

MEMORANDUM OF UNDERSTANDING

**Between the Keweenaw Bay Indian Community
and the Michigan Department of Human Services**

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MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU” or the “Agreement”) is made and entered into by and between the Keweenaw Bay Indian Community (“KBIC” or the “Tribe”), a sovereign nation, whose address is 16429 Bear Town Road, Baraga, Michigan 49908, and the Michigan Department of Human Services (hereinafter “the Department” or “DHS”), the state Title IV-E agency, whose address is 235 South Grand Avenue, Lansing, Michigan 48909. Both parties are Title IV-E designated agencies under Title IV-E of the federal Social Security Act and desire to enter into this MOU for the purpose of collaborating to deliver child welfare services and support to the children and families of the KBIC and other eligible children and families within the service area and jurisdiction of KBIC. This MOU is effective as of the date signed and remains in effect unless amended or the KBIC no longer participates in a direct title IV-E program with US Department of Health and Human Services, Administration for Children and Families, Children’s Bureau.

PURPOSE OF AGREEMENT

1. The KBIC and DHS acknowledge a common vision that will serve as a foundation of the collaborative relationship established by the two entities.
2. KBIC and DHS share an interest in the delivery of child welfare services to families residing within the territorial jurisdiction of the sovereign nation of the Keweenaw Bay Indian Community.
3. The purpose of this agreement is to specify the responsibilities of each party, the KBIC and the Department, regarding the intersection between the federal Administration for Children and Families (ACF), the KBIC’s Title IV-E plan and the Department’s Title IV-E plan for the administration of foster care, adoption and guardianship programs.
4. This agreement identifies the financial and other support the Department will provide to KBIC for the administration of KBIC’s IV-E plan.
5. For the purpose of determining Aid to Families and Dependent Children (AFDC) eligibility for Title IV-E, KBIC will follow federal law and use the Title IV-A state plan (as in effect of July 16, 1996) of the state in which the child resided at the time of removal. 42 U.S.C. 679c(c)(1)(C)(ii)(II)

6. The Department is the Michigan state agency responsible for compliance with federal requirements of the Title IV-E foster care, adoption, guardianship and Young Adult Voluntary Foster Care program, and administration of the State plan for Title IV-E of the Social Security Act in Michigan. KBIC will assume this role for the administration of the Tribal IV-E foster care, adoption, guardianship and Young Adult Voluntary Foster Care program operated by KBIC.
7. This agreement is necessary to delineate what portions of the Title IV-E program will be solely operated by KBIC; those portions where DHS will continue to provide technical assistance and support for financial filings or program operations; and to establish the parameters under which both parties will operate.
8. The Department recognizes its responsibility in giving full faith and credit to public acts, records, and judicial proceedings of the KBIC Tribal Court applicable to Indian child custody proceedings to the same extent given to any other entity as required by 25 U.S.C. § 1911(d).
9. Nothing in this Agreement shall be construed as or deemed to be a waiver of the sovereign immunity of the Keweenaw Bay Indian Community or the State of Michigan.
10. The Indian Child Welfare Act (ICWA) authorizes states and Indian tribes to “enter into agreements with each other respecting the care and custody of Indian children.” Both parties agree that this document is consistent with the law, intent and spirit of the Indian Child Welfare Act. 25 U.S.C. 1919(a)
11. The parties agree to the common goal that every eligible tribal youth receives Chafee funding when needed to assist with the transition to adulthood.

DEFINITIONS

1. Addendum: A written supplement to this MOU providing detailed process and procedures. Addenda may be added in writing as agreed and deemed necessary by the parties. The documents within the addendums can be revised and modified when agreed upon in writing by both parties at any time, as needed.
2. Administrative Expenses: services and costs related to foster care, adoption, and guardianship programs which may include activities such as case-planning and other case-management services, electronic case-management system costs,

caseworker salaries, eligibility determination, and other general overhead and administrative costs incurred.

3. Adoption Assistance Program (AAP): The Adoption Assistance Program was authorized under title IV-E of the Social Security Act by Public Law 96-272 - the Adoption Assistance and Child Welfare Act of 1980. The AAP assists families who adopt eligible children. The programs provide financial assistance for the costs of the adoption process and raising the child. The AAP has the following programs within Michigan DHS: Adoption Assistance or Adoption Support Subsidy, Medical or Adoption Medical Subsidy, Nonrecurring Adoption Expenses Program, and Young Adult Voluntary Care Program. 42 U.S.C. 670 et. seq.
4. Adoption Subsidy Program (ASP): Adoption support subsidy has the same meaning as adoption assistance.
5. Aid to Families and Dependent Children (AFDC): Former entitlement program that made public assistance payments on behalf of children who did not have the financial support of one of their parents by reason of death, disability, or continued absence from the home; known in many States as AFDC (Aid to Families with Dependent Children). Replaced with Temporary Aid to Needy Families (TANF) under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA).
6. Annual Progress and Services Report (APSR): A narrative report based on information in the state/tribal Child and Family Services Plan describing progress made towards meeting each goal and objective; A report on any changes in the goals and objectives; A narrative description of the services to be provided in the upcoming year; and All other program information as required by the annual Department of Health and Human Services, Administration for Children and Families (DHHS ACF) Program Instruction.
7. CB-496: U.S. Department of Health and Human Services (DHHS) Children's Bureau Title IV-E Programs Quarterly Financial Report form for reporting quarterly financial information on the Title IV-E Foster Care, Adoption Assistance and Guardianship Assistance Programs. The CB-496 or other appropriate form or method as directed by DHHS will be used for this purpose.

8. Central Intake Unit (CIU): The DHS Centralized Intake Unit (CI or CIU) is a statewide intake unit that receives all abuse, neglect and exploitation referrals regarding children and vulnerable adults.
9. Chafee or Chafee Foster Care Independence Program (CFCIP): The John H Chafee Foster Care Independence Act of 1999 (P.L. 99-272) amended Part E of Title IV of the Social Security Act. The law increased the amount of funding to states to assist with independent living preparation and services. Michigan Chafee funding is to be provided to youth in foster care, ages 14-21, that are supervised by the DHS or the tribal court. The Educational and Training Vouchers Program (ETV) for Youths Aging out of Foster Care was added to the CFCIP with the Promoting Safe and Stable Families Act of 2001. Also see Educational and Training Vouchers Program definition. 42 U.S.C. 677 et. seq.
10. Child, Youth or Juvenile: A person under the age of 18. For purposes of the Young Adult Programs the definition includes a person age 18 to 21 years.
11. Child and Family Services Plan (CFSP): A five-year narrative plan, which describes the states' or tribe's vision, goals and objectives. Includes all information as required by the DHHS ACF Program Instruction.
12. Child Caring Institution (CCI): A Child Caring Institution is defined in Act No.116 of the Michigan Public Acts of 1973, as amended as "a child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the institution for that purpose, and operates throughout the year." The Department of Human Services (DHS), Bureau of Children and Adult Licensing (BCAL), is the licensing agency for Child Caring Institutions. The Licensing staff inspect child caring institution programs for compliance with the requirements contained in the Administrative Rules for Child Caring Institutions and issues licenses.

13. Child Protective Services Central Registry (CPS Central Registry): Names of individuals are placed on the statewide Child Abuse and Neglect Central Registry if there is a preponderance of evidence that the individual has abused or neglected their child and the future risk to the child is high or intensive (based on the structured decision making risk assessment tool). The Michigan Child Protection Law requires certain persons' names to go on Central Registry regardless of risk. See Addendum A.
14. Child Welfare Training Institute (CWTI): The Child Welfare Training Institute develops, implements, trains, evaluates, tracks, and monitors training for child welfare staff. The training programs include family preservation, children's protective services, foster care, adoption, juvenile justice and PRIDE.
15. Community Assistance Programs (CAP): KBIC Community Assistance Programs is the KBIC department which handles many of the social services financial assistance programs. The program handles the tribes General Assistance program, heating assistance programs (ie, Low-Income Energy Assistance or LIEAP), Senior heating program, disabled heating program, Tribal senior and disability supplemental income plans, etc.
16. Department of Human Services (DHS): Also known as the "Department" or "State." Department of Human Services is the agency of state of Michigan, headquartered in Lansing that provides public assistance, child and family welfare services. The DHS directs public service and assistance programs through a network of more than 100 county DHS offices statewide.
17. DHS Local Office: The DHS office in the county or group of counties that implements the policies and procedures of the State DHS.
18. Determination of Care (DOC): When extraordinary care or expense on the foster parents' part is required to care for a foster child, a determination of care (DOC) supplement to the

basic rate may be available. The DOC supplement must be based on what is required of the caregiver, above and beyond what is normally expected to meet a child's needs.

19. Dual Citizenship: Michigan state residency and enrollment at Keweenaw Bay Indian Community.
20. Educational and Training Voucher Program (ETV): Chafee Educational and Training Voucher Program is a program which provides resources specifically to meet the education and training needs of youth aging out of foster care. This program provides vouchers of up to \$5,000 per fiscal year to eligible youth attending post-secondary educational and vocational programs. The Promoting Safe and Stable Families Act of 2001 authorized money for education and training vouchers through the Chafee Foster Care Independence Program. Also see Chafee or Chafee Foster Care Independence Program (CFCIP) definition. 42 U.S.C. 629 et seq.
21. Extension of Benefits to 21: Extension of Benefits to 21: Contractual extension for juveniles who is eligible to receive benefits from age 18 years old through age 21. Contractual extension of adoption or guardianship subsidy assistance to the family of youth who are eligible to receive benefits at 18 years old, from 18 years of age through age 21.
22. Family Independence Program (FIP): The Family Independence Program provides cash assistance to families with children and pregnant women. The goal of FIP is to help maintain and strengthen family life for children and the parent(s) or other caretaker(s) with whom they are living, and to help the family attain or retain capability for maximum self support and personal independence. Also known as FIP grant which includes the Ineligible grantee program.
23. Federal Child Abuse and Neglect (FCAN): Federal Child Abuse and Neglect Prevention grant assists states in improving the child protective services system. Originally authorized under the Child Abuse Prevention and Treatment Act (CAPTA).

24. Federal Financial Participation (FFP): The federal government's portion of a State's or Tribe's Title IV-E eligible expenditures.
25. Federal Medical Assistance Percentages (FMAP): FMAPs are used in determining the amount of Federal matching funds for State or Tribal expenditures for assistance payments for certain social services, and State medical and medical insurance expenditures. The Secretary of Health and Human Services calculates and publishes the FMAPs each year. The FMAPs are for Medicaid. Section 1905(b) of the Act specifies the formula for calculating Federal Medical Assistance Percentages.
26. Foster Care Program (FCP): The foster care program for children provides placement and supervision of children who have been abused and/or neglected and cannot remain in their family homes because they would be at risk of further harm.
27. Foster Child or Foster Youth: A child or youth who resides in a foster home, who was placed in the foster home by a placing agency, who is not living with a parent or legal guardian, who is less than 18 years of age or becomes 18 years of age while residing in the foster home and continues to reside in the foster home as a dependent adult, and who is not related to an adult member of the foster family by blood, adoption, or marriage. Also see definition of child or youth.
28. Foster Parent or Foster Provider or Foster Caregiver: A person who is providing 24 hour substitute care for a child placed with them away from their parents or guardians and for whom the State or Tribal agency has placement and care responsibility.
29. Goods and Service: Goods are defined as anything that anyone wants or needs. Services are defined as the performance of any duties or work for another; helpful or professional activity.

30. Guardianship Assistance Program (GAP): GAP provides guardianship assistance payments to foster home licensed relatives who assume legal guardianship of eligible children for whom they have cared while foster parents.
31. Health, Education and Youth Unit (HEYU): A unit within the Michigan Department of Human Services—Permanency Division, under the Children's Services Administration. Chafee funding for tribal youth will be administered through the HEYU Youth in Transition Analyst.
32. Home Study Request (Regulation 7 Priority Home Study Request): Interstate compact procedures for requesting a home study. See DHS Interstate Compact on the Placement of Children (ICPC) policies and procedures manual available on-line at <http://www.mfia.state.mi.us/olmweb/ex/html/> or <http://www.michigan.gov/dhs>.
33. Indian Child or Tribal Child: According to the Indian Child Welfare Act, An Indian child means any unmarried person who is under age (18) eighteen and is either (a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. Also see definition for child, youth or juvenile.
34. Interstate Compact on the Placement of Children (ICPC): States cooperate with each other in the interstate placement of children. The compact is a uniform law enacted in all 50 states, the District of Columbia, and the U.S. Virgin Islands. Safe and Timely Interstate Placement of Foster Children Act of 2006 (Public Law 109-239). The compact establishes procedures for the interstate placement of children & delinquent juveniles.
35. Juvenile, Youth or Child: A person under the age of 18. For purposes of the Young Adult Programs the definition includes a person age 18 to 21 years.

36. Juvenile Justice (JJ): Juvenile Justice is the area of criminal law applicable to persons not old enough to be held responsible for criminal acts. Juvenile law is mainly governed by state or tribal law and most states and many tribes have enacted a juvenile code. The main goal of the juvenile justice system is rehabilitation rather than punishment.
37. Juvenile Justice OnLine Technology (JJOLT): Juvenile Justice OnLine Technology/ OmniTrack Plus is a comprehensive, secured, management information system that allows access to critical data in order to provide services for youth involved in the multiple systems. The network for JJOLT runs on a secure web server. Authorized users log onto the network from anywhere and have access only to the information they are authorized to view. JJOLT allows the courts, tribes, DHS offices to complete their budgets, amend the approved budget as well as search within their own county/tribe. For tribes, this refers to Child Care Fund budgets only.
38. KBIC Child, KBIC Youth, or KBIC Juvenile: See Indian Child definition. This refers to any Indian child that is under the jurisdiction of KBIC, not just KBIC enrolled tribal members or those who are eligible for enrollment with KBIC. Also see Addendum D, KBIC Tribal Code, §4.104 Juvenile; Definition.
39. Maintenance Expense: For the purposes of this MOU, all expenses identified in the federal CB-496 Foster Care Financial Report, title IV-E Maintenance Assistance Payments (FMAP).
40. Medicaid: Medicaid is a jointly funded, Federal-State health insurance program for low-income and needy people. It covers children, the aged, blind, and/or disabled and other people who are eligible to receive federally assisted income maintenance payments. See Addendum B.
41. Medical Subsidy or Adoption Medical Subsidy: The Medical Subsidy or Adoption Medical Subsidy is a Michigan state funded reimbursement program that assists in paying for medical costs for adopted children who have an identified physical, mental or emotional condition which existed, or the

cause of which existed, before the adoption petition was filed. Routine expenses for typical childhood illnesses, over-the-counter medical supplies or expenses that may be covered by Medicaid or other available resources are not covered. Eligibility may be determined before and/or after the adoption but must be made prior to the child's 18th birthday. This subsidy is payment of last resort after all other medical coverage options are exhausted.

42. Michigan Child Support Enforcement System (MiCSES): MiCSES is a statewide database of support case information. It is used for case initiation, establishment, collection and enforcement of child support orders.
43. Michigan Indian Child Welfare Agency (MICWA): MICWA is a non-profit organization under contract with the Michigan Department of Human Services to assist in cases involving American-Indian children. The MICWA's roles include recruiting American-Indian foster homes, placing children in foster homes, home studies, tribal affiliation identification, and recommending adoptive placements.
44. Michigan State Automated Child Welfare Information System (MiSACWIS): The computer database system used by the Department of Human Services. For the purpose of this agreement, tribal youth will need to be entered onto this system to receive services/goods. This system will replace the SWSS system sometime in 2013.
45. Non-Federal Financial Participation: The tribal or state funds used to match title IV-E funds.
46. Non-Indian Child or Non-Indian Youth: A child who does not meet the definition of an Indian Child. See definitions for Indian Child and Child.
47. Non-Tribal Child or Non-Tribal Youth: See definition of Non-Indian Child.

48. Program Instruction (PI): A federal communication issued as needed, that instructs the Department and/or KBIC on the actions they must take to comply with current, new and amended federal laws. The PIs are generally issued by the Administration for Children and Families and are based on federal laws and regulations.
49. Public Assistance: Benefits granted from State, Tribal or Federal programs to aid eligible recipients (e.g., Temporary Assistance to Needy Families or TANF or Title IV-A).
50. Relative: A relative within the 5th degree of kinship to the child by blood or adoption. The relative can also be the spouses of a person within the 5th degree of kinship even if the marriage ended by death or divorce. These relationships are not severed by the termination of parental rights.
51. Relative Provider: A relative who is providing 24 hour substitute care for a child placed with them away from their parents or guardians and for whom the State/Tribal agency has placement and care responsibility.
52. Retirement, Survivors and Disability Insurance (RSDI): RSDI provides federal monetary benefits to individuals who have lost their earnings because of retirement, death, or disability.
53. Sault Tribe Binogii Placement Agency: "Binogii" is the Sault Saint Marie Tribe of Chippewa Indians' tribal child placement agency. The agency is licensed by the state of Michigan to provide foster care and adoption services to children ages 0-19 who reside within the tribe's seven-county service area. The agency services children who are enrolled or eligible for enrollment as Sault Ste. Marie Tribe of Chippewa Indians members and Sault Tribe households.
54. Service Area: The parties agree that the Service Area, for purposes of this agreement, is as described within the KBIC Tribal Code. See Addendum D.

55. Service Worker Support System (SWSS): The computer database system used by the Department of Human Services. For the purpose of this agreement, tribal youth will need to be entered onto this system to receive services/goods. (This system is expected to be retired after October 31, 2013 and be replaced with MiSACWIS.)
56. Social Service Block Grant (SSBG): Federal grant provided to all 50 states for purposes of funding a variety of social services directed towards the needs for individuals and families.
57. State Ward Board and Care (SWBC): State ward board and care is the state legislative appropriation to provide payment of foster care costs for state wards who are not eligible for title IV-E or the placement is not title IV-E reimbursable; see DHS Manual FOM 902, Funding Determinations and Title IV-E Eligibility. State ward board and care funds are available to support youth in out-of-home placements under certain conditions. State ward board and care funds may be used to reimburse the foster family, placement agency foster care (PAFC) provider or residential facility for care provided, for certain intermittent or non-scheduled payments and for independent living payments to the youth when certain criteria is met.
58. Subsidy: Subsidy, also referred to as assistance, is a financial grant provided by the government. For example, foster care assistance or subsidy is a predetermined amount of money sent by the government to the foster parents on a monthly basis for the care of the foster children that have been placed within the foster home.
59. Supplemental Security Income (SSI): Supplemental Security Income is a Federal income supplement program funded by general tax revenues (not Social Security taxes): It is designed to help aged, blind, and disabled people, who have little or no income; and it provides cash to meet basic needs for food, clothing, and shelter.
60. Title IV-A Program: The Title IV-A program means the funds provided under the temporary assistance for needy families

block grant established by Title IV-A of the “Social Security Act,” 110 Stat. 2113 (1996), 42 U.S.C. 601 et. seq., as amended. Temporary Assistance for Needy Families (TANF) programs are administered by states or a federally-recognized Indian Tribes or Tribal organizations.

61. Title IV-B Program: Child welfare program established and administered under Title IV, Part B, of the Social Security Act. 42 USC 601 et. seq.
62. Title IV-D Program: Child support establishment and enforcement program administered and established under Title IV, Part D of the Social Security Act. 42 USC 601 et. seq.
63. Title IV-E Program: A foster care, adoption and guardianship program established and administered under Title IV, Part E of the Social Security Act. 42 USC 601 et. seq.
64. Title IV-E Maintenance: Maintenance is the board and room payment made to licensed foster parents, group homes and residential child care facilities. For children that are Title IV-E eligible, the federal government reimburses the state/tribe for 50% to 83% of the costs and the state/tribe pays the balance.
65. Title IV-E Administrative: Federal reimbursement for the operation of a state/tribal child welfare system. Title IV-E administration is reimbursed at 50% of eligible expenditures. Administration includes those activities necessary for the proper and efficient administration of the Title IV-E state/tribal plan.
66. Title IV-E Training: Federal reimbursement for the provision of training in various components of the operation of a child welfare system by a state or Tribe administering a Title IV-E plan. Training also includes the cost of short term training for current or prospective foster or adoptive parents and members of state (or tribal) licensed or approved child care institutions providing care to foster or adopted children.

- 67. TSS: Keweenaw Bay Indian Community Tribal Social Services.
- 68. TSS Caseworker: Keweenaw Bay Indian Community Tribal Social Services case management staff and or Director of Social Services.
- 69. Tribal Federal Medical Assistance Percentages (Tribal FMAP): Tribal FMAP rate is used for federal payments. Tribes, tribal organizations and tribal consortia for foster care and adoption placements are reimbursed based on their medical assistance rate (FMAP). The Tribal FMAP rate is calculated based upon the per capita income of the tribal service population as defined in its plan.
- 70. Tribal Child or Tribal Youth: See Indian Child definition.
- 71. Tribal Membership: An individual who is enrolled in a federally-recognized tribe. Membership criteria is determined by the federally-recognized tribe.
- 72. Youth, Child or Juvenile: A person under the age of 18. For purposes of the Young Adult Programs the definition includes a person age 18 to 21 years.
- 73. Youth In Transition (YIT): Also known as Chafee funding; see Chafee funding definition.
- 74. Young Adult Voluntary Foster Care (YAVFC): Title IV-E reimbursable foster care assistance payments to youth after the age of 18 through 21 years of age, who sign a voluntary agreement for agency foster care supervision.

GENERAL PROVISIONS

1. KBIC will operate a Title IV-E foster care, adoption, guardianship and YAVFC program. KBIC will make the federal claim for reimbursement of maintenance costs directly to the federal government for all reimbursable title IV-E costs. This will be done by completion of the DHHS CB-496 Title IV-E Programs Quarterly Financial Report form. KBIC will provide DHS with a copy of that claim to facilitate department reimbursement to KBIC for financial match of the maintenance costs for the foster care, adoption assistance, guardianship and YAVFC.
2. Federal law outlines the formulation of a Tribal Federal Medical Assistance Percentage (FMAP) to be used for direct Title IV-E funding to Tribes which takes into consideration the Tribes' service areas and population. 42 U.S.C. 679c(d). The law also requires the application of the Tribal FMAP, if higher than the State FMAP, for certain payments under the Title IV-E agreements and contracts between States and Tribes. Promoting Safe and Stable Families Amendments of 2001 (Section 301(c) (2) of P.L. 110-351). 42 U.S.C. 629 et seq.
3. The match funds required to obtain title IV-E maintenance claim will be distributed to KBIC as part of this agreement using a financial reporting system as agreed upon by the Tribe and DHS. See Section 2 of this agreement.
4. KBIC will forward to DHS a copy of their Federal Form CB-496: Title IV-E Programs Quarterly Financial Report as filed for the quarter in which the claim for maintenance matching funds is being made, as stated in Section 2 of this agreement.
5. The Department will reimburse the financial match for maintenance costs claimed by the Tribe for specific provision(s) of the federally approved Tribal Title IV-E Plan and State Title IV-E plan. This will include the maintenance costs claimed by the Tribe that are allowable under the Tribes federally approved Title IV-E plan which are also allowable under the federally approved State Title IV-E plan.
6. The Department will not reimburse KBIC for maintenance costs claimed by the Tribe that are allowable under the Tribes approved Title IV-E plan which are not also allowable under the State approved Title IV-E plan.
7. Future modifications to the Title IV-E State Plan may apply to this agreement. The Department shall provide written notice to KBIC of pending modifications of the Title IV-E State Plan affecting this agreement. Changes to policies that will affect the State Title IV-E plan will be shared during the Final Department Review process (FDR), allowing the tribe the

opportunity to provide feedback during this process; all FDR deadlines must be met by the Tribe for feedback to be considered. Copies of the State Title IV-E Plan are posted on-line once approved by ACF and available publically.

8. The Department shall provide KBIC with training, technical assistance and support with respect to this Agreement. Training and technical assistance will be provided on-site at the KBIC office to the extent feasible.
9. Confidentiality: To the extent that confidential personal information must be shared for purposes of claiming Title IV-E reimbursement, both parties to this agreement agree to protect confidential information and adhere to federal, state and KBIC privacy protections to the extent applicable.
 - A. All information that relates to the financial, business, legal, transactional or other affairs of KBIC, or any members of KBIC, or any individual eligible for membership in KBIC, received by DHS by virtue of DHS's relationship under this Agreement with KBIC shall be considered by DHS as confidential, unique and valuable ("Confidential Information"). DHS agrees that DHS will not disclose, directly or indirectly, to or use for the benefit of DHS or any third party any such Confidential Information, or any knowledge or data related to Confidential Information, acquired by virtue of DHS's relationship under this Agreement with KBIC, without the prior written approval of KBIC. The obligations of DHS hereunder shall survive the termination or expiration of the Agreement.
 - B. All information that relates to the financial, business, legal, transactional or other affairs of DHS received by KBIC by virtue of KBIC's relationship under this Agreement with DHS shall be considered by KBIC as confidential, unique and valuable ("Confidential Information"). KBIC agrees that KBIC will not disclose, directly or indirectly, to or use for the benefit of DHS or any third party any such Confidential Information, or any knowledge or data related to Confidential Information, acquired by virtue of KBIC's relationship under this Agreement with DHS, without the prior written approval of DHS. The obligations of KBIC hereunder shall survive the termination or expiration of the Agreement.
10. DHS commits to working with KBIC to develop local procedures between the DHS office and KBIC in any geographic location where KBIC is charged with providing services to individuals and families as defined in KBIC Tribal Code. (KBIC will provide services within the service area described in KBIC Tribal Code §4.205 and the related sections

§3.1404; §4.103; §4.104; §4.106 (F. G. & M.); §4.203; §4.204; and §4.1102) See Addendum D.

11. KBIC agrees to notify DHS within 14 business days of any changes to the KBIC Service Area.
12. DHS commits to providing services to Tribal children and families pursuant to the provisions of the Federal Indian Child Welfare Act (ICWA), Michigan Indian Family Preservation Act (MIFPA), and DHS policy in areas of the State where KBIC does not provide direct services.

STATE AND TRIBAL TITLE IV-E PLAN PROVISIONS

1. State and Tribal Service Area

KBIC will provide DHS with a current delineation of their service area where the provisions of this agreement will be implemented. Should the KBIC service area change causing an impact upon the terms of this agreement, DHS shall be notified within 14 calendar days of the changes. For the purposes of this agreement, KBIC service area is as defined in section 4.205 of the KBIC Tribal Code. See Addendum D.

2. Coordination with Title IV-A and Title IV-B Programs

The State operated Title IV-E program is compliant with Title IV-E section 471(a) (4). (Codified at 42 U.S.C. 671(a) (4).) DHS will assist KBIC with any coordination issues that may arise between the KBIC Title IV-E program and the State operated Title IV-A and Title IV-B programs.

3. Child Support Enforcement for Certain Children in Foster Care

KBIC operates their own Title IV-D program and has read only access to the Department's MiCSES child support system through an MOU between KBIC and the Michigan Department of Human Services, Office of Child Support. See Addendum E, Memorandum of Understanding Between KBIC (Office of Child Support Services) and MI, DHS, Office of Child Support—Title IV-D

4. Interstate Compact on the Placement of Children

KBIC may access the DHS ICPC office for placement of any Tribal foster care youth in out-of-state placement or to place tribal youth in Michigan, from another state.

5. Foster Care, Adoption, Guardianship, and Young Adult Voluntary Foster Care Maintenance Payments

The parties agree that KBIC will operate their own Foster Care, Adoption Assistance, Guardianship Assistance (GAP), and Young Adult Voluntary Foster Care (YAVFC) Programs in accordance with federal requirements. The State will reimburse the Tribe for the match funds required to obtain the federal funding associated with the maintenance costs of these programs.

A. Eligibility

1. Foster Care: Any eligible foster child in an eligible placement that is also eligible for subsidy, which KBIC makes a request to the Department for matching funds will have been determined to be Title IV-E eligible and reimbursable by KBIC.
2. Adoption Assistance: In compliance with title IV-E, any eligible pre-adoptive child that is also eligible for adoption assistance, for whom KBIC makes a request to the Department for matching funds will have been determined to be Title IV-E eligible and reimbursable. This includes adoption assistance agreements that are eligible to be renegotiated to the maximum amount of the foster care rate, as allowed under title IV-E.
3. Guardianship Assistance: Any child residing in an eligible guardianship that is also eligible for subsidy, whom KBIC makes a request to the Department for matching funds will have been determined to be Title IV-E eligible and reimbursable by KBIC.
4. Young Adult Voluntary Foster Care: Any child residing in an eligible young adult voluntary foster care that is also eligible for subsidy, which KBIC makes a request to the Department for matching funds will have been determined to be Title IV-E eligible and reimbursable by KBIC.

B. Voluntary Placement

Voluntary placement, sections 42 U.S.C. 472(d), (e), (f) (1) and (2), and (g) (1) and (2), 45 C.F.R. 1356.22(a), (b), and (c) are not implemented by the Michigan DHS and will be excluded from this agreement for matching payments. If DHS

implements this program in the future, the applicable federal eligibility, payments, medical, training and other agreed upon federal maintenance payment match will be reimbursed to the Tribe as outlined for the other programs included in this section.

C. Trial Reunification

Trial reunifications are not implemented by the Michigan DHS and will be excluded from this agreement for matching payments. If DHS implements this program in the future, the applicable federal eligibility, payments, medical, training and other agreed upon federal maintenance payment match will be reimbursed to the Tribe as outlined for the other programs included in this section.

D. Payments

1. DHS will provide to KBIC funds to match the federal funding for each KBIC child who meets the federal funding requirements. KBIC understands and agrees that while KBIC's Title IV-E plan may differ from Michigan's, Michigan can only provide funding for those federally approved program references in Michigan's Title IV-E Plan.
2. The Department will provide reimbursement to the Tribe for the funds to match for foster care, adoption, and guardianship maintenance payments that are not greater than the applicable published state rates, including the Determination of Care supplement on behalf of eligible children. All Determination of Care (DOC) must be consistent with DHS policy and procedures.
3. KBIC will provide the foster care, adoption and guardianship rates including any levels of care to the DHS Federal Compliance Division by October 1st on an annual basis.
4. Verification to support the state match to be paid by the Department will be submitted to the DHS Federal Compliance Division, or to the division/office otherwise authorized by DHS to receive the information. A copy of KBIC's U.S. Department of Health and Human Services (DHHS) Form CB-496: Title IV-E Quarterly Financial Report, Part 1: Expenditures and Estimates (CB-496) should be submitted to DHHS for federal funding payments. The submission to the Department for the state match will include a case load roster with specific case payment information, as agreed upon between DHS and KBIC.

5. DHS will cross reference the case load roster information and the CB-496, and then submit a payment voucher to the DHS accounting office for payment processing.
6. KBIC will provide DHS with any Prior Quarter Adjustments Claims, Columns C and D on the CB-496.
7. DHS will adjust the payments made to KBIC in accordance with the data listed in Columns C and D on the CB-496.
8. DHS will process the lump sum payment within 45 days of receipt of the CB-496 and the case load roster.
9. There will be no cost sharing by the state for adoption non-recurring expenses (NRE).
10. The Department will reimburse all non-title IV-E payments made on behalf of children who reside in guardianships with relatives and/or other legal guardians.

E. Medical

For tribal children covered under this agreement, DHS staff will process the KBIC child's application for Medicaid within 14 days upon receiving a request from KBIC with documentation of the youth's eligible placement. See Addendum B.

F. Training

The parties agree that the DHS training programs available through the Child Welfare Training Institute will be made available to KBIC staff at no additional cost. KBIC staff will continue to register through JJOLT for available training. Mileage and other travel costs associated with attending the training will be the responsibility of KBIC.

GENERAL PROGRAM REQUIREMENTS

1. KBIC's Title IV-E Agency and Licensing Authority
 - A. KBIC Tribal Social Services is the designated Title IV-E Agency and the designated licensing authority for the tribe. See §4.204 of the Tribal Code, Addendum D.
 - B. KBIC will be responsible for administrative rate expenses for children in residential care.

- C. KBIC will be responsible for maintenance payment directly to the Child Care Institution for title IV-E eligible children/youth when the Child Care Institution is a title IV-E eligible facility.
- 2. Child Care Institutions Outside of the KBIC Reservation and Trust Lands
 - A. The care of KBIC children placed in a private child care institution or a public child care institution outside of the KBIC reservation and trust lands will be governed by the applicable state and federal laws.
 - B. KBIC designates the Department's Bureau of Child and Adult Licensing (BCAL) in accordance with MCL 722.111(1) (b) and MCL 722.115 as the licensing, monitoring, and enforcing agency for Child Care Institutions outside of the KBIC reservation and trust lands.
 - C. The Department will notify KBIC Tribal Social Services of any licensing violations that would affect Title IV-E eligibility.
- 3. Review of Payments, Licensing Standards and Foster Care Payment Rates
 - A. The Department will provide KBIC with the result of the Departmental review of the amount of the payment made for foster care maintenance.
 - B. Licensing standards and foster care payment rate reviews are conducted annually. DHS lists the current foster care payment rates in DHS policy and are available on the DHS website.
- 4. Timely Interstate Placement of Children
 - A. KBIC will process any Interstate Compact for the Placement of Children (ICPC) requests directly through the DHS ICPC office.
 - B. KBIC will utilize the forms and policy DHS uses to process ICPC cases.
 - C. The parties agree to adhere to the 60 day timeframe outlined in the Interstate Compact regulations in the IV-E State Plan when placing a child through the ICPC.
- 5. Relative/Kinship Care
 - A. The parties acknowledge that placement of foster children with relatives is the preferred option when foster placement is necessary.

B. Unlicensed relative placements are not eligible for reimbursement through the Title IV-E program and therefore, the state will not share the cost of an unlicensed foster home placement.

6. Safety Requirements

A. DHS will provide KBIC with file clearance for the DHS CPS Central Registry to assure compliance with the Federal Adam Walsh Act and other applicable federal and state laws. 42 USC 16901 et seq. See Addendum A.

B. KBIC has a process in place for direct access to obtain the fingerprints and federal criminal background history of prospective foster care providers and relative/kinship care providers and other household members that are required for Title IV-E payments. KBIC will pay for fingerprinting and there will be no cost sharing by the state of Michigan on this program requirement.

7. Inter-Jurisdictional Adoptions

A. KBIC may utilize either the Michigan Adoption Resource Exchange (MARE) or US Adopt US kids as a way to implement this provision.

B. KBIC may contact MARE directly to have a foster care child available for adoption placed on MARE. Website: www.MARE.org. Visit Website for application.

C. KBIC tribal youth in Michigan that are placed on MARE shall be covered under the state contract for MARE.

D. DHS shall provide a current copy of the MARE contract to KBIC within 60 days of any modifications and/or renewals of the contract.

8. Availability of Plans

The Department makes current plans (Title IV-E, Title IV-B & SSBG) available on the DHS public web site. Additionally, the Department will assure that an updated version of the Title IV-E state plan will be provided to KBIC whenever changes occur. Conversely, KBIC will ensure that the department will have a KBIC Title IV-E plan and any other plans associated with the operation of the Title IV-E program.

9. Consultation with KBIC

The Department commits to on-going government to government consultation with KBIC related to this Memorandum of Understanding.

10. Youth in Transition Program (YIT) Federal Chafee Program Funds

KBIC will utilize the Departments YIT funds and will be subject to all policy and procedures created by the department, unless KBIC applies directly to ACF/HHS for this funding. The youth, or someone on behalf of the youth, must contact the DHS HEYU-YIT Analyst at 517-373-9219 at DHS Central Office to access YIT funding.

11. Education and Training Voucher Program (ETV)

KBIC will have access to the Departments ETV funds and will be subject to all policies and procedures created by the department. Unless KBIC applies directly to administer the Education and Training Voucher Program with Federal funding, KBIC will apply for ETV funds by submitting an ETV application to the following agency or other agency/department as directed by DHS:

Lutheran Social Services of Michigan

Attn: ETV

209 E. Washington, Suite 284

Jackson, MI 49201

Phone toll-free: 1-877-660-METV (6388)

Fax: (517) 789-6809

Application and additional information available online at www.mietv.lssm.org

Application available at Visit website for application

**MODIFICATION OF
MOU AND OR
ADDENDUM(S)**

Memorandum of Understanding (MOU) may be modified in writing when agreed upon by both parties at any time, as needed. The parties will act timely and in good faith to negotiate any modifications.

Addenda may be added or removed as agreed in writing and deemed necessary by the parties. The documents within the addendums can be revised and modified in writing when agreed upon by both parties at any time, as needed. Addenda's may be modified individually from this MOU by agreement of both parties, without affecting the MOU.

MISCELLANEOUS

Term. This agreement shall be effective upon execution by both parties and shall remain in effect until terminated in writing by one of the parties with ninety (90) days notice to the other.

Immunity. The parties mutually acknowledge the sovereign immunity of each other from suit and the immunity of their employees. The parties agree that this immunity does not extend to criminal or ultra vires acts of the employees of either TSS or the Department.

Disputes. The parties agree to provide notice of a dispute regarding the terms of this Agreement or the actions of either under those terms in writing. The designated representatives for each party shall meet within thirty (30) days of a noticed dispute and make efforts to resolve or correct the issue.

Governing Law. The laws of the Keweenaw Bay Indian Community shall apply to members of federally recognized Indian tribes and persons eligible for membership when on the reservation or trust lands. These laws shall also apply and be followed by employees of the Department when acting under this Agreement and working with members of federally recognized Indian tribes or persons eligible for such membership who live on the reservation or trust lands.

The laws of the state of Michigan shall apply to persons who are not members of federally recognized Indian tribes or eligible for such membership regardless of their location in the state. Employees of the Department are subject to the laws of the state of Michigan regardless of their location within the state.

AGENCY CONTACTS AND AUTHORIZING SIGNATURES

Agency Contacts

The following individuals; those holding the identified positions; or the individual/agency/department otherwise identified by each agency as their point of contact:

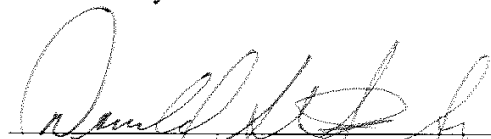
Keweenaw Bay Indian Community
Judith Heath, Director of Social Services
Tribal Social Services
16429 Bear Town Road
Baraga, Michigan 49908
Phone: (906) 353-4201
Fax: (906) 353-8171
Email: judy@kbic-nsn.gov

Michigan Department of Human Services
Jenifer Pettibone, Manager
Federal Compliance Division
235 South Grand Avenue
Lansing, Michigan 48909
Phone: (517) 335-3919
Fax: (517) 335-0122
Email: pettibonej@michigan.gov

Authorization of MOU

Authorization of MOU

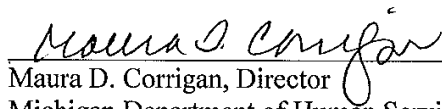
IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding as of the date and year written below.



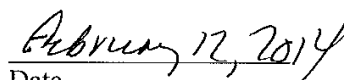
Donald Shalifoe, Sr., President/Ogimaa
Keweenaw Bay Indian Community
16429 Bear Town Road
Baraga, Michigan 49908



Date



Maura D. Corrigan, Director
Michigan Department of Human Services
235 South Grand Avenue
Lansing, Michigan 48909



Date

**MEMORANDUM OF UNDERSTANDING BETWEEN KEWEENAW BAY INDIAN COMMUNITY AND MICHIGAN
DEPARTMENT OF HUMAN SERVICES**

**ADDENDUM A: DHS
CHILD
ABUSE/NEGLECT
CENTRAL
REGISTRY
CLEARANCES**

The purpose of this Addendum is to identify how KBIC will obtain DHS Child Abuse/Neglect Central Registry (CR) clearances.

KBIC will submit the appropriate DHS approved form to request Central Registry (CR) clearances to the local DHS County office by email, fax, mail or in-person with a copy of the picture identification, if available, of the person for whom the clearance is being requested on.

KBIC will provide DHS with a list of authorized personnel who can request a CR clearance to the local DHS office Director and the Central Intake Unit Director. KBIC will update this list as necessary based on staff turn-over but at least once a year.

DHS Administrative support will process the CR requests the same day they are received and will submit the clearance in the agreed upon method, either via email, fax, mail or pick-up by KBIC authorized personnel.

When DHS is closed, KBIC will contact the Central Intake Unit who will run a CR clearance and verbally inform KBIC of the results. KBIC will ensure one of the forms listed above is delivered to DHS the next business day. The written clearance will be processed by DHS Administrative support and submitted to KBIC as indicated above.

Forms can be found on the DHS public website at www.michigan.gov/dhs-forms.

**MEMORANDUM OF UNDERSTANDING BETWEEN KEWEENAW BAY INDIAN COMMUNITY AND MICHIGAN
DEPARTMENT OF HUMAN SERVICES**

**ADDENDUM B:
MEDICAID**

The purpose of this Addendum is to identify how KBIC will obtain Medicaid for KBIC foster children, including voluntary foster children; children in guardianships; and/or children in the process of adoption and those who have been adopted.

KBIC TSS staff will facilitate the Medicaid application process.

KBIC will utilize the on-line application system available on the DHS website or file a paper application with the local DHS county office.

DHS will train and provide technical assistance to KBIC TSS staff as needed to facilitate the on-line Medicaid application process.

KBIC will notify the local DHS county office in writing each time an application is submitted on-line via electronic notice, email, U.S. mail, hand delivery or by another mutually agreeable method. DHS will prioritize the authorization process for the tribal application. On-line applications submitted by KBIC will be expedited and processed by DHS immediately, but no later than 14 business days from the date of submission.

When completing a paper application, KBIC will complete the appropriate form and write "KBIC FOSTER CARE", "KBIC ADOPTION" or "KBIC GUARDIANSHIP" in bold across the top of the application to facilitate DHS internal handling. TSS staff will have the form signed by the foster parent(s).

When completing a paper application when Medicaid is needed for outstanding bills (up to 3 months prior to the filing date or within the allowable retroactive period of time), KBIC will complete the appropriate form and write "KBIC FOSTER CARE", "KBIC ADOPTION" or "KBIC GUARDIANSHIP" in bold across the top of the application to facilitate DHS internal handling. TSS staff will have the form signed by the foster parent(s).

The paper Medicaid application forms thus identified "KBIC FOSTER CARE", "KBIC ADOPTION" or "KBIC GUARDIANSHIP" written on the top of the form will be expedited and processed by DHS immediately, but no later than 14 business days from the date of receiving the application at the DHS office.

As processed, verification of processed applications will be given to KBIC via electronic notice, email, U.S. mail, pick-up by a TSS representative or by another mutually agreeable method.

Forms are available on the DHS public website at www.michigan.gov/dhs-forms.

KBIC will ensure that reapplication is made for Medicaid through the on-line system or the local DHS office if a foster child goes from foster care into an Adoption and or Guardianship Assistance Program.

**MEMORANDUM OF UNDERSTANDING BETWEEN KEWEENAW BAY INDIAN COMMUNITY AND MICHIGAN
DEPARTMENT OF HUMAN SERVICES**

**ADDENDUM C:
FINANCIAL
INFORMATION FOR
FUNDING
DETERMINATIONS
AND OTHER
PURPOSES**

The purpose of this Addendum is to identify how KBIC will obtain financial information for funding determinations and for other purposes related to the Child Welfare, Adult Services, Juvenile Justice, Foster Care, Guardianship, Adoption Program, and/or other programs within Tribal Social Services.

KBIC will submit a DHS-930 Request for DHS Information form or other appropriate DHS approved form to the corresponding DHS county office via email, fax, hand-delivery, or another mutually agreeable method.

DHS will complete, gather and print the requested information and return (with printed computer screen shots from Bridges or the current DHS utilized system, Income, Assets, Vehicle Information, Household information, Child Support, and any other relevant information may be required for verification) to KBIC within 3 business days from the date the DHS-930 Request for DHS Information or other appropriate DHS approved form is received at the DHS office. The information will be delivered to KBIC via email, fax, pick-up by authorized TSS personnel, or another mutually agreeable method.

**MEMORANDUM OF UNDERSTANDING BETWEEN KEWEENAW BAY INDIAN COMMUNITY AND MICHIGAN
DEPARTMENT OF HUMAN SERVICES**

**ADDENDUM D: KBIC
TRIBAL CODE,
TITLE FOUR
JUVENILE**

The purpose of this addendum is to provide the parties with the Tribal Code sections cited in the MOU. Tribal Code, Title Four: Juvenile Division; Title Five: Adoptions; and Title Six: Guardians and Conservators are available on the KBIC website under the Government tab or at <http://www.kbic-nsn.gov/content/kbic-tribal-code>.

TITLE THREE: CRIMINAL OFFENSES AND PENALTIES

§3.1404 Cooperation Between Tribal and State Agencies

The child protective services worker of the Keweenaw Bay Indian Community and other tribal personnel whose duties shall include attending to the health, safety, and welfare of children, and the Tribal Court of the Keweenaw Bay Indian community, shall cooperate fully with State agencies having the same responsibilities in all matters where the health, safety, and welfare of children are involved.

Such cooperation shall include, but shall not be limited to, the free exchange of information, sharing of resources, and cooperation and investigating alleged child abuse or neglect.

TITLE FOUR: JUVENILE DIVISION

§4.103 Purpose.

The purpose of the Juvenile Division of the Tribal Code, as set forth in this Title, is to insure that each juvenile who shall come within the jurisdiction of the Court shall receive such care and guidance, preferably in his own home, as shall best satisfy the spiritual, emotional, mental, and physical needs and welfare of the juvenile, and the best interests of the people of the Keweenaw Bay Indian Community; to preserve and strengthen the juvenile's family ties to the greatest extent possible, removing him from the custody of his parent(s) or guardian, and from his home, only when his welfare, or

safety, or the protection of the public cannot be adequately achieved without removal; and when a juvenile is removed from his home to provide that juvenile with custody, care, and discipline which shall be as nearly equivalent to that which should have been provided by his parent(s) or guardian as shall be possible.

§4.104 Juvenile; Definition.

The terms juvenile and child shall be used interchangeably throughout the Tribal Code and shall have the meanings described as follows:

- A. For purposes of delinquency proceedings, a juvenile is any person under the age of seventeen (17) years. The Court shall have continuing jurisdiction for delinquency proceedings after a juvenile's seventeenth (17) birthday and through the juvenile's eighteenth (18) birthday, if the Court shall deem it appropriate and necessary to continue its jurisdiction to achieve its purposes set forth in §4.103.
- B. For purposes of placement with foster parent(s), adoptive parent(s), relative guardians, or any other out of home placement, a juvenile is a person under the age of eighteen (18) years.
- C. The definition of juvenile may also include persons under the age of twenty-one (21) years when the criteria of 42 U.S.C. §675(8) (A) are met.
- D. "Infant" shall mean an unborn child in utero from the beginning of the second trimester until the child reaches one (1) year old.

§4.105 Children within the Jurisdiction of the Court.

Definitions:

- A. A "dependent juvenile" shall mean any juvenile who is homeless or destitute, or without proper support, through no fault of his parent(s), guardian, or custodian.
- B. A "neglected juvenile" shall mean any juvenile who:
 - 1. is abandoned by his parent(s), guardian, or custodian; or
 - 2. lacks proper parental care by reason of the fault or habits of his parent(s), guardian, or custodian; or
 - 3. whose parent(s), guardian, or custodian refuse or neglect to provide proper and necessary food, clothing, shelter,

education, or other care to preserve and develop the health, moral, or emotional and physical well-being of such juvenile; or

4. whose parent(s), guardian, or custodian, neglect or refuse to provide such special care as may be necessary or appropriate by reason of the special mental or physical condition or needs of the juvenile.
5. An infant that has any amount of alcohol, a controlled substance, or a metabolite of a controlled substance in his body. Unless the substance is present due to medical treatment of the infant, or mother. If the substance is present due to medical treatment of the mother, the treating medical professional must have been informed of the pregnancy.

C. A “delinquent juvenile” shall mean any juvenile who:

- 1, is adjudicated of committing any offense enumerated in the Criminal Code of the Keweenaw Bay Indian Community, any violation of the laws of the United States, or any violation of the laws of any other jurisdiction when such child, after having been adjudicated a delinquent in another jurisdiction, shall be transferred to the jurisdiction of the Juvenile Court; or
- 2, by reason of being habitually disobedient or incorrigible, repeatedly refuses to obey the reasonable commands and directives of his parent(s), guardian, or custodian, or
3. is habitually truant from school or his place of residence; or
4. habitually consumes intoxicants or controlled substances; or
5. consistently conducts himself in a manner likely to endanger the health or safety of himself, or others.

D. “Reasonable efforts” are those efforts by TSS, other agencies, and individuals to maintain the family unit. Reasonable efforts also include efforts to reunify the juvenile and the family, and to make or finalize alternate permanency plans in a timely manner when reunification is not appropriate or not possible.

1. A reasonable efforts determination is required to be made by the Court:
 - a) within sixty (60) days of a juvenile being removed from his or her home;

- b) to finalize a juvenile's permanency plan within twelve (12) months of the date the juvenile entered into foster care;
- 2. A reasonable efforts determination shall not be required to be made with respect to a parent if a court of competent jurisdiction has determined:
 - a) the parent has subjected the child to aggravated circumstances which include but are not limited to abandonment, torture, chronic abuse, and sexual abuse; or
 - b) the parent has:
 - i. committed murder of another child of the parent, or committed voluntary manslaughter of another child of the parent, or
 - ii. aided or abetted, attempted, conspired, or solicited to commit the murder or voluntary manslaughter of another child of the parent, or
 - iii. committed a felony assault that results in serious bodily injury to another child of the parent, or
 - iv. the parental rights of the parent to a sibling of the child have been terminated involuntarily.

§4.106 Additional Definitions.

As used in this Code, the following words and phrases shall have the meanings ascribed to them below:

- A. "Abandon" or "abandonment"; refers to the willful desertion of a juvenile without ensuring the basic necessities of life are provided for the duration of the parent's absence. Time is not an essential element of the act of abandonment, although the lapse of time may be evidence of an intention to abandon, and where it is accompanied by acts manifesting such an intention, it may be considered in determining whether there has been an abandonment.
- B. "Adult"; a person eighteen (18) years of age or older where §4.104(A) and or (C) do not apply.
- C. "Custodial Detention" shall mean a juvenile who has been arrested for delinquency purposes and is in the custody of a police officer.

- D. “Custodian”; a person who has physical custody of a minor and who is providing, or who previously assumed the responsibility of providing the minor’s necessary food, shelter, and supervision.
- E. “Delinquent act”; an act, or omission, as described in the definition of a delinquent juvenile at §4.105(C).
- F. “Department of Tribal Social Services” or “TSS”; shall mean the Keweenaw Bay Indian Community Department of Tribal Social Services which is authorized to function in accordance with Title IV, Part E, of the federal Social Security Act as a IV-E agency. TSS has the responsibility for all activities relating to child care placement. TSS is responsible for advising the Court on all matters related to child care and placement. TSS may assign these duties and responsibilities to a TSS Designee when TSS believes such a designation or assignment is in the best interest of the child, family, or service plan.
- G. “TSS Designee”: shall mean a person or agency designated by the Keweenaw Bay Indian Community Department of Tribal Social Services to fulfill TSS’s duties or responsibilities in a particular case or service plan.
- H. “Guardian” is a person other than a juvenile’s parent, who is by law required to assume parental responsibilities as to the juvenile.
- I. “Habitual” or “habitually”; shall mean customary, usual, or of the nature of habit. It does not mean entirely or exclusively.
- J. “IV-E” and “Title IV-E”; shall be used interchangeably throughout this Code and shall mean Title IV, Part E, of the federal Social Security Act.
- K. “Interagency Agreement”; is a formal written agreement or an informal verbal agreement between agencies, or an agency and a tribe or state.
- L. “Least restrictive alternative”; means that dispositional or placement alternative which, while consistent with this Court’s objectives is the least restrictive method, in terms of restrictions to be placed upon a juvenile, of obtaining the Court’s objectives.
- M. “Near reservation designation” or “near reservation designated area” shall mean those counties near the L’Anse reservation in the state of Michigan as designated by the Bureau of Indian Affairs in the Federal Register at 58 FR 8882 and include:

Baraga,
Iron,
Houghton,
Marquette,
Ontonagon,
Dickinson,
Gogebic, and
Keweenaw.

§4.201 Jurisdiction.

- A. Original Jurisdiction - The Juvenile Court shall have exclusive, original jurisdiction in all proceedings in which a juvenile shall be alleged to be dependent, neglected, or delinquent. The jurisdiction of the Juvenile Court shall include jurisdiction over the juvenile and the parent(s), guardian, custodian, or any other adult with whom the child is placed with by the Court.
- B. Waiver of Jurisdiction - Under circumstances more fully described hereinafter, the Court may waive jurisdiction over an allegedly delinquent juvenile, in which case jurisdiction over such juvenile and the offense allegedly committed thereby shall be transferred from the Juvenile Division to the Trial Division of the Tribal Court.
- C. Voluntary Placements - The Juvenile Court shall also have exclusive, original jurisdiction in all voluntary placement proceedings. Voluntary placements are initiated by a juvenile's parent(s), guardian, or custodian in which the parent(s), guardian, or custodian allege that he/she/they are unable to satisfy the spiritual, emotional, mental, and physical needs of the juvenile. Before assuming jurisdiction, the Court shall determine that the parent(s), guardian, or custodian is genuinely unable to satisfy these needs despite good faith efforts to do so.
 - 1. Having made this determination, no finding of neglect or abuse is required for jurisdiction under this subsection.
 - 2. If it is the natural parent(s) of the juvenile who is initiating the proceeding, the Juvenile Court shall assume jurisdiction over the parent(s) for purposes of ordering

counseling and or parental education classes with the goal of eventually reuniting the family and assisting the parent(s) in living up to the responsibilities of caring for the children. The Court shall have the discretion of determining on a case by case basis whether such counseling and or education is appropriate for guardians or custodians. At all times the Court shall attempt to fulfill the purposes set forth in §4.103.

§4.203 Cooperation with other Jurisdictions and Agencies.

- A. The Juvenile Court is authorized and directed to cooperate fully with Courts of similar jurisdiction created under the laws of other Indian Tribes, the State of Michigan or other states, or the Federal government as well as with private and public agencies, including TSS, for the purpose of insuring that each juvenile who shall come within the Court's jurisdiction shall have available the widest possible range of diversion, rehabilitation, or training programs, and the widest possible range of placement options.
- B. For those cases eligible for funding under Title IV, Part E, of the Social Security Act, to ensure maximum utilization of federal resources, if any conflicts are identified between the Juvenile Code and Title IV, Part E, of the Social Security Act and implementing regulations, the Title IV provisions shall control. This controlling authority only applies to cases eligible for funding under Title IV, Part E, of the Social Security Act and is not applicable in any other case or proceeding before this Court.

§4.204 Department of Tribal Social Services.

- A. For all matters related to foster care, adoption, guardianship, and/or out of home placement for persons under the age of twenty-one (21) within the Tribal Court's jurisdiction, TSS shall provide the following services to the Court: prevention, protective services for juveniles and adults, juvenile justice and juvenile probation, foster care licensing, and supervision of tribally licensed foster homes. TSS is authorized to provide advocate, guardian ad litem, and other duties and or services as ordered by the Court or directed by Tribal Council. These services shall be provided by the TSS caseworker or TSS

Designee as assigned by the TSS Department Head or as appointed by the Court.

- B. The Court may appoint someone other than a TSS caseworker or TSS Designee to provide the services identified above when the Court makes findings that such an appointment is in the best interests of the juvenile, vulnerable adult, or family involved.
- C. TSS is authorized to utilize IV-E funds, programs, and services for all eligible persons it serves.
- D. TSS caseworkers and TSS Designees are mandatory reporters for instances described in §4.1102 for all persons within the service area.

§4.205 Tribal Social Services Service Area.

- A. TSS shall provide services to members of the Keweenaw Bay Indian Community who reside on the L'Anse reservation and Keweenaw Bay Indian Community trust lands. TSS may provide services to members of the Keweenaw Bay Indian Community who reside within the Bureau of Indian Affairs' near reservation designated area pursuant to a court order or interagency agreement in compliance with §4.203 of this Code.
- B. TSS shall provide services to members of other federally recognized Indian tribes who reside on the L'Anse reservation and Keweenaw Bay Indian Community trust lands. TSS may provide services to members of other federally recognized tribes who reside within the Bureau of Indian Affairs' near reservation designated area pursuant to a court order or interagency agreement in compliance with §4.203 of this Code.
- C. TSS shall provide services to juveniles, as defined in §4.104, who are eligible for enrollment as members of the Keweenaw Bay Indian Community and who reside on the L'Anse reservation or the Keweenaw Bay Indian Community trust lands. TSS may provide services for juveniles, as defined in §4.104, who are eligible for enrollment as members in another federally recognized Indian tribe and who reside on the L'Anse reservation or the Keweenaw Bay Indian Community trust lands.

§4.1102 Mandatory Reporting.

TSS shall report to the appropriate agency or official, known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a juvenile receiving aid or assistance under this Chapter under circumstances which indicate that the juvenile's health or welfare is threatened thereby and provide such information with respect to a situation described above to the agency or official which TSS may have.

**MEMORANDUM OF UNDERSTANDING BETWEEN KEWEENAW BAY INDIAN COMMUNITY AND MICHIGAN
DEPARTMENT OF HUMAN SERVICES****ADDENDUM E:
MEMORANDUM OF
UNDERSTANDING
BETWEEN KBIC
(OFFICE OF CHILD
SUPPORT
SERVICES) AND MI
DHS, OFFICE OF
CHILD SUPPORT—
TITLE IV-D**

The purpose of this addendum is to provide the parties with the MOU between KBIC and DHS for Title IV-D Child Support Enforcement cited in the KBIC-DHS MOU for Title IV-E.

MEMORANDUM OF UNDERSTANDING**Memorandum of Understanding between the Keweenaw Bay Indian Community
and the Michigan Department of Human Services, Office of Child Support**

This Memorandum of Understanding ("MOU" or the "Agreement") is between the Michigan Department of Human Services ("DHS") Office of Child Support ("OCS") and the Keweenaw Bay Indian Community ("KBIC") acting through the Office of Child Support Services ("OCSS"). Both parties are Title IV-D child support agencies and desire to enter into this MOU for the purpose of collaborating to deliver child support services to the children and families of the KBIC and the State of Michigan.

KBIC has received federal funding to operate a Title IV-D Child Support Enforcement program under the Social Security Act and is a comprehensive IV-D agency pursuant to 45 CFR Part 309. The IV-D State Plan requirements in 45 CFR Part 302.34 were amended to require states to enter into written agreements for cooperation with all Tribal IV-D programs. The KBIC OCSS is a Tribal IV-D Program.

KBIC OCSS and DHS OCS share an interest in the delivery of child support services to families residing within the territorial jurisdiction of the sovereign nation of the Keweenaw Bay Indian Community.

I. Statement of Purpose – Shared Vision.

The KBIC OCSS and DHS OCS acknowledge a common vision that will serve as the foundation of the collaborative relationship established by the two programs and their general provision of IV-D services to the public and tribal members and agree to:

- The common goal that every eligible child receives child support, which will improve the lives of all said children.
- Acknowledge and respect the sovereignty of both the KBIC and the State of Michigan.
- Recognize the rights and privileges of enrolled members of the Keweenaw Bay Indian Community.
- Allow clients to obtain IV-D services where they prefer, either through the KBIC OCSS or through DHS OCS.
- Promote an effective collaboration of the provision of IV-D services between the State of Michigan and the KBIC.

II. Definitions.

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II. Definitions.

The following definitions shall apply to this MOU:

Addendum: A supplement to this MOU providing detailed processes and procedures. Addendums may be added as agreed and deemed necessary by the parties. The documents within the addendums can be revised and modified when agreed upon by both parties at any time as needed.

Action Transmittal (AT):

- A Federal communication letter sent out as needed that instructs state and/or Tribal child support program staff on the actions they must take to comply with current, new and amended federal laws. It is generally issued by the federal Office of Child Support Enforcement (OCSE), a division of the Department of Health and Human Services/Administration for Children and Families and is based on federal laws and regulations.

Federal Intergovernmental Forms: Standard Child Support Enforcement Transmittal forms from the Federal Office of Child Support Enforcement initially designed and used for communication between state IV-D agencies. To ensure consistency in intergovernmental IV-D communication most tribal IV-D agencies also use the forms.

Federal Parent Locator Service (FPLS): A computerized national location network operated by the Federal Office of Child Support Enforcement. The FPLS obtains address and employer information as well as data on child support cases in every state, compares the information, and returns matches to the appropriate states.

Forwarded IV-D Application (DHS-1201): A IV-D application received by DHS OCS where the applicant is determined to be a tribal member. After proper notice to the applicant, DHS OCS will forward the IV-D application to the KBIC OCSS for processing.

IV-D Agency: As referred to in this MOU, a IV-D Agency is either the Keweenaw Bay Indian Community Office of Child Support Services ("KBIC OCSS"), or the Michigan Department of Human Services Office of Child Support ("DHS OCS").

Initiating IV-D Agency: A IV-D agency that initiates a request for assistance from another IV-D agency when working a IV-D case where the non-custodial parent is employed, resides or owns property in the other agency's jurisdiction.

IV-D Case: A child support case in which at least one of the participants to the child support case, the custodial parent ("CP")/custodian, the non-custodial parent ("NCP"), or the putative father ("PF"), has requested or received IV-D services from a IV-D agency. A IV-D case is composed of a CP, NCP or PF, and dependent(s). A IV-D case may or may not have a court order attached.

IV-D Program: A child support program established under Title IV, Part D of the Social Security Act, to locate parents, establish paternity and child support orders, enforce those orders and collect and distribute child support.

KBIC IV-D Case: A IV-D case administered by the KBIC Office of Child Support Services.

mi-support: Internal website used by the DHS OCS and its IV-D partners to disseminate information.

Michigan Child Support Enforcement System (MiCSES): The statewide child support computer system in Michigan.

Michigan IV-D Child Support Manual: The Michigan IV-D publication containing statewide policy directives and decisions including:

- Accepted and expected non-system related business practices;
- Federal or state regulations or statutes;
- Forms staff are expected to use; and
- Information previously published as an Action Transmittal.

Michigan IV-D Memorandum: The Michigan IV-D Memorandum is used for a notification to IV-D staff of a change in policy, as a "cover sheet" for a manual update to the Michigan IV-D Child Support Manual. It is also used as a "stand alone" policy document for a temporary policy or an announcement that would not appear in a manual section.

Michigan IV-D Case: A IV-D case administered by DHS OCS

Michigan State Disbursement Unit (MiSDU): The designated site to which all withheld child support payments must be sent for processing and distribution in Michigan IV-D cases.

Non-shared Interest IV-D Case: A IV-D case for which only one IV-D program has an open IV-D case.

Public Assistance: Benefits granted from state or federal programs to aid eligible recipients and which require assignment of child support rights and cooperation with the child support process (eligibility requirements vary among particular programs).

Referral/Referred: An intergovernmental request sent to a IV-D agency by another IV-D agency via intergovernmental transmittals, or a non-IV-D agent via the submission of an application for services, asking for assistance with establishing paternity, child support, medical support, modification, enforcement or locate services.

Responding IV-D Agency: The IV-D agency who receives a request from another IV-D agency for assistance in working a IV-D case.

Shared Interest IV-D Case: A IV-D case for which both KBIC OCSS and DHS OCS have an open IV-D case.

Undefined terms used in this MOU shall be defined as set forth in the current Federal Glossary of Common Child Support Terms.

III. Jurisdiction.

- A. Nothing in this MOU shall be construed as or deemed to be a waiver of the sovereign immunity of the Keweenaw Bay Indian Community, Keweenaw Bay Indian Community Office of Child Support Services, or the State of Michigan.
- B. The parties agree to give full faith and credit to each other's child support orders as required and in compliance with the Full Faith and Credit for Child Support Orders Act. 28 U.S.C. § 1738B.

IV. Scope of MOU.

KBIC OCSS and DHS OCS agree to extend the full range of services available under their respective IV-D plans, promote effective and efficient delivery of child support services, respond to all requests and cooperate with each other. The parties agree to establish and implement policies and procedures between the two programs wherever feasible and in accordance with applicable regulations and directives.

V. Case Management.

Parties shall work cooperatively to ensure quality case management of all IV-D cases as follows:

A. Forwarded IV-D Application (DHS-1201)

For all Forwarded IV-D Applications, the IV-D programs shall:

1. Notify the other IV-D program of new IV-D applications when appropriate and necessary;
2. Forward IV-D applications to the other IV-D program when necessary and/or appropriate pursuant to Addendum A (adopted at the time of this MOU); or
3. Provide IV-D case information to the other IV-D program upon request and as needed.

B. Shared Interest IV-D Case

For all Shared Interest IV-D Cases the IV-D programs shall:

1. Identify IV-D cases in which public assistance is being provided for a child;
2. Send a referral to the other IV-D program as outlined in the Addendum;
3. Provide IV-D case information to the other IV-D program as requested using the federal intergovernmental forms; and
4. Ensure that child support monies owed to the other entity are disbursed appropriately and in a timely manner as indicated in Section VIII(B).

C. Primary Child Support Worker

The parties acknowledge that both IV-D programs may have an interest in the same IV-D case or in IV-D cases involving the same IV-D case participants.

The parties agree that a IV-D case should have one primary child support worker to ensure quality customer service.

The parties agree that the primary child support worker shall be the worker in the initiating IV-D agency and shall be the primary contact for the case participants.

VI. IV-D Enforcement Services

- A.** Each party shall provide child support enforcement services to IV-D cases as appropriate and pursuant to applicable laws.

B. Initiating IV-D Agency

Either IV-D program may request assistance from the other IV-D program by following the standard protocol of intergovernmental case management.

C. Case Management Disputes

The KBIC OCSS and DHS OCS programs agree to work cooperatively to resolve any disputes regarding the management of Shared Interest IV-D cases.

VII. IV-D Program Support Services Provided by DHS OCS

DHS OCS uses the Federal Parent Locator Service ("FPLS") an automated process to request location information about IV-D case participants from certain federal and Michigan state agencies. As information is received through the FPLS, the information is available on MICSES.

Tax refund intercept is a process developed to assist IV-D programs in the collection of child support through the interception of federal tax refunds. Information is received from the IRS and stored in MICSES.

The parties agree that KBIC OCSS may request from DHS OCS location information and tax refund intercept services on IV-D cases which are not in MICSES. Contingent upon funding resources, DHS OCS agrees to process such requests for location information and tax refund intercept services through the location process and to submit the information to KBIC OCSS to the extent that the submission of the information is not prohibited by the agency that supplied the information.

VIII. Payment and Collections.

A. Non-Shared Interest IV-D Cases

The parties acknowledge that collections received on non-shared interest IV-D cases shall be distributed and disbursed by the IV-D program that is managing the IV-D case.

B. Shared Interest IV-D Cases

The parties agree that collections and payments received on shared interest IV-D cases must be processed by both KBIC OCSS and DHS OCS to ensure compliance with federal regulations. The parties agree to work cooperatively to accomplish this as follows:

1. KBIC OCSS, when it is the responding IV-D agency will disburse monies to the State of Michigan by submitting payments to MiSDU. MiSDU will receipt, distribute and disburse monies appropriately;
2. DHS OCS, when it is the responding IV-D agency will disburse monies to KBIC OCSS by submitting payments to the KBIC OCSS. The KBIC OCSS will receipt, distribute and disburse monies appropriately.
3. Each IV-D program is responsible for maintaining accurate financial case records according to applicable federal regulations.

IX. Access and Use of MICSES by KBIC OCSS.

A. MICSES

DHS OCS uses MICSES to receive and process data, collections, and payments, and to perform all necessary activities for child support enforcement. KBIC OCSS has requested and DHS OCS has agreed that child support enforcement under this agreement can be accomplished effectively by granting KBIC OCSS access to MICSES on a read-only basis.

B. Access and Use of MICSES

It is agreed between the parties that KBIC OCSS will be provided access and use of MICSES based on the following conditions:

- KBIC OCSS IV-D staff will comply with Physical Security-IRS Publication 1075, *Tax Information Security Guidelines for Federal, State and Local Agencies and Entities* and MOCS Action Transmittal (AT) 08-022, *Internal Revenue Service (IRS) and State of Michigan Tax Return Information – Mandatory Action*;
- KBIC OCSS IV-D staff will comply with the Authorized requestor DHS OCS AT 2004-021, *Emergency Remote Access to the Michigan Child Support Enforcement System (MiCSES)*;
- KBIC OCSS IV-D staff will sign security agreements pursuant to DHS OCS AT 2008-043, *REVISED: Policy for Granting, Changing and Deleting Access to Computer Systems for IV-D Work; Accessing, Disclosing and Avoiding Conflicts of Interest in MiCSES; and Revised IV-D Program Security forms*;
- KBIC OCSS IV-D staff will comply with the most current version of the National Institute of Standards and Technology NIST Special Publication 800-53, *Recommended Security Controls for Federal Information Systems*;
- KBIC OCSS IV-D staff will comply with Internal Revenue Code 26 U.S.C. 6103, which prohibits the release of IRS information outside of the IV-D program; and
- KBIC OCSS will comply with onsite audits by DHS OCS and/or the IRS.
- DHS OCS may deny and discontinue access if it finds any inappropriate access or use of MiCSES and its data.

The above current policies and procedures for the access and use of MiCSES by KBIC OCSS, have been provided via electronic copy. Any future changes or updates will be provided to KBIC OCSS via the DHS Web site and/or mi-support.

DHS OCS shall provide KBIC OCSS MiCSES access at no charge. Costs may be incurred at a later date if and to the extent mutually agreed upon by the parties.

C. Data Privacy

Authorized KBIC OCSS IV-D employees will have access to MiCSES and agree to follow all present and future procedures for data privacy and security of IV-D data as set forth in Michigan Department of Information Technology MiCSES agreements and DHS OCS. Authorized KBIC OCSS IV-D employees will comply with policy as referenced in current and future policy publications provided that no current or future policies will affect or infringe upon tribal sovereignty or the KBIC's sovereign immunity.

X. Compensation.

The services provided by DHS OCS to KBIC OCSS and by KBIC OCSS to DHS OCS under this MOU shall be rendered at no cost to either party unless otherwise

specified within a Contract for Services Agreement established and agreed upon by both parties.

XI. Communication and Training.

- A. The parties agree to communicate with each other on a regular basis to discuss issues of mutual concern and to mutually resolve any questions or disputes that arise.
- B. KBIC OCSS will provide a contact name to be the recipient of all policy materials regarding MiCSES or other applicable policy statements.
- C. DHS OCS agrees to invite KBIC OCSS employees to attend statewide trainings or events of interest to KBIC OCSS employees. KBIC OCSS agrees to invite DHS OCS employees to attend similar Tribal meetings or events.
- D. DHS OCS agrees to facilitate cooperation between the KBIC OCSS, State Court Administrative Office (SCAO), and the county child support agencies.

XII. Confidentiality and Security of Information – Safeguarding.

The parties will maintain strict confidentiality of all information concerning child support enforcement services and will use the information only for purposes directly connected with administration of the child support enforcement IV-D program.

XIII. Term of the MOU.

The term of this MOU shall commence on the date this MOU is signed by both parties to this MOU, and shall remain in effect until terminated by either party, at any time and for any reason, upon 30 days written notice to the other party.

XIV. Authorized Representatives.

- A. The authorized representative for the Michigan Office of Child Support is Marilyn F. Stephen, or her successor as Director, Michigan Department of Human Services Office of Child Support.
- B. The authorized representative for the Keweenaw Bay Indian Community is the Tribal Council President. The Director of the KBIC OCSS shall be the point of contact for this MOU.
- C. The authorized representatives are authorized to sign this MOU.

XV. Entirety of the Agreement and Modification.

This MOU contains the entire agreement and understanding by and between the parties with regard to child support enforcement, and no statement, promises or inducements made by either party or agency of either party that are not contained in this written MOU shall be valid or binding.

No waiver, modification, addendum or amendment of the MOU or of any covenant, condition or limitation contained in the MOU shall be valid unless in writing and duly executed by both parties to the MOU. Any waivers, modifications, addenda or amendments of the MOU may not violate tribal, state, or federal laws or regulations, or exceed the budgetary authority of the parties.

XVI. Contingencies.

During the term of this MOU, it is understood that each party's participation is contingent on laws authorizing the activities described within this MOU and on the availability of funds to carry out those activities.

XVII. Performance Standards.

The parties agree to work together to identify methods of evaluating the impact of this MOU on the delivery of child support enforcement services, including the use of federal performance standards.

XVIII. Compliance.

In carrying out this MOU, the parties agree to comply with Title IV-D of the Social Security Act, the Code of Federal Regulations governing the child support enforcement program, other applicable federal regulations, requirements, and policies and other applicable laws as is required of any IV-D Agency pursuant to federal law.

XIX. Maintenance of Records.

Each party will retain all fiscal and case records relating to this MOU for as long as required under applicable laws and regulations.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum Of Understanding as of the date and year written below.

KEWEENAW BAY INDIAN COMMUNITY



Warren C. Swartz
President, Keweenaw Bay Indian Community

1 Mar 2010
Date



Marilyn F. Stephen
Director, Office of Child Support
Michigan Department of Human Services

March 16, 2010
Date

MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding between the Keweenaw Bay Indian
Community and the Michigan Department of Human Services,
Office of Child SupportAddendum A

The following addendum shall be attached to and be part of the MOU between DHS OCS and KBIC OCSS for the purposes of processing forwarded IV-D applications and referrals of IV-D cases.

Identified are the three possible ways IV-D cases may be processed from DHS OCS to KBIC OCSS:

I. IV-D cases in which the Custodial Party (CP) is a Current or Former Recipient of Public Assistance (FIP, MA, FAP, CDC, FC) and Does Not Have A Child Support Order.

- A. The DHS OCS IV-D worker will create a IV-D case in the Michigan Child Support Enforcement System (MiCSES).
- B. The DHS OCS IV-D worker will interview the CP to obtain information (including current location) regarding the CP, dependent(s) and non-custodial parent/putative father (NCP/PF).
- C. The DHS OCS IV-D worker will determine if the CP claims one of the participants above is a member of the KBIC or any other federally recognized Indian tribe and at least one of the participants resides within the territorial jurisdiction of the KBIC.
 1. If yes, the DHS OCS IV-D worker will complete the following steps:
 - a. Verify KBIC tribal enrollment and program eligibility by sending the verification form to KBIC OCSS via fax, secured email or U.S. mail; and
 - b. Forward a Child Support Enforcement Transmittal to KBIC OCSS.

Note: If, at any time during the pending KBIC proceedings, the CP does not cooperate with the KBIC OCSS or if the CP does not want to pursue child support for "good cause," KBIC must notify the DHS OCS IV-D worker via fax, secured email, US mail, or telephone.

2. If no, the DHS OCS IV-D worker will follow standard DHS OCS IV-D case processing procedures.

- D. KBIC OCSS will complete and return the verification form to DHS OCS within five business days.
- E. When KBIC OCSS establishes a Child Support Order in Tribal Court, KBIC OCSS will mail a certified copy of the Tribal Court Child Support Order to the Baraga County Friend of the Court (FOC) for the purposes of assignment and receipting in MiCSES.
- F. KBIC OCSS will submit receipted payments from the Tribal Court Order to the Michigan State Disbursement Unit (MiSDU) at:

MiSDU
P.O. Box 30352
Lansing, MI 48909-7852

II. IV-D cases in which the Applicant has Never Received any Form of Public Assistance and Does Not Have a Court Order for Child Support.

- A. The DHS OCS IV-D worker will determine that the IV-D applicant is a Baraga County resident.
- B. The DHS OCS IV-D worker will create a IV-D case in MiCSES.
- C. The DHS OCS IV-D worker will interview the IV-D applicant to obtain information (including current location) regarding the CP, dependent(s) and NCP/PF.
- D. The DHS OCS IV-D worker will determine if the IV-D applicant claims one of the participants above is a member of any federally recognized Indian tribe and at least one of the participants resides within the territorial jurisdiction of the KBIC.
 - 1. If yes, the DHS OCS IV-D worker will verify tribal enrollment and program eligibility by sending the verification form to KBIC OCSS via fax, secured email or U.S. mail. If KBIC OCSS confirms tribal enrollment, the DHS OCS IV-D worker will complete the following steps:
 - a. Notify the IV-D applicant that the IV-D case will be forwarded to KBIC OCSS for processing, unless an objection is received within 10 business days of the date of the notice;
 - b. The DHS OCS IV-D worker will close the IV-D case in MiCSES; and
 - c. The DHS OCS IV-D worker will forward all appropriate case materials to KBIC OCS.

2. If no, or if the IV-D applicant objects to the referral to KBIC OCSS, the DHS OCS IV-D worker will follow standard DHS OCS IV-D case processing procedures.

III. Open DHS OCS IV-D Cases Identified in the DHS OCS and KBIC OCSS Statement of Understanding (SOU) as Tribal Members Who Meet Tribal Enrollment and Residency Requirements.

- A. The DHS OCS IV-D worker will receive a list of IV-D cases from KBIC OCSS that meet the above requirements and process these cases as follows:

1. If the IV-D case qualifies under example "I" described above, DHS OCS IV-D worker will forward a Child Support Enforcement Transmittal (Child Support Enforcement Transmittal #1 - Initial Request FSA-200-1) to KBIC OCSS to establish paternity and/or a child support order.

2. If the IV-D case qualifies under example "II" described above, DHS OCS will:

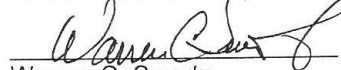
- Notify the CP that the IV-D case will be forwarded to KBIC OCSS for processing unless an objection is received within 10 business days of the date of the notice;
- The DHS OCS IV-D worker will close the IV-D case in MiCSES; and
- The DHS OCS IV-D worker will forward a copy of the IV-D application and all appropriate case materials to KBIC OCSS.

NOTE: If the CP objects to the referral to KBIC OCSS, the DHS OCS IV-D worker will follow standard DHS OCS IV-D case processing procedures.

- B. The process of identifying and processing open DHS OCS IV-D cases with participants who are tribal members who meet the tribal enrollment and residency requirements will be completed within 180 calendar days of signing this Addendum.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum to the Memorandum Of Understanding as of the date and year written below.

KEWEENAW BAY INDIAN COMMUNITY

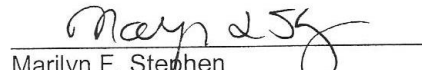


Warren C. Swartz

Date

1 MAR 2010

President, Keweenaw Bay Indian Community



Marilyn F. Stephen

Director, Office of Child Support

Michigan Department of Human Services

Date

March 16, 2010

2/2/2010

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