

DEPARTMENT OF HUMAN SERVICES

PURCHASE ORDER

(DESTINATION: Contracts Unit)

LOCAPPRV: 00/00/0000

CTRAPPRV: U70516 11/28/2012

DATE	AGENCY CONTRACT NO.	CONTRACT PERIOD
12/13/12	45130027 0000	07/01/12 THRU 06/30/13

PO#: 0930027

TO: 0000074125 0001 731183375  
 MODOC TRIBE OF OKLAHOMA  
 418 G ST SE

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

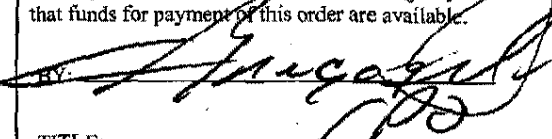
MIAMI OK 74354-8218

ITEM NO.	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
1	1.00	DA	PREVIOUS AGENCY REQ. 45110074 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 FUDNS FOR PAYMENT OF THIS CONTRACT DO NOT RESIDE WITH OKDHS. IT IS WARDED AS A NON-BUDGET CONTRACT IN THE AMOUNT OF .01 AS ANTICIPATED EDPENDITURES 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: \_\_\_\_\_

# CONTRACTS & PURCHASING SIGNATURE ROUTING FORM

Division: Child Welfare Services

Vendor: Modoc Tribe

PA#: ~~19988~~ 45730027

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: Rita Hart	<u>Rita Hart</u>	<u>11-15-12</u>
Thru: Joani Webster	<u>Joani Webster</u>	<u>11/21/12</u>
Thru: Linda Beltran	<u>Linda Beltran</u>	<u>11-20-12</u>
Thru: Kevin Haddock	<u>K. Haddock</u>	<u>11/21/12</u>
Thru: Regina Park	<u>Regina Park</u>	<u>11/21/12</u>
Thru: Greg Duke	<u>Greg Duke</u>	<u>11/20/12</u>
Thru: Jack Ely	<u>Jack Ely</u>	<u>11/29/12</u>
Thru: Sandra Harrison	<u>see signature page</u>	
TO: Deborah Smith	<u>Deborah Smith</u>	<u>12-7-12</u>

State of Oklahoma  
Department of Human Services

WORK PLAN

July 1, 2012

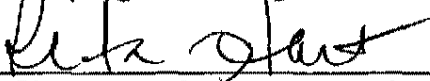
Child Welfare Services  
Modoc Tribe of Oklahoma

PA# ~~1298~~ 45130027

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.



Signature of program monitor

11-15-12

Date

Rita Hart

Printed name of program monitor



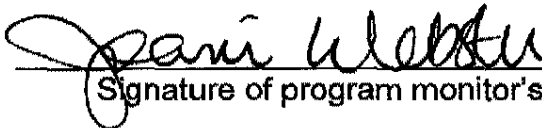
Signature of fiscal monitor

11-20-12

Date

Linda Beltran

Printed name of fiscal monitor



Signature of program monitor's supervisor

11/20/12

Date

Joani Webster

Printed name of program monitor's supervisor

**Pate, Regina K.**

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**From:** Pate, Regina K.  
**Sent:** Tuesday, December 18, 2012 8:46 AM  
**To:** Hart, Rita  
**Subject:** Contract Monitor

**STATE OF OKLAHOMA  
DEPARTMENT OF HUMAN SERVICES**

**TO:** Rita Hart

**FROM:** Regina Pate  
Contracts & Purchasing Unit

**DATE:** 12/18/12

**RE:** Modoc Tribe of Oklahoma  
PA# 45130025

By your signature on the Work Plan, you have agreed to and been appointed as the **Contract Program/Fiscal Monitor** for the referenced service contract. To adequately perform your role as Monitor, it is critical that you are familiar with the contract and the requirements contained therein. The contract, in its entirety, can be viewed (and/or printed) via the Imaging System by using the following steps:

1. Go to the DHS Infonet page.
2. Select "Finance Applications" on the left side of the screen.
3. Select "Document Search/Image Viewer" in the middle of the next screen
4. Select "CONTRAC2-Contracts Division Documents" from the Index Class dropdown menu.
6. Enter the PA# of the contract you want to review and "Search" or press enter.
7. Select an icon from the "Document Image" column. Each icon represents a document or set of documents, with the most recent being at the bottom. Generally, the original contract will be the first icon with subsequent icons representing Change Orders.
8. You will then be asked if you want to open or save the file. Select "Open".
9. The requested document(s) will appear.
10. Most documents have more than one page. At the top of your document there should be a tool bar that indicates you are on page \_\_\_ of \_\_\_. Use the < > buttons to go to next or previous pages or scroll through the pages at the left of the screen and click on the one you want to view. Our scanner automatically prints front and back so every other page will probably be blank.

As Contract Monitor you should:

- Satisfy contract administration requirements
- Identify and ensure timely completion of deliverables (contract requirements)
- Protect the financial interests of the agency

If you require additional information regarding your role or associated responsibilities, please contact Regina Pate (405-521-2960) [KimberlyS.Wilson@okdhs.org](mailto:KimberlyS.Wilson@okdhs.org).

**Statement of Work  
CFSD Program Field Representative  
Modoc Tribe of Oklahoma  
July 01, 2012**

~~#129811~~  
4513027

**Project Scope Summary**

The scope of this agreement is to provide a framework for coordination and cooperation between the Modoc Tribe Indian 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 MODOC TRIBE  
AND THE  
OKLAHOMA DEPARTMENT OF HUMAN SERVICES**

~~12/18/11~~  
45 130027

This agreement defines the respective roles of the Oklahoma Department of Human Services (OKDHS) and, the Modoc Tribe, a sovereign nation regarding the approval, provision and payment of foster care services for Native American children. This agreement shall become effective 1<sup>st</sup> day of July 2012 and remain in effect until the 30<sup>th</sup> 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 Children and Family Services Division 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. "Tribally 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 Tribally 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 agents 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 date of 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 services satisfactorily completed prior to the effective date. OKDHS, as 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 modifications or amendments to this Agreement must be in writing and agreed 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.
  - i. Standards for Privacy and Security of Individually Identifiable Health Information (Parts 160, 162 and 164 of Title 45 of the Code of Federal Regulations) under the Health Insurance Portability and Accountability Act (HIPAA) of 1996.
  - ii. 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 the 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 advance 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 CWS 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 2003 "Memorandum of Understanding for Reporting and Investigating 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 service 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 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 plans 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 support 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 tribal custody. The foster parent may be granted an opportunity by the Court to be heard if desired.  
[Section 1356.21 of Title 45 of the Code of Federal Regulations]

#### 7. Judicial Requirements [Section 1356.21 of Title 45 of the Code of Federal Regulations]

- a. The Tribal Court or CFR 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 either: (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 or CFR 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 or CFR court is required to conduct review hearings 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 or CFR 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 Tribe 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 or CFR 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 1356.21 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 petition 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 or CFR 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 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 II** 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 the 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 other Tribes for 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 are completed and signed by the foster parent and the 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 III**. The standards will promote safety and well-being of children and will include requirements for background checks. The Tribe agrees to provide OKDHS a copy of any updates or changes to the standards within 30 days tribal approval of those updates and changes.
- b. The Tribe utilizes these standards to assess and approve families to provide foster care. This is 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 the ability of the family to meet the needs of the children. Numbers 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 overfill 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 checks 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 searches 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 placed 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 CWS Tribal Coordinator in a separate envelope marked as "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 either through the OKDHS training or training provided through the Tribe. OKDHS agrees to provide access to the OKDHS Foster Care Training for Tribal foster parents. The

training should address the competency categories of (1) protecting and nurturing 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.

#### 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 the 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 purposes 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. 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 IV, 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 CWS Placement Unit.
- d. The CWS 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 CWS 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.

## 13. 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 Offenders 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.

## 14. 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 CWS Independent Living Coordinator as requested.

#### 15. Title IV-E Subsidized Guardianship

- a. OKDHS agrees to provide guardianship assistance to tribal custody children who meet the requirements for the Title IV-E relative guardianship assistance payments under Section 473(d)(3)(A) of Title IV-E of the Social Security Act. Relative guardianship eligibility requirements include the following:
  - 1) Child has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child and is IV-E eligible for at least six consecutive months;
  - 2) Child is a sibling to a child eligible for receiving Title IV-E relative guardianship assistance and is residing or planning to reside in the same placement;
  - 3) Permanency plans of reunification and adoption have been ruled out;
  - 4) Relative has completed all requirements to be an approved Tribal foster home as determined by the Tribe;
  - 5) Child is currently residing with the relative and has been for six consecutive months;
  - 6) Relative is willing to assume legal responsibility for the child and has a strong commitment to permanently care for the child;
  - 7) Child who is 14 years of age or older has been consulted regarding the kinship arrangement;
  - 8) Child demonstrates a strong attachment to the prospective relative guardian;
- b. The Tribal Child Welfare Worker agrees to provide documentation **Attachment IV 04MP048E**, "Request for Title IV-E Guardianship Assistance" (Appendix 4, Item 11), including all of the required documents.. The completed 04MP048E is submitted to the CWS Tribal Coordinator.
- c. The CWS Tribal Coordinator agrees to review the request and submits the request to the CWS Permanency Planning section for approval or denial of the request and notifies the tribe
- d. The Tribal Child Welfare worker agrees to advise the applicant of the right to an administrative fair hearing if the application is denied, not acted on with reasonable promptness, approved in an amount less than requested, modified without the applicant's concurrence or terminated.

#### 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 if 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.

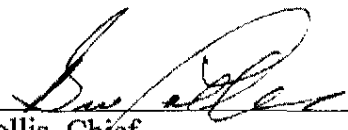
18. Tribal E-KIDS Access

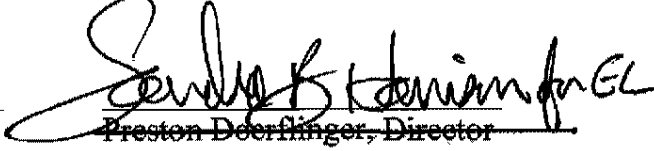
- a. OKDHS agrees to grant access of the Tribal E-KIDS Information System to Tribal Child Welfare workers when they have completed and signed forms 05SC004E (MID-1-A) "Logon Authorization Request for Non-OKDHS Employees" (Appendix 4, Item 7) and 04AD001E (CWS-KIDS-102) "Kids Application Logon Request 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 CONDITIONS OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE OKLAHOMA DEPARTMENT OF HUMAN SERVICES AND MODOC TRIBE

  
\_\_\_\_\_  
Bill Follis, Chief  
Modoc Tribe

  
\_\_\_\_\_  
Preston Deerflinger, Director  
Oklahoma Department of Human Services

**ATTACHMENT I**  
**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 from July 1, 2012 to July 31, 2012:**

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

**Foster Care Reimbursement Rates from August 1, 2012 to July 31, 2013:**

Child's age	Daily rate	Monthly rate
Birth through five years	\$13.45	\$403.48
Six through 12 years	\$15.72	\$471.78
13 years and older	\$17.96	\$538.73

**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 CWS 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 I 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 I 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 I, 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 CWS 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 CWS 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 CWS 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	\$403.48
Six through 12 years	\$471.78
13 years and older	\$538.73

**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 CWS Tribal Coordinator to file in the CWS 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 CWS Placement Unit and a determination is made as to the most appropriate placement. The CWS 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.
  7. 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. TITLE IV-E SUBSIDIZED GUARDIANSHIP**

1. Guardianship assistance is available to tribal custody children who meet the eligibility requirements for Title IV-E relative guardianship assistance payments under Section 473(d)(3)(A) of Title IV-E of the Social Security Act. Relative guardianship eligibility requirements include the following:
  - a. Child has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child and is IV-E eligible for at least six consecutive months;
  - b. Child is a sibling to a child eligible for receiving Title IV-E relative guardianship assistance and is residing or planning to reside in the same placement;
  - c. Permanency plans of reunification and adoption have been ruled out;
  - d. Relative has completed all requirements to be an approved Tribal foster home as determined by the Tribe;
  - e. Child is currently residing with the relative and has been for six consecutive months;
  - f. Relative is willing to assume legal responsibility for the child and has a strong commitment to permanently care for the child;
  - g. Child who is 14 years of age or older has been consulted regarding the kinship arrangement;
  - h. Child demonstrates a strong attachment to the prospective relative guardian;
2. The Tribal Child Welfare Worker is responsible for preparing the 04MP048E, "Request for Title IV-E Guardianship Assistance" (Appendix 4, Item 11), including all of the required documents.. The completed 04MP048E is submitted to the CFSD Tribal Coordinator.



3. The CFSD Tribal Coordinator reviews the request and submits the request to the CFSD Permanency Planning section for approval or denial of the request.
4. The CFSD Tribal Coordinator advises the Tribal Child Welfare worker of either the approval or reasons for denial of the request.
5. The Tribal Child Welfare worker advises the applicant of the right to an administrative fair hearing if the application is denied, not acted on with reasonable promptness, approved in an amount less than requested, modified without the applicant's concurrence or terminated.
6. After the approval of the request, the Tribal Child Welfare worker completes the 04MP049E, "Title IV-E Subsidized Guardianship Agreement" (Attachment 4, Item 12) with the family and submits to the CFSD Tribal Coordinator. The CFSD Tribal Coordinator submits the Agreement to the CFSD Permanency Planning Unit for signature.
7. The Tribal or CFR court does not grant guardianship to the relative until the 04MP049E, Title IV-E Subsidized Guardianship Agreement is signed by both the OKDHS and the prospective relative guardian.
8. When a Title IV-E Guardianship is requested, the following items are addressed in the case plan:
  - a. A description of how the child meets the eligibility requirements;
  - b. The steps the Tribe has taken to determine that return to the home or adoption is not appropriate;
  - c. The efforts the Tribe has made to discuss adoption with the child's relative foster parent and the reasons why adoption by the relative foster parent is not an option;
  - d. The reason a permanent placement with a prospective relative guardian and receipt of a guardianship assistance payment is in the child's best interests;
  - e. The efforts made by the Tribe to discuss with the child's parent(s) the relative guardianship arrangements or why efforts were not made; and
  - f. When the child's placement with the prospective relative guardian does not include siblings, a description of the reasons the child is separated from siblings during placement.

## **VI. 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 CWS Tribal Coordinator. All revisions or additions to standards are submitted to the Tribal Coordinator.

- 1) The Tribe sends completed home studies to the CWS Tribal Coordinator. Include name, DOB, SSN, address (including 8 digit zip code), phone numbers, and county of residence
- 2) Studies, in general, include identifying information about their training, 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.

- 3) Attach copy of Social Security Card, Driver's License, optional: attach copy of Certificate Degree of Indian Blood or Membership Card
- 4) Maximum beds available in the home and number of children they prefer with gender and ages
- 5) The study must include OSBI and Fingerprint-based Background checks as a separate attachment. The background checks results are not to be narrated in the home study. Criminal Background checks are required on all adults in the home. For alternative caregiver, the background checks are kept by the tribe. Suggested background check to include OSCN and ODCR search on the web.
- 6) The approval must be signed and dated, this date will be used for foster care reimbursement if initial kinship placement made in the home
- 7) Placement of either Tribal custody or OKDHS custody children should not occur prior to approval of the home, with the exception (if listed in tribal/state agreement) of initial kinship placements when the Tribe has completed the initial kinship protocol. Submit forms: Emergency Kinship Placement, Placement Agreement, Placement Provider Information, IVE Eligibility Determination, and Placement Worksheet.
- 8) Foster homes are not approved without a completed foster home study, pre-service training, OSBI and Fingerprint-based criminal record checks (per tribal/state agreement)

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 not completed every year, if fingerprints are processed by OKDHS. A Rapback service is provided by OSBI which alerts OKDHS and the Tribe of current arrests. The Rapback does not provide the disposition of the charge, it will be the responsibility of the Tribal Child Welfare worker to obtain the disposition. Upon receipt of any Rapback notification, the resource is made unavailable until the Tribal Child Welfare Worker has explored the charge and submits recommendation of future use of the home. 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.

The Tribal Child Welfare Worker is notified of any reports of Abuse/Neglect referrals regarding open Tribal Foster Homes. The home is made unavailable for future placements until the Tribal Child Welfare Worker has provided a recommendation of status of the home to the CWS Tribal Coordinator.

## **VII. ROLE OF THE TRIBAL LIASION**

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.

### **VIII. ROLE OF THE TRIBAL COORDINATOR**

The CWS 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.

### **IX. 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 II

Specific Tribal Placement preferences for Modoc Tribe Tribal children:

Each Modoc Tribe 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. An Modoc 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 Department.

**ATTACHMENT III**

**MODOC TRIBE  
FOSTER HOME STANDARDS**

## 1. Basic Standard for Foster Families

It is the responsibility of the Tribal Social Services Department to recruit, screen and license Indian foster homes.

In considering Indian foster parents the primary consideration will be the parent's capacity to provide love and understanding to a child or children in distress.

## 2. Basic Requirements of Foster Families:

Foster families shall meet the following personal criteria:

(a) The age of foster parent(s) shall be consideration only as it affects their physical capability, flexibility, and ability to care for a specific child.

(b) A written statement from a physician, regarding the foster parent(s) and their children's general health, specific illness, or disabilities shall be routine part of the study-evaluation process. Foster parent(s) and all other adults and the children present in the home shall submit a written report verifying that they have taken tuberculin tests and have been found free of disease; other tests may be required as indicated.

(c) 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.

## 3. Income of Foster Families

(a) When the agency does not have a plan for paying foster families a salary, it shall determine that the foster family's income is stable and sufficient for the maintenance of the family and reimbursement for the foster family's own expenses.

(b) Employment of foster parent(s) outside the home.

1. In two parent homes it is preferable, in most instances, that both foster parents shall not be employed outside the home so that one parent is available for the parenting that the child requires. The agency shall make decisions regarding such situations on the basis of what is the best interest of the child.

2. When both parents in a two parent home and when single parents are employed, it is preferable that the home be used for school age children, and only when there are suitable plans (approved by the Agency) for care and supervision of the child after school and during the summer while parent(s) are at work.

- (a) Physical facilities of the foster home shall present no hazard to the safety of the foster child.
- (b) Foster homes shall meet zoning and housing requirements and/or codes as set by the public safety department for individual family dwellings.
- (c) Physical standards for the foster home shall be set according to individual living standards for the community in which the foster home is located; these standards shall be sufficient to assure a degree of comfort which will provide for the well-being of the family and its self-respect in the community in which it resides.
- (d) Comfort and privacy:
1. It is preferable for no more than two children to share sleeping rooms.
  2. The sharing of sleeping rooms by children of opposite sexes is undesirable, especially for foster children who may be experiencing difficulties in the development of their sexual identities, attitudes, and behavior.
  3. Children, other than infants and during emergencies (illness), shall not share sleeping quarters with adults in the household.
  4. Individual space shall be provided for the child's personal possessions.
  5. In all instances when exceptions are necessary, these shall be for children under two years of age or when special cultural, ethnic, or socioeconomic circumstances create a situation in which such exceptions will not be to the detriment of the child.
- (e) Foster family homes shall be accessible to schools, recreation, churches, other community facilities, and special resources (such as medical clinics) as needed.
- (f) If the home is otherwise suitable, the foster family shall be provided with all available assistance in meeting the above requirements, standards, and/or codes.

#### 5. Family Composition

- (a) Two parents shall be selected in most cases; however, single parents shall be selected when they can more effectively fulfill the needs of a particular child.
- (b) The presence of other children (either own or foster), and other adults (i.e. grandparents, aunts, etc; or unrelated persons) shall be taken into consideration in terms of how they might be effected by or have an effect upon another child.
- (c) The number and ages of children in a home (both own and foster) shall be considered on an individual basis, taking into account the foster parent(s) ability to meet the needs of all children present in the home, physical accommodations of the home, and especially the effect which an additional child would have on the family as a unit. It is preferable that:

infants (under two), including the foster parent(s) own children.

- (2) Foster families should not have more than a total of six children, including foster children and foster parent(s) own children, in the foster home. Exceptions shall be made in order to keep siblings together.
- (3) The age range of the children in a foster home shall be similar to that in a "normal" family in order to lessen competition and comparisons.
- (4) All placement situations shall consider the effect of having some children in the foster home whose parent(s) visit them and other children whose parent(s) do not.
- (5) A foster home shall not provide placements for more than one agency at a time without a written agreement, delineating the responsibilities of all parties involved.

#### (6) Personal Characteristics

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. Such characteristics are reflected in the following:

- (a) Psycho social history, including significant childhood relationships and experiences (parent-child, sibling, or other relationships).
- (b) Role identification and acceptance.
- (c) Reactions to experiences of separation and loss (through death, desertion, etc.)
- (d) Education, employment, and patters of interpersonal relationships.
- (e) General social, intellectual, and cultural level of the family.
- (f) Level of everyday functioning:
  - (1) Home and money management ability;
  - (2) Daily routine and habits;
  - (3) Reactions to stress.
- (g) Affect responses (ability to give and receive love, deal with loss, separation and disappointment, etc.)
- (h) Moral, ethical, and spiritual qualities of the family.
- (i) Religious affiliation and habits.
- (j) Hobbies, special interests, skills, and talents.

#### 7. Foster Parenting Abilities

As assessment of prospective foster parent(s) parenting ability regarding a specific child shall take into account the following:



foster family.

- (c) Existing family relationships, attitudes, and expectations regarding own children and parent-child relationships, especially where such existing attitudes and relationships might effect the foster child.
- (d) Attitudes of significant members of the extended family regarding child placement.
- (e) Ability to accept and love child as he/she is.
- (f) Capacity to absorb the child into family life functioning without undue disruption.
- (g) Capacity of parent(s) to provide for foster child's needs while giving proper consideration to own children.
- (h) Own children's attitudes towards accepting foster child.
- (i) Realistic assessment of positive and negative aspects of foster parenthood.
- (j) Personal characteristics necessary to provide continuity of care throughout child's need for placement.
- (k) Flexibility to meet changing needs over the course of placement.
- (l) Ability to accept child's relationship with own parent(s).
- (m) Ability to relate to neglecting and abusing natural parent(s).
- (n) Special ability to care for children with special needs (physical handicaps, emotional disturbances, etc.)
- (o) Areas in which ongoing social work assistance may be needed.
- (p) Ability to help a child return home or be placed for adoption and gain satisfaction for the experience.

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