enrolled and attending a secondary school or its equivalent. The foster care payment will cease when the youth leaves school, graduates or turns nineteen, whichever occurs earlier.

12. Title IV-E Subsidized Guardianship

- a. Title IV-E Guardianship Assistance is available to tribal custody children who meet the eligibility requirements for Title IV-E of the Social Security Act.

13. Access to Residential Care for Tribal Custody Children

- a. The Tribal ICW worker may request placement in an OKDHS residential group home for a tribal custody child when it is determined that the child's needs cannot be met in a tribal foster home or therapeutic foster home.
- b. The Tribal ICW worker is responsible for completing the KIDS 20 Placement Worksheet. The form 04K1010E (KIDS 20) (Attachment 4, Item 3), psychological, educational information and other relevant documentation is sent to the Tribal Liaison.
- c. The Tribal Liaison enters the information in the KIDS system to generate a request to the CFSD Placement Unit.
- d. The CFSD Placement Unit reviews the request and determines the most appropriate facility to meet the child's needs. The child may be placed on a waiting list until there is an available placement. The CFSD Placement Unit notifies both the Tribal ICW worker and Tribal Liaison of the status of the placement request.
- e. The Tribal ICW worker is responsible for providing all documents as described in Attachment 1 to the placement provider. The Tribal worker also provides contact numbers including emergency contact numbers for the ICW worker to the Placement Provider.
- f. The ICW worker is responsible for monthly face to face visits to the child.

14. Kinship Start Up Stipend

- a. A Tribal custody child placed in a Tribal Kinship foster home prior to full foster home approval is eligible to receive a Kinship Start up Stipend (KSUS) if the Tribe implements procedures which ensure the safety of the child. These procedures include:
 - (1) a completed and signed Initial Kinship Placement Agreement
 - (2) a completed and signed application for foster care,
 - (3) a completed OSBI, Department of Public Safety, and Sex Offender registry Background check,
 - (4) documentation that the house and environment are safe and pose no threats to the child, and that the child's needs can be met,
 - (5) Telephone or in-person interviews with at least three personal references, of whom two are non-family members.
- b. Tribal kinship foster homes are eligible for a one time kinship start-up stipend to assist with initial expenditures for each child placed in the home for fourteen days. The amounts of the initial kinship start-up payments are stated in Attachment 1.

15. Independent Living Services

- a. OKDHS agrees to provide independent living services to tribal custody youth in the same manner as OKDHS youth in accordance with the Chafee Act of 1999.
- b. The Tribe agrees to assist the youth in developing an independent living case plan based upon an individual independent living assessment.
- c. The Tribe agrees to assist the youth in making application and referrals for those services which will assist the youth achieving their plan for independent living.
- d. The Tribe agrees to provide documentation and data to the CFSD Independent Living Coordinator as requested.

16. Adoption Subsidy

- a. The Tribe agrees to advise tribal adoptive or foster families of the availability of adoption assistance for tribal custody children.
- b. OKDHS agrees to process completed applications for adoption subsidy.
- c. The Tribe agrees to inform tribal foster or adoptive families who are adopting or considering adoption of a child in foster care under responsibility of the Tribe of the potential eligibility for a Federal Tax credit under Section 23 of the Internal Revenue Code of 1986.

17. Training

- a. Tribal workers can participate in CORE training of desired and as space is available. OKDHS will provide three spaces for Tribal workers to participate in each CORE training. The spaces will be held until two weeks before the scheduled training. If there are no Tribal workers identified to participate, the training spaces will be released for OKDHS staff.
- b. Tribal Child Welfare staff can enroll and participate in Child Welfare Level Trainings if desired.

18. Tribal E-KIDS Access

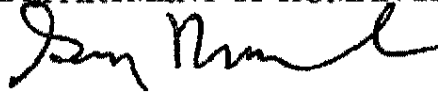
- a. OKDHS agrees to grant access of the Tribal E-KIDS Information System to Tribal Child Welfare workers when they have completed and signed forms 05SC004E (MID-1-A) "Logon Authorization Request for Non-OKDHS Employees" (Appendix 4, Item 7) and 04AD001E (CWS-KIDS-102) "Kids Application Logon Request for Non-DHS Employees" (Appendix 4, Item 8).
- b. The Tribe agrees to notify the Tribal Coordinator when a Tribal Child Welfare worker leaves the Tribal Child Welfare Program or no longer requires access to the Tribal E-KIDS system.

19. Notification of Personnel Changes


- a. The Tribe agrees to provide the OKDHS with the name, address and phone numbers of person or persons designated as responsible for operating the Tribal Child Welfare program. Any changes in such persons shall be reported within 10 working days.

- b. The OKDHS agrees to provide the Tribe with the name, address and phone number of the person or persons designated for managing this Agreement. Any changes in such person or persons shall be reported within 10 working days.
- c. The OKDHS agrees to provide the Tribe with the name, address and phone number of the designated Tribal Liaison and to report any changes within 10 working days.

WE THE UNDERSIGNED, HEREBY AGREE TO THE TERMS AND CONDITIOND
OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE OKLAHOMA
DEPARTMENT OF HUMAN SERVICES AND KAW NATION



Guy Munroe, Chairman/CEO
Kaw Nation



Oklahoma Department of Human Services

ATTACHMENT 1

PLAN OF OPERATION

I. CHILD IN STATE JURISDICTION AND OKDHS CUSTODY

The OKDHS worker makes every effort to identify the Indian heritage of children who come into custody. When children are identified as an Indian child, the child's Tribe is contacted to discuss the child's situation, including: custody status, reason for court action, and all pertinent information regarding the child's need for care. The OKDHS worker requests the assistance of the Tribal ICW worker in identifying and assessing relatives for the possibility of placement. If there are not available relatives, the OKDHS worker asks for assistance with a Tribal foster home placement. The OKDHS worker also looks at certified OKDHS foster homes in which one or both parents are members of the child's Tribe. If no placement resource is identified within the child's Tribe, the OKDHS worker requests assistance from other Tribes for a placement. The OKDHS worker and the Tribal ICW worker make a selection of the most appropriate placement for the child.

KINSHIP/RELATIVE AND KINSHIP/NON-RELATIVE PLACEMENTS

If proposed placement is with a kinship/relative or kinship/non-relative, the OKDHS worker and the Tribal worker work together in the placement process. OKDHS may conduct an initial kinship assessment following the protocol established by OKDHS to expedite placement. The family may receive the initial kinship start-up stipend if eligible. Either the Tribe or OKDHS will complete the certification process. The family is provided complete information and forms at the time of placement. Foster care reimbursement will not be provided to the family prior to the full certification of the home by either OKDHS or the Tribe.

TRIBAL FOSTER HOME PLACEMENT FOR OKDHS CUSTODY CHILDREN

When a Tribal foster family is identified as a potential placement, the OKDHS worker reviews a copy of the study. When the Tribal worker and the OKDHS worker reach mutual agreement on a Tribal foster home, the Tribal foster family is provided information by the Tribal worker or the OKDHS worker (with the permission of the Tribal worker). This information is as comprehensive as possible to allow the family to decide their ability and willingness to accept placement of the child. OKDHS does not place custody children in Tribal foster homes without the permission of the Tribe. When a Tribally approved foster home agrees to placement of an OKDHS custody child, the following information is discussed with the family:

- 1) The specific behaviors and needs of the child;
- 2) Review of agency policy and procedure relevant to meeting the child's physical, emotional, social, educational, medical and special needs. This will also include visitation, transportation requirements, etc.
- 3) Reimbursement

- 4) Arrangements for daycare if necessary and if the family meets the needs criteria. The OKDHS worker is responsible for authorizing daycare for OKDHS custody children. Both foster parents must be employed 20 or more hours per week to be eligible for daycare.
- 5) Specific placement arrangements
- 6) OKDHS provides both the family and the Tribal worker with the office and home phone numbers of the supervisor or other persons to be contacted in case of emergency. Tribal worker provides contact information of the Tribe to the foster parents and to the OKDHS worker;
- 7) Grievance process with the foster parents;
- 8) *Role of Tribal worker and OKDHS worker in supporting the placement;*

The Tribal foster family is provided by the OKDHS worker with all of the necessary placement forms. The child's medical card is provided to the foster parent. Ongoing supervision of the placement shall be a cooperative effort between the OKDHS worker and the Tribal worker, who shall exchange information regarding the placement or any concerns regarding care given. The OKDHS worker is responsible for visitation with the child and placement provider at least once per month. The Tribal representative may participate with the OKDHS worker in arrangements for and provision of transportation visits with parents and other relatives in a mutually agreed upon manner. Provision of other services to the child in foster home care shall be coordinated between the Tribal worker and the OKDHS worker in a manner that best serves the needs of the child and the foster parent. The combined efforts of both parties shall be reflected in the overall permanency planning for the child, including reports prepared for the court of jurisdiction and participation in the Post Adjudication Review Board process. For children in OKDHS custody, tribal foster parents are authorized by OKDHS to provide both legal and informed consent for routine medical services e.g. immunizations, Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services, treatment for minor illness and well child services. Appropriate procedures are followed and authority is obtained from OKDHS, the parent/guardian or the court of jurisdiction for emergency medical services, hospital admissions and treatment, and surgical procedures for OKDHS custody children in Tribal foster care.

CHANGE IN PLACEMENT

If at any time, the OKDHS is considering a change in placement, or the Court requires a change in placement, the OKDHS worker notifies both the Tribal worker and the foster parent immediately. If placement disrupts, every effort is made to secure another placement in compliance with the placement preferences of the Tribe as specified in Attachment 2.

II. FOSTER CARE FOR TRIBAL CUSTODY CHILDREN

Foster care payment is provided for Tribal custody children who are in Tribal custody and placed in an approved Tribal foster home placement. Foster care payments are initiated by the submission of the completed Indian Child Welfare Program Referral (DCFS 57) (Attachment 4, Item 1), court order and case plan to the assigned Tribal Liaison. This should be done as soon as possible. If there are repeated incidents of late

submission of the referral, the Tribal Liaison will notify the Tribal Coordinator so that this can be addressed with the Tribe. The Tribal Liaison makes immediate referral to the Custody Specialist for determination of eligibility for AFDC foster care on the CWS KIDS-4, attaching a copy of the Court Order and Case Plan. The top of the 04KI002E CWS-KIDS-4 (Attachment 4, Item 5) form is marked "Tribal Custody". The Custody Specialist makes a determination whether the Tribal custody child meets Title IV-E requirements. If the Tribal custody child does not meet Title IV-E requirements, the Tribe makes application for Title XIX medical services.

When the child is determined eligible for Title IV-E foster care, the Custody Specialist will conduct re-determinations of eligibility in the same manner as they are for OKDHS custody children. The Tribe submits subsequent copies of court reviews, permanency hearings and case plans to the Tribal Liaison, so that continued eligibility can be determined. The Tribal Liaison updates the AFCARS screen with the latest court hearing and case plan goal. Children who have not been removed from their home in accordance with federal guidelines are not eligible for foster care payment.

Foster Care Reimbursement Rates

Child's age	Daily rate	Monthly rate
Birth through five years	\$12.17	\$365.00
Six through 12 years	\$14.33	\$430.00
13 years and older	\$16.61	\$498.33

DIFFICULTY OF CARE

Difficulty of Care (DOC) may be made in addition to the foster care reimbursement payment. To request a DOC payment, the Tribal worker prepares a request with documentation describing the needs of the tribal custody child. The prepared request with supporting documentation is sent to the CFSD Tribal Coordinator. The Levels and rates of DOC are listed below.

DOC rate for foster care	Daily rate	Monthly rate
Level I	\$ 1.67	\$ 50.00
Level II	\$ 3.33	\$100.00
Level III	\$ 5.00	\$150.00
Level IV	\$ 7.50	\$225.00
Level V	\$13.33	\$400.00

A child approved for DOC Level I has one or more of the needs, conditions, or behaviors. The child:

- requires ongoing scheduled medical or psychological appointments that routinely occur more than twice weekly;
- displays emotional difficulties that result in destruction of property;

- requires medical supplies, special equipment, or educational supplies on a routine basis that are not compensable through Medicaid; or
- requires daily physical therapy performed by the foster or adoptive family.

A child approved for DOC Level II has one or more of the needs, conditions, or behaviors described in DOC Level 1 and, in addition:

- requires 24-hour awake intensive supervision due to severe medical or emotional needs;
- requires special food preparation and feeding due to a condition that restricts normal eating;
- requires special equipment for transportation that results in restricted mobility for the child and foster or adoptive family;
- displays incontinence of the bladder or bowel that is not age appropriate;
- displays multiple disabilities, birth defects, or brain damage that prevents normal intellectual or physical functioning;
- requires strict monitoring of medication;
- requires assistance in movement that is very difficult due to the child's size;
- requires post-hospitalization care, such as frequent changing of bandages and tubes and special hygiene techniques; or
- displays emotional disturbances, developmental delay, or mental retardation that results in behavior, such as constant difficulties in school, aggressive and delinquent activities, destructiveness, resistance to authority, and sexual disturbances.

A child approved for Level III has one or more of the needs, conditions, or behaviors described in DOC Levels 1 and II and, in addition, requires:

- specialized substitute care.

A child approved for DOC Level IV has one or more of the needs, conditions, or behaviors described in DOC Levels 1, II and III and requires such specialized care that normally the child would be in institutional or inpatient psychiatric care. The child:

- requires special equipment such as: apnea monitor, suction machine, gastrostomy tube, oxygen, tracheotomy tube, or shunt;
- requires special feeding or nursing care around-the-clock;
- requires frequent nighttime supervision and care that is not age appropriate;
- displays frequent seizures or other abnormal physical reactions that require 24-hour monitoring;
- displays bizarre, socially unacceptable behavior, violent tendencies, potentially harmful behavior to self or others, or sexually predatory behavior to others or animals;
- required previous inpatient mental health treatment or was recently discharged from an inpatient facility;
- requires such intensive care that the foster or adoptive family is severely restricted in normal daily activities and is frequently homebound;

- requires frequent 24-hour awake supervision; or requires post-hospitalization care for severe burns.

A child approved for DOC Level V has one or more of the needs, conditions, or behaviors described in DOC Levels I, II, III, and IV and has a significant number of intense needs. The child's level of need is likely to become more severe over time and is likely at some time to require personal attendant care or specialized care outside of the home, when prescribed by a professional. A current medical or psychological report within the last six months is required from a qualified physician. This report must include a diagnosis, prognosis, and recommended treatment. Conditions considered in the determination of DOC Level V include a child who has:

- been diagnosed by a qualified physician as having severe mental illness, such as child schizophrenia, severe developmental disabilities, brain damage, or autism;
- severe physical disabilities or medical conditions that are not expected to improve over time and adversely impact life expectancy when compared with others who have similar physical disabilities or medical conditions;
- severely inhibiting diagnosed mental health conditions, defined by the Diagnostic and Statistical Manual of Mental Disorders (DSM), diagnosed within the past year, that severely limit normal social and emotional development and require ongoing outpatient behavioral health services;
- severe mental retardation as determined by the Social Security Administration and defined by the DSM;
- been waiting for organ transplant or is up to one year post transplant; a physical condition uncontrolled by medication or treatment, such as Tourette's syndrome or epilepsy.

DOC must be re-assessed after 6 months to determine continued eligibility. The Tribal worker is responsible for providing updated information and for notifying the CFSD Tribal Coordinator of changes that would affect the child's eligibility for DOC payments.

INITIAL KINSHIP PLACEMENTS

Tribal custody children may be placed in a kinship foster home prior to completion of the foster home study, pre-service training and results of the fingerprint checks provided that the Tribe has procedures that ensure safety and that the child's needs can be met. An initial kinship start-up stipend can be provided to the Tribal kinship foster family when children are placed in the home. The initial kinship start-up stipend is issued one time and is intended to assist with initial expenditures for each child placed in the home. To be eligible for this stipend, the children must have a blood or emotional kinship to the foster parent and must be in the home for fourteen days. The payment is issued on the fifteenth day of placement. Only homes that have not been fully approved within the past 5 years are eligible for this stipend. If homes had been approved within the past 5 years and were closed, the Tribal worker can complete an addendum to expedite the completion of the study to re-open the home. Homes that are eligible to receive foster care reimbursement are not eligible for the initial kinship start-up stipend.

To initiate the kinship initial start-up payment, the Tribal worker submits the following:

1. The completed and signed initial kinship placement agreement;

2. The completed and signed foster home application;
3. The completed OSBI, Department of Public Safety, and Sex Offenders Registry background checks;
4. Documentation that the house and environment are safe and pose no threats to the child, and that the child's needs can be met.
5. A summary of interviews with 3 references with 2 of the references being non-family.

The CFSD Tribal Coordinator sets up the Tribal kinship resource on the KIDS system. The Tribal worker sends the DCFS-57 form to the Tribal Liaison to enter the placement in the resource.

The Tribal worker sends the completed home study, documentation of pre-service training, to the Tribal Coordinator when completed. The OSBI and fingerprint results are mailed to the Tribal Coordinator in a sealed envelope marked confidential. The CFSD Tribal Coordinator approves the home in the KIDS system so that the kinship foster home can receive foster care reimbursement.

The kinship start-up stipend will be the equivalent to a month's reimbursement for the age of the child being placed. The kinship start-up stipend amounts are:

Child's age	Stipend
Birth through five years	\$365.00
Six through 12 years	\$430.00
13 years and older	\$498.33

PLACEMENT CHANGES

Any changes in placement will be documented on the DCFS-57-A. When a child moves from one Tribal foster home to another Tribal foster home, the DCFS-57-A is completed and submitted to the OKDHS Tribal Liaison within 3 business days. The Tribe will be responsible for assisting in the collection of overpayments to Tribal foster parents.

Changes in placement to a resource other than a Tribal foster home are immediately reported by the Tribal worker on the DCFS 57-A along with the information as to the date of placement, with whom the child is residing, their relationship to the child, if any. Upon receipt of this information, the Tribal Liaison will notify the Custody Specialist requesting the child's removal from the C case, close the service case and discontinue payment to the foster home effective the last day of placement in the Tribal foster home.

MEDICAL CARDS

Medical cards for Tribal custody children certified for Title IV-E foster care will be sent to the Tribal worker at the Tribal office or directly to the foster parents. The medical card will follow the child while in a tribally approved foster home. If the child is placed in another placement resource, the Tribal worker gives the current medical card to the child's new foster parent. If the child is removed from Tribal foster care, the card is returned by the Tribal worker to the Tribal Liaison.

DAYCARE CHILD CARE BENEFITS FOR TRIBAL CUSTODY CHILDREN IN TRIBAL FOSTER CARE HOMES

Tribal custody children are eligible for child welfare child care benefits when both foster parents are employed outside of the home for 20 or more hours per week. The OKDHS Tribal Liaison authorizes the child care in the KK case. The following procedures must be followed for the authorization of child care:

1. Form 04MP042E "Application for Child Welfare Child Care Benefits" (Attachment 4, Item 6) is discussed and completed by the Tribal worker with the family.
2. The Tribal worker calls each employer listed by the family and verifies the work hours or reviews documents or statements provided by the applicants.
3. After verifying the work hours and employer, the Tribal worker initials and dates the employment information to show the verification.
4. After the form is completed, the applicant signs the last page.
5. The Tribal worker signs as the worker and shows the date that the application was completed.
6. The Tribal worker faxes the completed form to the Tribal Liaison.
7. The Tribal Liaison reviews the form and enters the information in the KIDS system to authorize the Child Care.
8. The Tribal Liaison faxes the form back to the Tribal worker after the Child Care is authorized in the KIDS system. The form is also faxed to the CFSD Tribal Coordinator to file in the CFSD Tribal resource file.
9. The Tribal worker notifies the family that their child care has been approved.
10. The Tribal foster family obtains the Electronic Benefit Card from the local OKDHS office.
11. The Tribal worker notifies the Tribal Liaison of any changes in the employment of the family.

III. THERAPEUTIC FOSTER CARE

The boarding payment for Tribal custody children is paid by OKDHS for those children who meet and require Therapeutic Foster Care (TFC). The following procedure must be followed for those children:

- 1) The Tribal worker completes the placement worksheet;
- 2) The Tribal worker contacts APS to see if the child meets criteria for TFC;
- 3) If APS indicates that it appears that the child may meet criteria for TFC, the Tribal worker faxes the placement worksheet to the Tribal Liaison who enters it on KIDS

- 4) The Area Resource Coordinator (ARC) assists the Tribal worker in obtaining an assessment for authorization for TFC;
- 5) If the Tribal custody child is authorized, TFC agencies identify potential placements;
- 6) The Tribal ICW worker accepts the appropriate placement;
- 7) The Tribal Liaison enters the TFC placement in the KK case;
- 8) The Tribal Liaison notifies the ARC of the TFC placement

The Tribal worker is responsible for visiting the child in the TFC home at least once a month. The tribal worker provides the TFC agency with office and after-hour telephone numbers as well as their e-mail address.

IV. COMMUNITY BASED RESIDENTIAL CARE

Tribal custody children may access residential placements when their needs exceed tribal or therapeutic foster care. The Tribal worker sends the completed KIDS 20 Placement Worksheet and supporting documents to the Tribal Liaison. The Tribal Liaison enters the information in the KIDS case to request a contracted Community Based Residential Care placement. The request is reviewed by the CFSD Placement Unit and a determination is made as to the most appropriate placement. The CFSD Placement Unit notifies both the Tribal ICW worker and the Tribal Liaison as to the status of the Placement request. The Tribal custody child may be placed on a waiting list if there is not a placement available. The Tribal worker is responsible for providing placement of the Tribal custody child until there is an opening in the identified facility. Placements are not made on an emergency basis in residential placements. The Tribal Liaison enters the placements in the child's KK case.

The Tribe is responsible for providing the following documents to the placement provider:

1. Birth certificate,
2. Immunization records,
3. Court order showing Tribal custody,
4. Most recent psychological evaluation,
5. Current social history,
6. Social Security number,
7. Medical card,
8. School records, or name and address of the last school attended,
9. Independent living assessment if the child is 16 years or older;

When a Tribal custody child is admitted into a Community Based Residential Care facility, the Tribal worker is responsible for ensuring that:

1. The child has an adequate clothing supply,
2. The child has a 30-day supply of any medications in labeled prescription containers with instructions that are currently prescribed for the child to allow for uninterrupted treatment until alternate follow-up medical care is received. The Tribal worker documents the receipt and release of all medication for both Prescription and over-the Counter Medication(s) for the Tribal custody child.

3. Providing the placement provider with input into the development, review, or revision of the child's individualized treatment plan that is completed by the placement provider within 30 days of placement. Review of the contractor's individualized treatment plan for the child is required at least every 90 days or more frequently as determined by the child's treatment needs;
4. Advising the placement provider of the dates and times of court hearings, and any case staffing that required the provider's input;
5. Initiating an APS referral for the child who is likely to meet the medical necessity criteria for acute or residential treatment;
6. When the child requires inpatient treatment with the assistance of APS, locating an inpatient facility for acute or RTC treatment when needed.

The Tribal worker is responsible for face-to-face contacts with the child and the placement provider at least once a month. These contacts are documented in Tribal E-KIDS.

V. TRIBAL FOSTER HOME APPROVALS AND ANNUAL RE-ASSESSMENTS

The Tribe approves foster homes according to Tribal standards. Foster home standards, approved by the Tribe are submitted to the CFSD Tribal Coordinator. All revisions or additions to standards are submitted to the Tribal Coordinator.

The Tribe sends completed home studies to the CFSD Tribal Coordinator. The study must include OSBI and Fingerprint-based Background checks. Studies include identifying information about the family members, family functioning, discussion of their motivation and understanding of providing foster care, discussion of their understanding of children in the system, loss, understanding of birth families, their understanding and willingness to maintain connections for children, and a recommendation that addresses the assessment of the family and their abilities to foster children. The approval must be signed and dated and must include the number and type of children the home is approved to provide foster care. Placement of either Tribal custody or OKDHS custody children should not occur prior to approval of the home, with the exception of initial kinship placements when the Tribe has completed the initial kinship protocol. Foster care reimbursement will not be made to any home prior to the date of approval. Foster homes are not approved without a completed foster home study, pre-service training, OSBI and Fingerprint-based criminal record checks. Criminal Background checks are required on all adults in the home, as well as any identified alternate care-givers.

Re-assessments are completed on an annual basis. The re-evaluation addresses the current status, functioning and any changes that have occurred in the family. OSBI background checks are completed every year. National criminal records checks (fingerprint) are completed every five years. Re-assessments contain a recommendation regarding the family's continued ability to provide care. Any issues or written plans of compliance and the family's progress are also discussed. Re-assessments contain a

recommendation and the date that the reassessment was completed and approved by the supervisor.

VI. ROLE OF THE TRIBAL LIAISON

Each Tribe with a Tribal State Agreement is assigned a Tribal Liaison located in an OKDHS county office. The role of the Tribal Liaison is to assist the Tribe in obtaining foster care payments for the Tribal custody children. The Tribal Liaison also coordinates with the Custody Specialist in providing information so that the appropriate Title IV-E determinations can be made.

VII. ROLE OF THE TRIBAL COORDINATOR

The CFSD Tribal Coordinator's office sets up Tribal foster home resources, and maintains the Tribal foster home lists. The Tribal Coordinator also acts as a consultant to both Tribal staff and OKDHS staff on issues regarding Indian children in either state or Tribal custody. The Tribal Coordinator also conducts case reviews with Tribes regarding the provisions of the Tribal State Agreement.

VIII. TRAINING

Tribal Child Welfare staff may participate in CORE Training and Child Welfare Level Trainings. Three spaces will be set aside for each Core Training for Tribal workers. These spaces will be available until two weeks before the scheduled training. At that time, if there have been no requests by Tribes to utilize these spaces, the spaces will be released for OKDHS staff. It is preferable that Tribes notify the Child Welfare Training Unit three to six weeks before the beginning of a CORE session to allow time for pre-CORE activities. Extreme cases that prevent the required notice may be considered on a case by case basis. Information about both CORE trainings and the Child Welfare Level Trainings can be found on the website at <http://www.ou.edu/cwtraining/index.htm>.

ATTACHMENT 2

Specific Tribal Placement preferences for Kaw Nation Tribal children:

Each Kaw Nation Indian child accepted for foster care placement shall be placed into the least restrictive (most family-like) setting appropriate to the child's special needs.

A preference for foster care placement, in the following order, shall be given to:

1. A member of the child's extended family;
2. A Kaw Nation Indian foster home licensed, approved or specified by the Tribe;
3. An Indian foster home licensed or approved by the Tribe;
4. With the approval of the child's Tribe, a foster home licensed or approved by another Tribe;
5. A non-public (private) institution for children approved by the Tribe or operated by an Indian organization which has programs suitable to meet the needs of the Tribe's Indian child (a child attending a BIA boarding school will not be eligible for reimbursement, however, weekend care in a foster home is reimbursable.)
6. An Indian or non-Indian foster home approved by the Tribe or the Department

ATTACHMENT 3

**KAW NATION
FOSTER HOME STANDARDS**

FOSTER HOME STANDARDS

OF

THE KAW NATION OF OKLAHOMA

(Revised 01/20/99)

DEFINITIONS

- (1) INDIAN FAMILY: A family in which at least one head of the household is a member of an Indian tribe or eligible for membership in a tribe.
- (2) INDIAN CHILD: A person under eighteen years who is a member of an Indian tribe or eligible to become a member of an Indian tribe.
- ~~(3) FOSTER CHILD: An Indian child placed for foster care through a tribal agency by the authority of the state or tribal court, parent, guardian, or custodian.~~
- (4) EXTENDED FAMILY: Extended family may be defined by custom of an Indian child's tribe or, in the absence of such custom, included person who have reached the age of eighteen and are the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law, niece or nephew, first or second cousin, or stepparent.
- (5) INDIAN CUSTODIAN: Any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to who temporary physical care, custody, and control has been transferred by the parent of such child.
- (6) LEGAL GUARDIAN: Any individual designated by state or tribal court to accept legal responsibility for a minor child.
- (7) FAMILY COMPOSITION: Ages, sexes, numbers and relationships within the household prospective foster family.
- (8) FOSTER CARE/FOSTER HOME/FOSTER FAMILY: A family home certified to provide temporary care and nurturance of a child.
- (9) FOSTER CARE CERTIFICATE: The document issued by a tribal agency authorizing an Indian family to provide foster care.
- (10) KNICW: Kaw Nation Indian Child Welfare; responsible for the approval certification, and supervision of foster homes and placement.
- (11) TRIBAL COURT: A court with jurisdiction over child custody proceedings and which is either a CFR, Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings.
- (12) HOME STUDY/HOME ASSESSMENT/HOME EVALUATION: A process by which a tribal agency determines if an applicant family meets minimum foster home standards. The process may include, but is not limited to, interviews, home visits, references, a background check, and medical examination.

- (13) PERMANENCY PLAN: A written plan taking into account the bonding process between (foster and natural) parent and foster child. The plan takes into account any factors influencing the life of the foster child (for example, rehabilitation of natural parents, adopt ability of foster child, availability of foster homes). The plan should include short and long term goals and actions to be taken within a specific time frame. The desired outcome is a suitable long term placement which will endure at least until the child reaches 18 y.o.a. .
- (14) CONFIDENTIALITY: The maintaining of privacy concerning the foster child, his natural family, and the foster family.
- (15) CRIMINAL BACKGROUND CHECK: An OSBI or FBI background check, including fingerprinting, will be conducted on everyone, age 18 yrs. or older, in the foster home to determine if there is a history of child abuse, other violent crime, or felony convictions. It does not include a credit reference check or misdemeanor convictions.

FOSTER HOME STANDARDS

I. FOSTER FAMILY

A. Health

Each member of the foster family household, and any person who assists with the care and supervision of the foster children, shall be in good health and have had a physical examination within a year of the date of application for foster care licensure. The physician's report of the foster care applicant shall be completed and signed by a licensed physician, stating that the applicant is in good health and free from any physical or mental illness which might be detrimental to a foster child. A medical statement shall be completed and signed by a licensed physician which states that any other members of the household are in good health, and have no health condition which will be detrimental to foster children. The above physical examination for the family, may be waived by the KNICW when the family assuming the foster parenting are extended family members. Physical handicaps of foster parent(s) shall be a consideration only as it affects their ability to provide adequate care to foster children or may affect an individual child's adjustment to the foster family. Cases shall be evaluated on an individual basis with the assistance of a medical consultant when indicated.

B. Personal Qualities

Prospective foster parent(s) shall possess personal qualities of maturity, stability, flexibility, ability to cope with stress, capacity to give and receive love, and good moral character.

Relationships within the family shall be such that a wholesome atmosphere for the growth of the foster child will be assured. No family member or household occupant shall have a record of child abuse, other violent crime, or felony convictions. Everyone, age 18 yrs. and older, in the foster home will be subject to a criminal background check which includes fingerprinting.

C. Age

The biological age of a foster parent should be considered in relation to physical condition, flexibility, vitality, maturity, and ability to exercise appropriate authority, supervision, and physical care for specific children. No restriction is placed on upper age level, but an older foster parent must have the physical and emotional stamina to deal with the guidance, care, and protection of children.

D. Income

The foster family shall have sufficient income to meet the family's basic needs. This will allow payments for foster care to meet the basic needs of the foster child.

E. Employment

Employment, education, and/or training pursuits of foster parents are evaluated in regard to the ages and needs of the children for whom they wish to provide care. When both parents in a two parent home and when single parents are employed, suitable plans for day

care and/or supervision of the children after school and during the summer while parent(s) are at work must be approved by the KNICW.

F. Parenting Abilities

Foster parents' motivation for application should be examined. Attitudes of significant members of the extended family regarding child placement should also be examined. Foster parents should have the capacity to provide for the foster child's needs while giving proper consideration to their own children and should have a realistic assessment of the positive and negative aspects of foster parenthood, including acceptance of the temporary nature of foster care.

Where necessary, foster parents should have the ability to care for children with special needs (physical handicaps, emotional disturbances, etc.) Foster parent(s) should have the ability to administer discipline in a manner appropriate to the age and development of the child. Although families differ in their approach to discipline, harsh or threatening methods are particularly damaging to children in foster care. Discipline should be defined as an overall plan for teaching acceptable behavior; punishment is, more narrowly, negative reinforcement for unacceptable behavior.

Foster parent(s) will attend parenting training, when the training is provided by KNICW or other tribal ICW/Social Service programs, Department of Human Services, or other applicable training recommended by KNICW.

G. Boarders

A tribal foster home may not have adult roomer or boarders unrelated to the foster parents without special permission of KNICW. The foster parent(s) shall keep KNICW informed about all persons living in the home and all others having regular contact with the foster child in the foster home. Any new household members, 18 y.o.a. or above, will be required to have a criminal background check (including fingerprinting), and must not have a record of child abuse or other violent crime, or felony convictions.

H. Family Composition

The composition of the foster family will be taken into account in assessing whether the child's needs will be met by such a placement. The presence of other children in the home, either the foster parent(s); own or other foster children, and related or unrelated adults, shall be taken into account as they may be affected by or have an affect upon the foster child or children.

I. References

The foster family shall provide names and addresses of three references (non-related) who can attest to the family's qualifications to become foster parents. These references must be willing to complete a written reference questionnaire regarding the prospective foster parent(s) and to respond to KNICW's inquiries regarding the foster family.

J. Relationship with KNICW

A. Foster parent(s) should be able to work with KNICW in making plans for the foster child and in meeting his/her needs.

- B. Foster parent(s) should be prepared to discuss problems and questions with KNICW. They should be willing to accept the policies of KNICW.
- C. Foster parent(s) must be willing to sign and abide by the terms of the KNICW Foster Home Agreement.
- D. Foster parent(s) must be willing to have a KNICW worker visit the home at least once a month for the first six months after the first placement; at least once every six months for evaluation thereafter; and at any time when a special problem involving the child or his/her family arises.

II. FOSTER HOME

- A. Safety
The house and premises shall be reasonable clean. The physical facilities of the house must present no hazards to the safety of a foster child. The foster family must have access to emergency services in case of crisis.
- B. Location
The location should be such that the foster parent is able to arrange transportation to school, church, recreational and health facilities, and other community facilities and resources as needed.
- C. Sleeping Arrangements/Personal Space
The foster child shall be provided adequate and appropriate sleeping space, consistent with his needs for privacy or personal contact. Space shall be provided for the child's personal possessions. Separate sleeping areas must be provided children over age six who are of the opposite sex.
- D. Play Space
Play space, fenced if necessary, shall be available and free from hazards which might be dangerous to the life and health of the child.

III. FOSTER CHILD

- A. Daily Routine
A daily routine shall be such as to promote good health, rest and play habits and positive growth.
- B. Resources
The foster family must demonstrate a willingness to cooperate with available resources for the foster child.
- C. Religion
Opportunities for satisfying religious and spiritual experience are provided the child through an appropriate religious affiliation which does not conflict with the broad religious preference of the child and his family.
- D. Nutrition
A balanced and ample diet adjusted to the age, special needs and physical development of the foster child shall be provided.

**KAW NATION
FOSTER CARE CERTIFICATION PROCEDURES**

I. Eligibility for Foster Care Certification

Any Indian family living within or near the area served by the Kaw Nation of Oklahoma apply for certification as a foster family for tribal children; although normally excluded from received foster care payments, in special cases and with the approval from the tribal agency, members of the extended family may be eligible to receive payment for foster care.

II. Foster Home Assessment

A foster home assessment or study will be made in accordance with the established procedures of the KNICW to determine if the applicants meet the foster home standards of the KNICW (See Foster Home Standards).

III. Foster Care License

Once a home study is completed and the applicants' home is determined to meet the KNICW's foster home certification standards, a foster care certificate will be granted to the applicants.

IV. Refusal To Certify and/or Issuance of a Provisional Certification

KNICW may refuse to certify a home. The refusal must be based on an assessment showing that the applicant does not meet the foster home standards of the KNICW. Applicants may reapply, showing that the necessary changes have been made, and they may be reconsidered. An applicant who has been determined to be inadequate to provide foster care may be granted a provisional certification pending implementation of the recommended changes. Whenever possible, the KNICW will assist all applicants, whose homes do not meet the licensing standards, to make the necessary changes.

V. Special Foster Care License

When a situation arises where the best interests of a child are served by placement in a home not eligible for regular certification by KNICW, such a home may be certified for the foster care of that child only. This provision for the special certifying of foster homes for specific children is intended to be used only in special cases and is in no way intended to replace the normal foster care certification and placement procedures.

VI. Foster Care Certification Renewal

Renewal of certificates will be based on the approval of the KNICW dependent upon evaluation of the foster family and its care of children during the last year. A medical report on members of the foster family may be required by the agency if the evaluation indicates that a medical report is necessary. License certificates will be on a yearly basis.

VII. Foster Care Payments

Foster care payments will be made in accordance with the foster care agreement made between the KNICW and the foster family at the time the child is placed in foster care.

E. Confidentiality

The foster family demonstrates the ability to maintain confidentiality as it relates to the foster child and his biological family.

F. Cultural Heritage

The foster family demonstrates a willingness to show respect for the child's individual cultural heritage.

IV. FOSTER CARE REVIEW

A case review shall be made at least every six months for every child placed in foster care with the KNICW. The child, the child's parents or custodians, the foster family and the social worker are to participate in the foster care review, if at all possible. The foster care review shall include the following:

- A. Assessment of the child's development and progress.
- B. Assessment of the development and progress of the child's family.
- C. Assessment of the child's relationship with his parents or custodians.
- D. Assessment of the child's relationship with his foster family.
- E. Review of the foster care case plan.

V. FOSTER CARE AGREEMENT

Upon placement of a tribal child in foster care, KNICW and the foster parents shall enter into an agreement specifying the following:

- A. The rights and responsibilities of the foster parents.
- B. The rights and responsibilities of the tribal agency.
- C. The rights and responsibilities of the foster child.
- D. The rights and responsibilities of the child's parents/custodians.
- E. The amount and manner of foster care payment.

VI. FOSTER CARE PLACEMENT RECORDS

All pertinent foster care placement records shall be maintained, with provisions for insuring confidentiality. These records shall include the following:

- A. Case plan and reviews.
- B. Case summaries, reports and narratives.
- C. Court Orders.
- D. Medical and dental records.
- E. Any other salient information.

VIII. Foster Care Licensing Records

Records shall be maintained on each foster family. These records shall include pertinent information gathered during the foster care application and assessment process, a record of foster children placed in the home, foster care licensing reviews, and current license status.

FOSTER CARE PLACEMENT PROCEDURES

I. Foster Care Placement Authority

Authority to place an Indian child can be granted to the child's tribe by any of the following:

- A. A state court having jurisdiction.
- B. A tribal court having jurisdiction.
- C. The child's parent having custody and making voluntary consent for placement.
- D. A legal guardian or Indian custodian, other than a parent, making voluntary consent for placement.

II. Provision for Medical Care

Any foster care placement, of a child in tribal custody, with a tribal agency shall include a provision granting KNICW the authority to consent to routine and emergency medical and dental care and treatment, including emergency surgery, for the child.

III. Foster Care Case Plan

At the time of placement, a case plan will be developed by the KNICW for each child placed in foster care by that agency. The participation of the child and his family will be sought in developing the case plan, when applicable. The foster family will also be included in preparing the case plan, when appropriate. The case plan shall include a permanency plan for the child in order to provide the child with a case plan designed to develop a long-term home situation for the child, the first option being the child's return to the family, the second option being the child's adoption, and the third option being long-term foster care.

ATTACHMENT 4

FORMS

Item 1: 04TB004E (DCFS-57) “Indian Child Welfare Program Referral

**Item 2: 04TB003E (DCFS-57-A) “Indian Child Welfare Program
Referral Update**

Item 3: 04KI010E (CWS-KIDS-20) “Placement Worksheet

Item 4: 04KI002E (CWS-KIDS-4) “Eligibility Determination

**Item 5: 04MP042E “Application for Child Welfare Child Care
Benefits”**

**Item 6: 05SC004E (MID-1-A) “Logon Authorization Request for Non-
OKDHS Employees”**

**Item 7: 04AD001E (CWS-KIDS-102) “KIDS Application Logon
Request for Non-DHS Employees”**

PANUM 45130026
PONUM _____
CONUM _____
DOCDESC Master File

38

