**TRIBAL SOCIAL SERVICES**

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**STANDARD OPERATING PROCEDURES**

This Manual contains everything from standard intake information to the forms necessary to complete your case file along with the government regulations under which the Department must operate.

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**GENERAL PROVISIONS**

**General Provisions**

1. **Establishment**

People of Tribe provides administrative oversight and management of TRIBE (herein referred to as TRIBE). TRIBE has an established contract with United States Department of Interior Bureau of Indian Affairs to provide essential Social Services to the Tribe community.

TRIBE implements service delivery and shall provide direct services to clients without any political influence from the People of Tribe. TRIBE shall make final decisions in client service planning, recommendations, and interventions based on TRIBE assessments, investigations, and home studies.

**B. Authority**

Tribe Tribal Social Services is the authorized organization to license foster homes, conduct investigations of child abuse and neglect, and provide all social services duties specifically outlined in the Children’s Code Section of the Tribe Tribal Code.

**C. Mission Statement**

Tribe Tribal Social Services’ mission is to provide quality services in a respectful culturally sensitive manner to promote individual, family, and community stability by supporting strengths, positive changes, and encouraging growth.

**D. General Policies**

* 1. Professional Practice: TRIBE shall practice professional social work ethics consistent with National Association of TRIBE Staffs Code of Ethics (NASW) and in accordance with Tribe cultural values. TRIBE shall serve as an advocate for clients, developing priorities based on identified needs.
  2. Nature of Services: TRIBE shall encourage and employ innovative, holistic, and strengths-based methods of service delivery whenever possible. TRIBE will provide four types of services:
     1. Services including but not limited to: child welfare services, , family services, and foster care.
     2. Family Preservation service which includes home based services, prevention and educational resources , and
     3. Financial assistance for indigent burial assistance, or emergency shelter (**upon availability of funds**), also
     4. Advocacy for basic needs such as support letters, referrals to outside agencies, and encouraging family wellness
  3. Recipients: TRIBE is to provide service to Tribe Community Members and to others where mandated by statutes and regulations.
  4. Personnel Management: To maintain efficient and effective service delivery, TRIBE shall make every effort to achieve the following:
     1. Practice the philosophies of professional social work ethics as defined by the National Association of Social Work (NASW) and management principles,
     2. Hire individuals with at least a Bachelor’s degree in social work, social sciences, or related field,
     3. Encourage and provide opportunities for staff development, and
     4. Recruit and retain qualified professional Social Services Staff
     5. Staff to maintain level of professional training by attending mandatory CORE training, seminars, continuing education activities, etc.
  5. Program Management: TRIBE shall utilize People of Tribe Personnel Policies and Procedures, Purchasing and Property Department Policies and Procedures, Accounting and Financial Policies and Procedures. TRIBE shall encourage innovative methods of program management and service delivery models in administering all programs.
  6. Program Coordination: TRIBE shall coordinate with other resources to strive for integrated services to meet the clients’ needs. TRIBE shall coordinate with other governmental entities in order to achieve uniformity and consistency in the application of regulations, policies, procedures, and to improve services. TRIBE shall maintain positive communication with tribal government, general public, and other governmental entities.
  7. Contracts and Grants: TRIBE shall seek funding from state, federal, and private entities. The provisions and terms of any new contracts or grants shall be compatible with TRIBE mission and policies. All funds received shall be used to promote People of Tribe and TRIBE in the planning, development and administration of service delivery.
  8. Policy Development for Program Implementation: TRIBE shall adopt, amend, and implement new program policies and procedures on an annual basis and/or as required to meet new needs and conditions, through approval by Tribal Council resolution, unless otherwise noted.

**E. Staffing Organization**

The organizational chart of TRIBE is exhibited in Appendix A. The position descriptions are exhibited in Appendix B.

1. Staffing: Announcements and filling of vacancies for TRIBE will conform to the processes outlined in the People of Tribe Personnel Policies and Procedures.
   * 1. The TRIBE Director shall supervise other new program personnel positions acquired by TRIBE through funding by other resources. The selection of personnel shall be from an applicant pool for an announced vacancy. The qualifications of those positions shall comply with the contract of the funding source, funding regulations, and statutes.

**F. Responsibility and Authority**

TRIBE is responsible for delivery of services to the Tribe community and individuals meet the eligibility requirements. TRIBE exercises vested authority and is governed by applicable Federal Regulations, Public Laws, State Laws, People of Tribe Codes in providing protection and services to Families.

1. TRIBE will:

a. Develop, organize, implement, administer, and coordinate various services on the Tribe Reservation;

* + 1. Provide delivery of quality services in accordance to TRIBE Standard Operating Procedures;
    2. Ensure that the various components are in compliance with established directives, guidelines, policies, or legislation of the federal government, state, and People of Tribe.
    3. Coordinate services with Tribe Indian Health Services, Tribe Recovery Center, and other tribal, federal and/or state programs;
    4. Provide prevention services to other providers such as Tribe Recovery Center, public schools, etc.;
    5. Monitor and evaluate TRIBE programs on a periodic basis;
    6. Develop and recommend policy changes, program plans, and budgets.
    7. Interpret and enforce policies and procedures.

1. Administration

a. TRIBE provides an oversight and administration of service delivery.

b. People of Tribe Administration:

* + - 1. TRIBE Director provides supervision, negotiates, administers, and monitors all the non-‘638 contracts and P.L. 93-638 (Indian Self-Determination and Education Act of 1975 as amended) contracts to ensure the delivery of services in accordance with contract regulations.
      2. TRIBE Director provides supervision, facilitates policy changes, program monitoring, program coordination, and ensures compliance with existing policies.
      3. People of Tribe Human Resources manages recruitment, selection, hire, employee benefits, and monitors adherence to People of Tribe Policies and Procedures.
      4. People of Tribe Finance Office manages contracts, fiscal and accounting of funding, budget data management, payroll, and ensures submissions of various reports to funding sources.
      5. People of Tribe Purchasing Department manages procurement of supplies, equipment, construction, and services in compliance with existing standards.

1. Programs and Services Provided:

a. TRIBE provides protective services to families who may require intervention due to neglect, abuse and /or abandonment.

In addition, the TRIBE provides guidance to families who may require placement in specialized facilities that are non-medical.

b. The Program provides prevention through guidance, parent support, communication skills, advocacy, social, and life skills.

**G. Amendments**

TRIBE Standard Operating Procedures Manual will be revised and supplemented as required to meet new needs and conditions. Revised pages will be distributed to all holders who are responsible for keeping the manual current.

It is the policy of TRIBE to provide services to families and individuals who are in need and residing within the service area of the Tribe Reservation. These services shall be consistent with professional social work ethics and values with respect to traditional values and practices. The following principles shall guide the TRIBE practitioners as derived from NASW Code of Ethics (for review of the NASW, please refer to Exhibit Section)

**CHILD WELFARE SERVICES**

**Child Welfare Services**

**CHILD WELFARE SERVICES**

TRIBE is designated as the agency responsible for providing Child Protective Services, foster care placement, to dependent, abused/neglected, and/or abandoned children and for licensing foster care and guardianship homes for out-of-home placements.

**PRINCIPLES**

It is the policy of TRIBE to provide services to families and individuals who are in need and residing within the service area of the Tribe Reservation. These services shall be consistent with professional social work ethics and values with respect to traditional values and practices. The principles guiding the TRIBE practitioners are derived from the NASW Code of Ethics (for review of the NASW please refer to Exhibit Section):

Child Welfareis a variety of services which are designed to meet certain unmet needs of eligible children who require special care. The services include protective services, emergency shelter placements, short or long-term foster care treatment foster care and/or residential treatment care. Administrative services to children are provided through Child Protection Team and the Indian Child Welfare services.

1. **CHILD WELFARE SERVICES**
2. Protective Services

To provide services necessary to protect an Indian child who is the victim of an alleged and/or substantiated incident of abuse, neglect or exploitation.

1. Foster Care Services

To provide services to an eligible Indian child that is removed from his or her home due to neglect, abandonment, abuse or other maltreatment and placed in a foster home. Services must also be extended to the affected family members and foster parent(s) with a goal of reuniting and preserving the family (per 25 CFR Part 20).

1. Local Child Protection Team

Duties include providing oversight regarding reported child abuse/neglect incidences, facilitating provision of service and providing technical assistance. They will focus their efforts to more effectively use community resources in the treatment and prevention of child abuse. As the Child Protection Team is Advisory, the Social Services provider responsible for the service treatment agreement shall make the final decision, if there are critical differences in professional opinions.

1. Indian Child Welfare Act Program (ICWA)

Allows People of Tribe to assume responsibility for the care and well-being of Tribe children and to limit the separation of Tribe children from their families and culture, by ensuring the State adheres to the ICWA Law.

1. Residential Placements

a. Emergency Shelter Facilities

To provide short-term emergency shelter services to children who were abused and/or neglected and are in need of protective supervision to ensure that each child has a safe, secure, and a positive environment.

b. Group Homes provide temporary shelter placement.

Residential Treatment Care (RTC) services to youth who are emotionally disturbed, conduct problems and/or delinquent; to acquire necessary skills including: Social/structured activities, Academic, Vocational, and self-care.

c. Treatment Foster Care

Provides therapeutic treatment foster care services, each facility can bill Medicaid for cost of care and services.

1. **PRIORITIES AND NOTIFICATIONS**
2. PRIORITY I: LIFE-THREATENING AND/OR EMERGENCY SITUATION
3. Response Time: 1-3 Hours. Complete investigation within 48 hours.
4. Notification: TRIBE Director, CPS worker, FBI, Criminal Investigator, Hospital/Emergency Room, and Mental Health Dept.
5. What are Priority I situations:
6. Death of a Child: Death of a child due to severe physical abuse or neglect that was alleged to be caused by the child’s or caretakers and there are other children in the primary care unit.
7. Severe Physical Abuse: Severely physically abused children with observable injuries, or symptoms thereof.
8. Life Threatening Medical Neglect: Physically or mentally ill children who are medically neglected that is life threatening. This includes abrupt weight loss in a child under three (3) years of age.
9. Sexual Abuse: Children who are sexually abused by a caretaker, or other persons, or situation in which abuse occurred because of possible lack of protection on part of the caretaker(s). This includes sexual intercourse or oral/anal sex.
10. Immediate Danger. Children who appear to be in imminent danger because the caretakers are physically absent and/or unable or unwilling to provide adequate care.
11. Alleged abuse, neglect, exploitation in foster homes. When foster children are alleged to be abused, neglected, or exploited in the foster homes.
12. Suicidal or homicidal behavior. Children/adolescent exhibiting suicidal or homicidal behavior should be dealt with immediately by requesting the assistance of law enforcement or mental health.
13. Priority II: DANGEROUS BUT NOT LIFE-THREATENING
    1. Response Time: 24-48 hours. Complete investigation within 5 days.
    2. Notification: TRIBE Director, CPS worker, Hospital/Emergency Room, Criminal Investigator, and FBI.
    3. What are Priority II situations:
14. Serious Physical Abuse: Physical abuse of a child that is serious, frequent, or chronic.
15. Serious Physical or Medical Neglect: Physical or medical neglect of a child that is dangerous and that poses immediate health hazards, and that may result in physical injury or impairment of bodily function. This includes growth rate below the 3rd percentile and chronic untreated infections.
16. Sexual Abuse: Children who are sexually abused by caretakers, or other persons, or situation in which abuse occurred because of possible lack of protection on part of the caretaker(s). This includes fondling but not actual intercourse, and non-physical contact including pornographic photographing. These cases had previously been unreported, but still within the statutes of limitation.
17. PRIORITY III: CHILD CARE THAT IS NOT DANGEROUS OR LIFE-THREATENING, BUT IS DAMAGING
18. Response Time: 5-7 working days. Investigation complete within 10 working days.
19. Notification: TRIBE Director
20. What are Priority III situations:
21. Moderate Physical Abuse: Injuries that are not dangerous or life-threatening, but may be frequent or sequential.
22. Moderate Physical/Medical Neglect: Physical or medical neglect which is not life-threatening or dangerous. Including extensive hygiene neglect.
23. Emotional Abuse: Children whose behavior might indicate abuse or neglect and includes restraint or other type of action on the part of the caretaker(s) which has effect on deprivation of character, isolation, humiliation, or belittlement of a child.
24. Delinquent Child Under Age 8: A child under the age of eight (8) years who is committing delinquent or incorrigible acts.
25. Inadequate Supervision: Any child who is eight (8) years of age or younger or older child who appears to be developmentally disabled, and who is receiving inadequate supervision.
26. Dependent Child Under Age 12. A child who has reached the twelfth (12) birthday or younger whose caretakers are unable, or unwilling to assume responsibility to protect the child from physical or emotional harm, or provide the child with the necessities of life, and whose situation meets the legal requirements of dependency.
27. PRIORITY IV: CARE THAT CAN BECOME DAMAGING
28. Response Time: Respond within 15 days but no later than 30 days. Complete investigation with 45 days.
29. Notification: TRIBE Director
30. What are Priority IV situations:
31. Benign Abuse and Neglect: Child has minor injuries or minor signs of neglect. In addition, family may display multiple stress factors which place a child at risk.
32. Potential Abuse or Neglect: Child has no injuries or signs of neglect but reporting source states that child may be injured or neglected if there is no intervention.
33. Dependent Child Over Age 12 : A child who has reached the twelfth (12) birthday, or older whose caretakers are unable or unwilling to assume responsibility to protect the child from physical or emotional harm, or provide the child with the necessities of life, and whose situation meets the legal requirements of dependency.

Exploitation: An unjust or improper use of a child for another person’s profit or advantage.

1. PRIORITY V: OTHER
2. Response Time: Case staff for appropriateness and intervention.
3. Notification: Referral to collateral agencies, school counselors, Medical Health, etc.
4. What are Priority IV situations:
5. Truancy/Educational Neglect: If Truant Officer finds abuse or neglect issues
6. Medical Neglect

d. These issues may be investigated for further signs of abuse and neglect. If there are no further signs of abuse or neglect there are no grounds for legal intervention.

**C. REFRRALS THAT MAY BE DENIED:**

1. Denied Referrals:

a. Custody Issues

b. Housing Issues

c. Utility Disconnections

d. Financial Assistance Services

e. Other

**D. PUBLIC LAW 93-638 ELIGIBILITY**

Per Public Law 93-638 contracts, TRIBE may provide services to children and families who meet the basic eligibility criteria for Bureau of Indian Affairs services. To be eligible for assistance or services under this part, an applicant must meet all of the following criteria:

1. Meet the definition of Indian as defined in 25 CFR Part 20;
2. Not have sufficient resources to meet the essential need items defined by the Bureau standard of assistance for those Bureau programs providing financial payment;
3. Reside in the service area as defined in 25 CFR Part 20.100; and
4. Meet the additional eligibility criteria for burial assistance as defined in 20.300 and 20.324 to 20.326.

**CHILD WELFARE DEFINITIONS**

**Child Welfare Definitions**

**CHILD WELFARE DEFINITIONS**

1. **ABANDON (Abandonment)** – The failure of a parent, guardian, or custodian to provide reasonable support or care for a child as determined by the Court. The failure to provide reasonable support or care for a period of six months shall be prima facie evidence of abandonment.
2. **ABUSE**

a. The infliction or allowing of physical injury, impairment, or disfigurement;

b. The infliction or allowing of serious emotional damage that causes severe anxiety, depression, withdrawal, or extreme aggressive behavior, as diagnosed by a medical doctor or psychologist; or

c. An act which would constitute sexual abuse, sexual contact with a minor, or sexual exploitation under the laws of the Tribe People or the State of State.

1. **AGE or DEVELOPMENTALLY APPROPRIATE ACTIVITIES**  
   1. Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age groups; and
   2. In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by that child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.
2. **APPLA** – Another Planned Permanent Living Arrangement. This is considered when TRIBE is unable to return the child home or secure a placement for the child with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including through efforts that utilize search technology (including social media) to find biological family members for the children.
3. **ASSESSMENT** – Assessing the safety and well-being of the family unit.
4. **CAREGIVER** –- Foster of Kinship parent with whom a child has been placed or a designated official for a child care institution in which a child under the responsibility of TRIBE has been placed.
5. **CARETAKER** – One who provides care and supervision of child (ren).
6. **CASE FILE** – A file which contains pertinent information. A documentation of demographic information.
7. **CASE MANAGEMENT** – A process through which eligibility is determined in order to provide appropriate services, needs are identified, referrals are provided, case is monitored, and terminated according to established timeframes.
8. **CASE MANAGER** – An individual who will initiate, plan, and monitor services provided to the child, family, foster parents.
9. **CASE STAFFING** – A planned, scheduled, and documented meeting to review initial placement and service plans.
10. **CHILD** – A person under eighteen years of age.
11. **CHILD PLACEMENT** – a child who has been placed by the court under the custody and care of the Tribe.
12. **CHILD PROTECTIVE INVESTIGATIVE WORKER** – A person who is hired and trained to investigate reported incidences regarding children. The incumbent is to assist by carrying out the provisions of the Tribe Children’s Code.
13. **CHILD PROTECTIVE SERVICES** – A program that addresses and investigates allegations of abuse, neglect, abandonment, or exploitation of children.
14. **COURT** – The People of Tribe Children’s Court, unless otherwise specified.
15. **CUSTODY (NON-DIVORCE)** - a child placed by the court under the care and supervision of the tribe.
16. **DELINQUENT** – A child who is adjudicated to have committed a delinquent act.
17. **EMOTIONAL ABUSE** – The infliction or allowing of serious emotional damage that causes severe anxiety, depression, withdrawal, or extreme aggressive behavior, as diagnosed by a medical doctor or psychologist.
18. **EXPLOITATION** – An unjust or improper use of a child for another person’s profit or advantage, improper use of child’s financial benefits.
19. **FAMILY PRESERVATION** – A program offering services to stabilize the family unit; and preserve the family unit by focusing on families to prevent further abuse, neglect, abandonment, or exploitation that presents actual or potential hazards to the physical or emotional well-being of children.
20. **FORTY-EIGHT HOUR HOLD (48 HR)** – A written notice by a TRIBE Staff and/or a law enforcement officer to parents or caretakers outlining reasons why a child has been taken into temporary custody for the time period not to exceed 48 hours from the time of placement for the purpose of protecting a child.
21. **FOSTER HOME/FAMILY HOME** – any licensed, residential facility providing 24 hour care for six or fewer children, including their own children, in whose care a child may be placed. A Foster Family Home may be authorized to provide care for more than six children for the purpose of keeping siblings together. No child may be placed in a foster home that is not licensed or, in the place of a relative placement, is not in the process of being licensed.
22. **FOSTER PARENT** – A person (persons) licensed by Tribe People Social Services or other authorized licensed foster family agency to provide 24 hour care of children, and a person who has the responsibility for the provision of foster care pursuant to a court order or voluntary placement agreement.
23. **GUARDIAN** – A person other than the minor’s parent who is lawfully responsible for the care and custody of that minor or his estate or both.
24. **INDEPENDENT LIVING ARRANGEMENT** – A program that works with youth 16-21 previously placed in out-of-home settings throughout State in developing independent living skills, money management skills, housing, employment, educational benefits, life skills classes and connection to community supports and resources.
25. **IMMINENT DANGER-** At risk of harm or injury that could occur immediately.
26. **INVESTIGATION** – The process by which allegations of abuse, neglect, or exploitation are substantiated or unsubstantiated.
27. **JUVENILE** – A person under eighteen years of age.
28. **LAW ENFORCEMENT** – Refers to Federal, State, County and Tribal law enforcement officers and including criminal investigators.
29. **LEAST RESTRICTIVE ENVIRONMENT** – A placement which allows a child the most independence and freedom consistent with their personal, family and cultural needs.
30. **MINIMAL CARE** – provision of food, shelter, affection and adequate supervision.
31. **MINOR** – A person under eighteen years of age.
32. **MINOR IN NEED OF CARE** – A minor who is: (a) Neglected by a parent, guardian, custodian or other care-provider; (b) abused by a parent, guardian, custodian, other adult, or other care-provider; or (c) a status offender.
33. **MINOR IN NEED PETITION** – A formal legal petition requesting the Tribe Children’s Court to adjudicate a child.
34. **NEGLECT** – A condition in which a minor:
35. Whose parent, guardian, or legal custodian has subjected him to mistreatment or abuse, or whose parent, guardian, or legal custodian has suffered or allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring; or

2. Who lacks proper parental care through the actions or omissions of the parent, guardian, or legal custodian; or

1. Whose environment is injurious to his welfare; or

d. Whose parent, guardian, or legal custodian fails or refuses to provide proper or necessary subsistence, education, medical care, or any other care necessary for his health, guidance, or well-being, whether because of the fault of the parent, guardian, or legal custodian, or because the parent, guardian or legal custodian does not have the ability or resources to provide for the child.

e. Who is homeless, without proper care, or not domiciled with his parent, guardian, or legal custodian, due to, or without the fault of his parent, guardian, or legal custodian, or

f. Whose parent, guardian, or legal custodian has abandoned him without apparent intent to return, or who has placed him informally with any other person, and has not contributed to the support of the child or established personal contact with the child for a period in excess of six months.

1. **NORMALCY** – To ensure youth have growing up experience similar to their peers who are not in foster care. Normalcy means to create a family based setting so youth grow up in families. This should include ability to participate in age-appropriate extracurricular enrichment and social activities. TRIBE should be encouraged to engage young people, who are in or were formerly in foster care, to assist in developing TRIBE’s definition of normalcy.
2. **PERPETRATOR** – An individual alleged or determined to have abused, neglected, abandoned, or exploited a child.
3. **REASONABLE and PRUDENT PARENT STANDARD** – The standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of TRIBE, including participation in extracurricular, enrichment, cultural, and social activities.
4. **REPORT** - Notification received by TRIBE regarding an alleged abused, neglect, abandonment, or exploitation of a child.
5. **RESIDENCE** – A place where a child resides 24/7.
6. **RISK ASSESSMENT** – assess and identify the risks, safety and well being of the family unit.
7. **SCREENING** – The initial process of determining if allegations of abuse, neglect, abandonment or exploitation exists.
8. **SERVICE PLAN** – A written document which identifies the clients’ goals for the purpose of meeting their participant Services Plans within the specified timeframe.
9. **SEX TRAFFICKING**:
   1. A victim of sex-trafficking is a person who is recruited, harbored, transported, provided for, or obtained for the purpose of a commercial sex act.
   2. A victim of severe sex trafficking is one who is induced by fraud, force, or coercion, or under the age of 18 to perform a commercial sex act.
10. **SIBLING** – An individual who meets at least one of the following conditions with respect to a child:

a. The individual is considered by Tribal law to be a sibling of the child.

b. The individual would have been considered a sibling of the child under Tribal law but for the termination or other disruption of parental rights, such as the death of a parent.

1. **SUBSTANTIATE** – An allegation of abuse, neglect, abandonment, or exploitation that has been found by standard of proof.
2. **SUCCESSOR GUARDIAN** – An individual designated in the original Guardianship Agreement who may continue to provide kindship guardianship for a child in the case of the death of the original guardians. Naming a successor guardian allows the child to maintain permanency and Kinships Guardianship Assistance Payments when moving from one relative guardian to another without the need to re-enter foster care. It also reduces the risk of becoming a victim of child sex trafficking.
3. **TEMPORARY PROTECTIVE CUSTODY** – Consistent with the 48 Hour Hold Notice.
4. **TRIBAL SOCIAL SERVICES DIRECTOR** – Individual that oversees policies and procedures of the TRIBE Program including but not limited to Child/Adult Protective Services, Foster Care, Case Management Services, Family Preservation, and Burial Assistance Program.
5. **UNSUBSTANTIATED** – An allegation of abuse, neglect, abandonment, or exploitation which has insufficient facts or evidence.
6. **WORKER** – Assigned or designated TRIBE Staff who will conduct investigations and make reports to the Court, and perform other duties under the Code for a minor-in-need-of-care.

**RECOGNIZING CHILD ABUSE**

**and NEGLECT**

**Recognizing Child Abuse and Neglect**

**WHAT IS ABUSE and NEGLECT?**

Recognizing Child Abuse and Neglect

Background

Federal legislation lays the groundwork for State and Tribal laws on child maltreatment by identifying a minimum set of acts or behaviors that define child abuse and neglect. The Federal Child Abuse Prevention and Treatment Act (CAPTA), (42 U.S.C.A. §5106g), as amended and reauthorized by the CAPTA Reauthorization Act of 2010, defines child abuse and neglect as, at minimum:

“Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or an act or failure to act which presents an imminent risk of serious harm.”

Types of Child Abuse and Neglect

The four major types of recognized maltreatment: physical abuse, neglect, sexual abuse, and emotional abuse. Signs and symptoms for each type of maltreatment are listed below. Additionally abandonment and parental substance abuse may be recognized as abuse or neglect. While these types of maltreatment may be found separately, they often occur in combination.

There are several types of child abuse but the core element that ties them together is the emotional effect on the child. Children need predictability, structure, clear boundaries, and the knowledge that their parents are looking out for their safety. Whether the abuse is a slap, a harsh comment, stony silence, or not knowing if there will be dinner on the table tonight, the end result is a child that feel unsafe, uncared for, and alone.

**A.** **NEGLECT**

A very common type of child abuse, a pattern of failing to provide for a child’s basic needs, whether it be adequate food, clothing, hygiene or supervision. Child neglect is not always easy to spot. Sometimes, a parent might become physically or mentally unable to care for a child, such as with a serious injury untreated depression or anxiety. Other time, alcohol or drug abuse may seriously impair judgment and the ability to keep a child safe.

Older children might not show signs of neglect becoming used to presenting a competent face to the outside world, and even taking on the role of the parent But at the end of the day, neglected children are not getting their physical and emotional needs met

**1. Signs and Symptoms**

a. Physical

i. poor growth or weight gain

ii. hygiene is consistently bad (e.g. unbathed, matted/unwashed hair, bad body odor)

iii. clothes are ill fitting or inappropriate for the weather, dirty/filthy

iv. taking food or money without permission

v. eating a lot in one sitting or hiding food for later

vi. lack of clothing for supplies to meet needs

vii. allowed to play in unsafe situations and/or environments

b. Medical

i. untreated illnesses and physical injuries

ii. lack of appropriate attention for medical, dental or psychological treatment even though the parents have been notified

c. Educational

i. Frequently late or missing from school

d. Emotional

i. Emotional swings that are inappropriate or out of context to the situation

ii. Indifferent

**B. EMOTIONAL ABUSE**

(or psychological abuse) is a pattern of behavior that impairs a child’s emotional development or sense of self- worth. This may include constant criticism, threats, or rejection, as well as withholding love, support, or guidance. Emotional abuse is often difficult to prove, and therefore, child protective services may not be able to intervene without evidence of harm or mental injury to the child. Emotional abuse is almost always present when other types of maltreatment are identified. Examples of emotional abuse include:

* Constant belittling, shaming, and humiliating a child (criticism)
* Calling names and making negative comparisons to others (criticism)
* Telling a child he or she is “no good,” worthless,” “bad,” or “a mistake”(criticism)
* Frequent yelling, threatening, or bullying (threatening)
* Ignoring or rejecting a child as punishment, giving him or her the silent treatment (rejection)
* Limited physical contact with the child—no hugs, kisses or other signs of affection (rejection)
* Exposing the child to violence or the abuse of others, whether it be the abuse of a parent, a sibling, or even a pet (threatening)

**1. Signs and Symptoms.**

a. Physical

i. Headaches or stomachaches without medical cause

ii. Social withdrawal

iii. desperately seeks attention

iv. shows extremes in behavior (extremely compliant or extremely demanding; extremely passive or extremely aggressive)

v. acts either inappropriately adult (taking care of other children) or inappropriately infantile (rocking, thumb sucking, throwing tantrums)

b. Emotional

1. excessively withdrawn, fearful, or anxious about doing something wrong

ii. doesn’t seem to be attached to the parent or caregiver]

iii. delayed and inappropriate emotional development

iv. loss of self confidence or self esteem

v. depression

vi. avoidance of certain situations, such as refusing to ride the bus or go to school

**C. SEXUAL ABUSE**

Can include activities by a parent or caregiver such as fondling a child’s genitals, penetration, incest, rape, sodomy, indecent exposure, and exploitation through prostitution or the production of pornographic materials.

Sexual abuse is defined by CAPTA as “the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or the rape, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children.”

**1. Signs and Symptoms**

a. Physical

i. trouble walking or sitting

ii. runs away from home

1. statements that he or she was sexually abused

vi. abuse of other children

v. blood in children’s underwear

b. Emotional

i. sexual behavior or knowledge that’s inappropriate for the

child’s age

ii. makes strong efforts to avoid a specific person, without any obvious reason

iii. doesn’t want to change clothes in front of others or participate in physical activities

c. Medical

* + 1. STD or pregnancy, especially under the age of 14 years old

**Child sexual abuse: A hidden type of abuse**

Child sexual abuse is an especially complicated form of abuse because of its layers of guilt and shame. It's important to recognize that sexual abuse doesn't always involve body contact. Exposing a child to sexual situations or material is sexually abusive, whether or not touching is involved.

While news stories of sexual predators are scary, what is even more frightening is that sexual abuse usually occurs at the hands of someone the child knows and should be able to trust—most often close relatives. And contrary to what many believe, it’s not just girls who are at risk. Boys and girls both suffer from sexual abuse. In fact, sexual abuse of boys may be underreported due to shame and stigma.

**The problem of shame and guilt in child sexual abuse**

Aside from the physical damage that sexual abuse can cause, the emotional component is powerful and far-reaching. Sexually abused children are tormented by shame and guilt. They may feel that they are responsible for the abuse or somehow brought it upon themselves. This can lead to self-loathing and sexual problems as they grow older—often either excessive promiscuity or an inability to have intimate relations.

The shame of sexual abuse makes it very difficult for children to come forward. They may worry that others won’t believe them, will be angry with them, or that it will split their family apart. Because of these difficulties, false accusations of sexual abuse are not common, so if a child confides in you, take him or her seriously. Don’t turn a blind eye!

**D. SUBSTANCE ABUSE**

**Substance abuse** is an element of the definition of child abuse or neglect in many States. Circumstances that are considered abuse or neglect in some States include the following:

* Prenatal exposure of a child to harm due to the mother’s use of an illegal drug or other substance
* Manufacture of methamphetamine in the presence of a child
* Selling, distributing, or giving illegal drugs or alcohol to a child
* Use of a controlled substance by a caregiver that impairs the caregiver’s ability to adequately care for the child.

**E. PHYSICAL ABUSE**

Is a non-accidental physical injury that is inflicted by a parent, caregiver, or other person who has the responsibility for the child.**[[1]](#footnote-1)**. It may be the result of a deliberate attempt to hurt the child, but not always. It can also result from severe discipline, such as using a belt on a child, or physical punishment that is inappropriate to the child’s age or physical condition.

Many physically abusive parents and caregivers insist that their actions are simply forms of discipline—ways to make children learn to behave. But there is a big difference between using physical punishment to discipline and physical abuse. The point of disciplining children is to teach them right from wrong, not to make them live in fear.

**Physical abuse vs. Discipline**

In physical abuse, unlike physical forms of discipline, the following elements are present:

* **Unpredictability.** The child never knows what is going to set the parent off. There are no clear boundaries or rules. The child is constantly walking on eggshells, never sure what behavior will trigger a physical assault.
* **Lashing out in anger.** Physically abusive parents act out of anger and the desire to assert control, not the motivation to lovingly teach the child. The angrier the parent, the more intense the abuse.
* **Using fear to control behavior.** Parents who are physically abusive may believe that their children need to fear them in order to behave, so they use physical abuse to “keep their child in line.” However, what children are really learning is how to avoid being hit, not how to behave or grow as individuals.

**1. Signs and Symptoms-Physical**

a. Soft Tissue Injuries

i. Bruises, Abrasions, Welts, and Lacerations

* In location other than bony prominences, such as buttocks, lower back, genitals, inner thighs, cheeks, ear lobes, mouth, neck, etc.
* Adult bite marks
* Wrap around, tethering or binding injuries(strangulation)
  + Neck, ankle or wrist circumferential injuries; rope burns
  + Injuries due to strangulation
  + Trunk encirclement bruising
* Patterns/imprints/lacerations suggesting inflicted injuries
  + Grab, pinch, squeeze, or slap marks
  + Strap or belt marks
  + Looped cord marks
  + Imprints or lacerations from other object—tattooing, punctures, whips, sticks, belt buckles, rings, spoons, hairbrush, coat hangers, knives, etc.

. Internal or Abdominal Injuries

* + - History or severity of injury indicates child was pummeled, thrown, or swung against wall or other object, kicked, or hit with blunt, concentrated force
    - Lack of history indicating auto accident or fall from high place
    - Internal organ damage
  + Ruptured or perforated liver
  + Injuries to spleen
  + Injuries to intestines
  + Injuries to kidneys
  + Injuries to bladder
  + Pancreatic injury External Symptoms
  + Other internal organs
    - External Symptoms
  + Nausea, vomiting
  + Constipation
  + Shock
  + Blood in Urine
  + Swelling, pain, tenderness

c. Head Injuries

* Multiple bruise/lumps on scalp
* Hemorrhaging beneath the scalp or hair missing due to hair pulling
* Subdural hematomas (never spontaneous)
* Suspect caused by violent shaking if:
  + Bone chips at cervical vertebrae
  + Compression fractures to ribs
  + Damage to neck muscles and ligaments—child unable to trunk head to side or in and down
  + Spinal cord damage
  + No skull fracture or external bruising or swelling
  + Whiplash or shaken baby syndrome diagnosis
* Suspect caused by abusive blunt force trauma if:
  + Skull Fracture
  + Scalp swelling and apparent bruising
  + Parent/caretaker denies recent trauma, fall or other injury sufficient to account for injury or claims accidental fore such as fall from couch, bed or crib which is insufficient to cause such injury
* Subarachnoid or other intracranial hemorrhages with no sufficient “accidental” explanation
* Skull fractures without history of significant “accidental” force
* Injuries to eyes without sufficient accidental or other explanation, such as:
  + Retinal hemorrhaging, especially if other evidence of non-accidental head trauma present
  + Black eyes
  + Detached retinas
  + Petechia (small of spots of blood from broken capillaries) or other bleeding in eye
  + Cataracts
  + Sudden loss in visual acuity
  + Pupils fixed, dilated or unresponsive to light
  + Eyes not tracking or following motion
* Ear injuries without appropriate explanation
  + Sudden hearing loss
  + “Cauliflower” ear
  + Bruising to ear or surrounding area
  + Petechia in ear
  + Blood in ear canal
* Injuries to nose without appropriate explanation
  + Deviate septum
  + Fresh or clotted blood in nostrils
  + Bridge of nose bent or swollen
* Injuries to mouth without appropriate explanation
  + Chipped, missing or loose teeth caused by blow to mouth
  + Bruising in corners and lacerations of frenulum of upper and lower lip and of tongue—indicative of exterior gag
  + Petechia inside nostrils, around nose, or near corner of mouth—could indicate manual suffocation if child has stopped breathing

d. Skeletal Injuries

* + - Multiple fractures
    - Repeated fractures to same bone
    - Spiral fractures (usually femur, tibia, forearm or humerus)
    - Rib fractures especially inn children less than 3
    - Bone chips in bones connecting at elbow or knee, caused by jerking and shaking (avulsion of the metaphyseal tips)
    - Growth plate separations caused by shaking—“bucket handle” and “corner” fractures
    - Injury to bone—bleeding and thickening/calcification—which is repeated hit but not broke (sub-periosteal proliferation—apparent on x-ray)
    - Fractures to bones not usually accidentally broken, such as scapula and sternum

e. Inflicted Burns

* Child burned on unusual part of body—palms, soles, genitals, etc.
* Parent/caretaker delays in seeking medical help
* Multiple burns of different ages and different burn patterns
* Symmetrical, pattern burns with sharp margins—no indication of child trying to get away (child held down or hot object deliberately applied)
* Hot water burns
* Immersion/dipping burn—oval shape, usually buttocks and genital area
* Doughnut shaped burn—surrounding buttocks (indicates child forcibly held down)
* Glove or stocking burn—immersion of hand or foot
* Even immersion lines, lack of splash burns (child prevented from thrashing around, trying to get out)
* Contact burns
* Cigarette, cigar, match tip, pilot light flame burns—usually deep circular burns
* Imprint of object responsible for burn with sharp margins—usually deep and uniform burn:
  + Stover burner (star, circular, coil shapes)
  + Heating grate, radiator
  + Iron
  + Curling Iron
  + Heated knife or hanger
  + Other

**2. Signs and Symptoms-Emotional**

* 1. Is always watchful and “on alert”, as if waiting for something bad to happen.
  2. Shy’s away from touch, flinches at sudden movements, or seems afraid to go home

**Parental Behavior**

Sometimes a parent’s demeanor or behavior sends red flags about child abuse. Warning signs include a parent who:

1. Shows little concern for the child
2. Appears unable to recognize physical or emotional distress in the child
3. Denies that any problems exist at home or school, or blames the child for the problems
4. Consistently blames, belittles or berates the child and describes the child with negative terms, such as “worthless” or “evil”

5. Expects the child to provide him or her with attention and care and seems jealous of other family member getting attention from the child

6. Uses harsh physical discipline or asks teachers to do so

7. Demands an inappropriate level of physical or academic performance

8. Severely limits the child’s contact with others

9. Offers conflicting or unconvincing explanations for a child’s injuries or no explanation at all

Although most child health experts condemn the use of violence in any form, some people still use corporal punishment (such as spanking) as a way to discipline their children. Corporal punishment has limited effectiveness in determining behavior and is associated with aggressive behavior in the child. Any corporal punishment may leave emotional scars.

Parental behaviors that cause pain and physical injury—even when done in the name of discipline—could be child abuse.

***Effects of Child Abuse and Neglect***

All types of child abuse and neglect leave lasting scars. Some of these scars might be physical, but emotional scarring has long lasting effects throughout life, damaging a child’s sense of self, ability to have healthy relationships, and ability to function at home, at work and at school. Some effects include:

**A. Lack of trust and relationship difficulties.** If you can’t trust your parents, who can you trust? Abuse by a primary caretaker damages the most fundamental relationship as a child—that you will safely, reliably get your physical and emotional needs met by the person who is responsible for your care. Without this base, it is very difficult to learn to trust people or know who is trustworthy. This can lead to difficulty maintaining relationships due to fear of being controlled or abused. It can also lead to unhealthy relationships because the adult doesn’t know what a good relationship is.

**B. Core feelings of being “worthless” or “damaged.”** If you’ve been told over and over again as a child that you are stupid or no good, it is very difficult to overcome these core feelings. You may experience them as reality. Adults may not strive for more education, or settle for a job that may not pay enough, because they don’t believe they can do it or are worth more.Sexual abuse survivors, with the stigma and shame surrounding the abuse, often especially struggle with a feeling of being damaged.

**C. Trouble regulating emotions.** Abused children cannot express emotions safely. As a result, the emotions get stuffed down, coming out in unexpected ways. Adult survivors of child abuse can struggle with unexplained anxiety, depression, or anger. They may turn to alcohol or drugs to numb out the painful feelings.

**INTAKE and**

**ELIGIBILITY**

**Intake and Eligibility**

**A. METHODS OF REFERRALS:**

1. In person

2. Telephone

3. Mail

4. Fax

5. Any other means

**B. INFORMATION AND REFERRALS:**

TRIBE staff will perform the following:

1. Receive referrals by phone, written correspondence, in person, **by an individual, family, or** from other sources;

2. Staff will complete the TRIBE Intake Form (Exhibit 1). **The Director shall review the intake form for appropriate services.**

3. Determine type of services required based on the request for services and other information obtained on the intake form and other documents provided by clients;

4**. All Intake shall be prioritized based on the TRIBE Priority Guidelines.**

1. **REVIEW OF REFERRALS**

TRIBE staff shall:

1. Receive all intake information on alleged abuse, neglect, abandonment, or exploitation of children within (24) hours.

2. Review and investigate all intake information as to the appropriateness of the referrals within (24) hours.

3. Assign priority code prior to forwarding to TRIBE Director.

4. Conduct weekly case staffing unless an emergency situation arises, case staff will occur that day.

**D. RECEIVING REPORTS OF ALLEGATIONS OF CHILD ABUSE, NEGLECT, ABANDONMENT OR EXPLOITATION**

TRIBE staff shall:

1. Elicit information from the reporter regarding the facts relevant to the situation, which led the party to report the allegation(s), to assist in determining the validity of the report.

2. Solicit information about the reporter’s relationship to the child and his/her motives for making the report in order to assist in determining the validity of the report.

3. Obtain additional information as follows;

a. Address of alleged perpetrator if different from caretakers.

b. Nature and extent of alleged abuse or neglect in order to make prioritization decision.

c. History of prior reports, if known by the reporting source.

d. Length of time situation has been known to the reporting source.

e. Action already taken by the reporting source to help or protect the child.

f. Primary language of family/child if other than Tribe.

g. Reporting sources’ willingness to be available for contacts when appropriate and necessary to complete an intake.

4. Solicit names and method of contacting persons with further information about the allegation and/or condition of the child.

5. Supply information to the reporter regarding the agency’s legal mandate, policies and procedures, and the investigation process.

6. Clarify to reporting source, when appropriate, that identity of source is kept confidential by agency policy, but can be revealed as a result of subpoena, which does occur in a very small number of situations.

7. Determine whether the report of allegation follows the CPS prioritization in order to screen out inappropriate reports.

8. Determine type of services required based on the request for services and other information obtained on the intake form and other documents provided by clients.

9. Refer individuals making reports to appropriate agencies, identified to meet the needs of the requested services when the matter is inappropriate for Child Protective Services.

1. **CHILDREN SERVICES INITIAL INTAKE FORMS**

1. TRIBE application (BIA Application for Services) and any other forms necessary to initiate services;

2. **Complete the Title IV-E Eligibility Determination/Redetermination form and forward to the State Title IV-E Specialist.**

3. In situations involving child protective services, the TRIBE staff will assess the need for immediate intervention using the Priority guidelines. .

**F. ELIGIBILITY FOR SERVICES:**

The TRIBE staff will screen and evaluate applications to determine eligibility for services for the following areas:

1. Child Protective Services;

2. Child Welfare Services which may include; foster care, institutional care, residential homes, and youth home services;

3. A determination of eligibility for requested services shall be made based on the interview and information obtained in the application.

4. A Notification Letter must be sent within five (5) working days.

5. The applicant must be notified in writing for the reasons for any delays in services (In CPS situations-refer to CPS level of Prioritization for intervention).

6.Action to approve or deny non-related CPS situations shall be made within thirty (30) days from the date of the application. If a decision is not made within thirty (30) days after the date of application, the applicant must be notified in writing of the reason the decision has been delayed.

7. No application shall be pending for more than forty-five (45) days after the date of application.

8. A notice of denial must be issued within forty-five (45) days of the application date.

9. The appeal procedures must be explained to the applicant. The decision must be explained to the applicant. The decision to appeal the decision will be up to the applicant

10. If the client disagrees with the decision, they may have a review of the decision by seeing the TRIBE Staff or Supervisor. They may also file an appeal and have a hearing pursuant the public law or regulations applicable to the type of funding and/or grant regulations applicable. The Director must be consulted to obtain the regulations to be followed for the appeal procedures.

11**.** If the applicant is determined ineligible, the TRIBE staff may refer the applicant to other community resources.

1. The TRIBE staff may use the appropriate TRIBE referral form to make this referral.

. 13. Recertification of Eligibility

* 1. All BIA service recipients’ eligibility shall be reviewed every six (6) months. This includes the need for continued services, the basic eligibility (enrollment number, residency), and financial eligibility.
  2. An eligibility certification/recertification form shall suffice for a six month review. A social services application must be completed every year **for continued BIA service delivery.** Any new services will require a new application.

**G. PRIORITIZATION OF CPS REFERRALS BY TRIBE STAFF:**

1. TRIBE staff is required to prioritize intervention services, including referrals relating to Child Abuse and Neglect by using the following assessment tools.

a. Priority Guidelines

b. Supervisory Consultation: The TRIBE worker will obtain supervisory consultation by reviewing information obtained, determine if there is a need for CPS, Medical and/or crisis intervention.

1. The TRIBE staff will coordinate services for the family while CPS is investigating any allegations of abuse, neglect or exploitation. The TRIBE staff can make referrals to the following service providers based on the family’s needs for specified service
2. Criminal Investigations;
3. Federal Bureau of Investigations;
4. Medical referral;
5. Law Enforcement (police reports);

**H. SUPERVISORY REVIEW/CONSULTATION:**

1. A **completed** Intake Form must be available for Director and/or immediate supervisor’s review.
2. The TRIBE Director is responsible for reviewing and approving all case referrals, service plans, case transfer and termination of services.
3. The TRIBE Director consultation is an on-going process from Intake, Assessment, Service Planning, Monitoring and Termination of services. Case consultation shall include:

a. Seeking advice from colleagues and supervisor when it is in the best interest of the child.

b. Consultation with the Director for technical assistance on program policies and other pressing issues regarding case management services.

1. The TRIBE Director Shall:

a. Provide leadership and support to staff.

b. Promote teamwork through use of peer and supervisory consultation.

c. Exercise professional judgment and prudence in selecting and recommending services.

**TRIBE DATA COLLECTION**

**TRIBE Data Collection**

**A. INTRODUCTORY STATEMENT**

Under federal, state, and local contracts, the TRIBE will maintain a statistical log to:

1. Develop a data collection system for Child Abuse and Neglect that will be utilized for program planning.

2. Determine if a child had previously been reported to be abused, neglected, abandoned, or exploited.

3. Determine the investigation outcome of previous reports of allegations.

4.Examine patterns of CPS reports regarding children and assessing their risk for further abuse.

**B. DATA INPUT PROCEDURES**

Child Protective Services reports of abuse, neglect, abandonment or exploitation are entered into the statistical log at the TRIBE Office upon intake.

1. The TRIBE staff shall:
2. Maintain an update, and consult the Client Master List that identifies the following data: Demographic information on each case, Medicaid, parents’ information, placement record.
3. The Child/Elder Protective Worker shall:
   1. Maintain a Summary of Investigations Log that identifies the date of intake, name of victim or suspect, referral code, initiation of investigation, completion of investigation, case status/referral
4. The Family Preservation Program staff shall:
   1. Maintain a case referral log that identifies the client, court charges, referral date, referral source, children’s name, DOB of children, assignment, date assigned, date of referral response, and date of closure.

b. Parenting Class Attendance Log that identifies the session title, date of attendance, instructor, and signature of attendee.

1. The Foster Care Program staff shall:
   1. Keep a placement log that identifies foster parent and/or shelter demographic information, licensure information, name of child(ren) placed in licensed home, date of placement, case worker assigned to child, case number, and funding source.

**CHILD PROTECTIVE SERVICES**

**Child Protective Services**

**CPS INTAKE FLOW CHART**

|  |  |
| --- | --- |
|  |  |
| **REPORT** | (Walk-ins, verbal, written) |
|  |  |
| **INTAKE** | Supervisor Review   1. Assessment to determine priority 1-5.    1. Investigate (proceed to #2)    2. Not Investigate – Information only/file. 2. Assign 3. Crisis Intervention |
|  |  |
| **CPS INVESTIGATE** | Investigate   1. Substantiate 2. Non-substantiate (close & file for information) |
|  |  |
| **CASE STAFFING** | (Sexual Abuse Team, Support Programs, and TRIBE Case Staffing Team.)  Determine treatment plan.  Advice and Closure. |
|  |  |
| **LONG TERM SERVICE** | Monitoring and Follow-Up  Family Preservation |

**Child Protective Services**

* + 1. **SCOPE OF WORK**

TRIBE shall provide Child Protective Services to all children who require protection from abuse, neglect, abandonment, or exploitation.

* + 1. **TRIBE MISSION STATEMENT**

Tribe Tribal Social Services’ mission is to provide quality social services in a respectful culturally sensitive manner to promote individual, family, and community unity and stability by supporting strengths, positive changes, and encouraging growth. The TRIBE encourages empowering people to be economically and socially self-determining; serving each Tribe Tribal Community Member with respect to their natural right to dignity and worth.

It is the Department’s commitment to provide quality and excellent service delivery to the People of Tribe families and community by guiding families to overcome poverty, prevent child abuse and neglect, acquire skills to become self-sufficient, and develop a better future for themselves, their children, their families and their community.

* + 1. **PROGRAM GOALS**

1. To provide an effective tribal system of services to safeguard the well-being and development of children, who are abused, neglected, abandoned or exploited.

2. To preserve and stabilize the family unit, whenever possible and appropriate.

3. To establish fair and equitable procedures, according to due process of law, when intervention in the family unit is necessary, including the explanation of procedures in the family’s primary language (Tribe).

4. To achieve a balance between the legal right of parents and the needs and rights of children so that they can live in a physically and emotionally healthy home environment.

*5.* To integrate, in practice, knowledge and appreciation of Tribe culture.

6. To coordinate with community agencies in meeting the goals of Child Protective Services.

7. To develop training programs for all personnel involved in Child Protective Services.

8. To develop on-going monitoring and evaluation to ensure the effective implementation of Child Protective Services in the Tribe community, consistent with the established laws, rules and program policies.

9. To be aware of and to be sensitive to diverse lifestyles as related to gender roles and issues.

**TRIBE STAFF INVESTIGATIONS**

**TRIBE Staff Investigations**

**A. INTRODUCTORY STATEMENT**

1. The Tribe Social Service allows the following children to be interviewed without prior parental consent (under Public Law 101-630 of the Indian Child Protection and Family Violence Protection Act.):

a. Examinations and interviews: Photographs, x-rays, medical examinations, psychological examinations, and interviews of an Indian child alleged to have been subject to abuse in Indian country shall be allowed without parental consent if local child protective services or local law enforcement officials have reason to believe the child has been subject to abuse.

b. Interviews by law enforcement and child protective services officials: In any case in which officials of the local law enforcement agency or local child protective services agency have reason to believe that an Indian child has been subject to abuse in Indian country, the officials of those agencies shall be allowed to interview the child without first obtaining the consent of the parent, guardian, or legal custodian.

c. Protection of child: Examinations and interviews of a child who may have been the subject of abuse shall be conducted under such circumstances and with such safeguards as are designed to minimize additional trauma to the child and, where time permits, shall be conducted with the advise, or under the guidance, of a local multidisciplinary team

d. Court orders: Upon a finding of reasonable suspicion that an Indian child has been the subject of abuse in Indian country, a Federal magistrate judge or United States District Court may issue an order enforcing any provision of this section.

2. In order to interview a child not included in the above categories, it is necessary to obtain consent from the child’s caretakers.

3. Child Protective Services investigations can include announced or unannounced visits.

4. All children shall be interviewed in a safe and neutral location on either an announced or unannounced basis.

5.In the case of sexual or severe physical abuse, all efforts shall be made to have a member of law enforcement present to coordinate the interview process.

6. In providing Child Protective Services, it is a Federal Law (PL 101-630) to keep the identity of the reporting source confidential.

**B. DEVELOPING AN INVESTIGATIVE APPROACH**

The Child Protective Services Investigator Shall:

1. Prepare to collect data by determining:

a. What specific information is needed to complete the investigation?

b. Pertinent information to support the investigation.

c. How the data can be obtained from the child and/or caretaker.

d. How the data can be obtained from sources other than the child and/or guardian.

2. Maintain objectivity at all times.

3. Prepare for the initial contact by:

a. Planning response time according to the TRIBE Prioritization guidelines.

b. Determine whether the visit will be announced or unannounced keeping in mind that first initial home visit is to be unannounced.

c. All initial contacts shall be made in person.

d. Determine whether contact should be conducted alone or accompanied. If accompanied, assist in clarifying roles and responsibilities of each colleague to avoid confusion.

e. Follow up with law enforcement for the report when appropriate.

f. Determine if law enforcement personnel are required for protection or assistance in emergency protective custody.

g. Contact the reporter to obtain additional information and reporter’s assistance if need be.

h. Determine the benefits of the first contact and what needs to be the objective in ensuring the safety of the child in order to proceed with the investigation.

i. Pre-arranging for emergency intervention (i.e., informing the court, arranging medical examination, obtaining shelter placement) to expedite action to protect the child.

j. Gathering pertinent forms to be used in the initial contact.

k. Planning a realistic timeframe for the type of investigation to be done, and allowing time for the necessary actions to be taken.

**C. INITIATING CONTACT WITH THE CHILD (REN)**

The Child Protective Services Investigator Shall:

1. Introduce and identify self as a representative of TRIBE.

2. Establish rapport by demonstrating respect for the language, dialect, and/or culture of the child.

3. Develop and maintain a healthy relationship with the child.

4. Inform the child of their right to a safe and healthy environment and the agencies mandate to investigate.

5. Interview children individually in a safe and neutral location such as school, friend’s home, or TRIBE office, etc.

6. Interview other appropriate individuals in a safe and neutral location.

7. Answer children’s questions about the investigative process and

to help them to understand and to deal with their feelings.

8. Inform the guardians within forty-eight (48) hours when a child is interviewed and found to have significant information related to the allegation.

**D. INITIATING CONTACT WITH THE CAREGIVERS**

The Child Protective Services Investigator Shall:

1. When appropriate coordinate contact with caretaker with law enforcement so as not to impede possible criminal investigation.

2. Introduce and identify self as a representative of TRIBE.

3. Establish a rapport by demonstrating respect for the language, dialect, and/or culture of the caretakers.

4. Develop and maintain a healthy relationship with the guardian.

5. Inform guardians of the agency’s mandate to investigate so that the guardians will understand the reason for the investigation.

6. Inform the guardians of the CPS investigation process which may include:

a. To be informed that the report is being investigated.

b. To know that in any event the Investigator has the authority to proceed with the investigation and to file a petition for a “Minor in Need of Care Petition,” when necessary.

c. Inform the guardian that refusal to cooperate in the investigation or to participate in receiving protective services does not, in itself, constitute grounds for temporary removal of a child, except if there is clear evidence necessitating a need to protect a child from suffering imminent abuse.

7. Answer guardians’ questions about the investigative process and to help them to understand what is happening and why.

**E. GATHERING INFORMATION TO ASSESS THE VALIDITY OF THE REPORT**

The Child Protective Services Investigator Shall:

1. Observe and document the child’s:

a. Physical condition;

b. Behaviors;

c. Signs of emotional abuse;

d. Indicators of neglect;

e. Environment; and

f. Injury and/or signs of possible injury.

2. Ask the child and/or other appropriate persons about the results of the abuse/injury.

3. Refer situations of serious and severe physical injury for medical examinations.

4. Consult with other social and mental health service providers and obtain written summaries when necessary.

5. If necessary, arrange for follow-up medical treatment and when necessary, obtain and review medical history.

6. Gather and record information by completing the Risk and Safety Assessment Tool.

7. Coordinate interviews with law enforcement and /or with other professionals to prevent further traumatizing of the child.

8. Clarify information and inconsistencies of statements made.

9. Identify and collect necessary information from other sources other than the caretaker and the child.

10. Determine if the child must be photographed. If photographed, identifying information is written on the back of the printed picture which includes the child’s name, date, and the name of person taking the picture, identification of other persons in the picture.

11. Obtain and review school records, police records, criminal and/or delinquent histories of the child and when necessary on the family.Collect written documentation which substantiate statements by collateral source i.e. medical reports/records, police reports, school records, to complete the case record documentation.

12. Document all contacts regarding the case from time of assignment.

13. Complete an investigative summary of the case and keep on file in the case folder.

14. If necessary refer appropriate family member to community resources Initiate services by referring family members to appropriate community resources. (for example, anger management, family preservation, drug and/or alcohol intake). The Child Protective Services Investigator Shall:

15. Compare and review information and data gathered from observations, records, and discussions to the allegations made by the reporting source.

16. Determine whether gathered information supports or refutes the allegations made by the reporting source.

17. Consult with colleagues and Director, to review investigation findings concerning the need for intervention.

18. File all supporting documents, investigative summary, and complete risk assessment forms to maintain an accurate record (Social Services application, risk assessments, 48-Hour notice, service contract form, etc.).

**F. ASSESSMENT OF FAMILY ENVIRONMENT**

The Child Protective Services Investigator Shall utilize the Risk and Safety Assessment Tool to:

1. Use the Risk and Safety Assessment Tool of Abuse/Neglect Form to determine and evaluate whether the immediate surroundings of the child is safe...

2. Use the Risk and Safety Assessment Tool to determine how imminent the harm or threat of harm is to the child, or other children in the home..

3. Assess the non-abusive caretaker’s response to the report and his/her ability to protect the child.

4. Consider a plan to have the child remain in the home with the non-abusive caretaker, contingent on the alleged abusive caretaker being out of the home and an assessment that the non-abusive caretaker is capable of caring for the child.

5. Use of Risk and Safety Assessment Tool to determine what interventions should be initiated or maintained to provide appropriate protection.

**G. ACTING UPON THE NEED FOR IMMEDIATE CRISIS INTERVENTION**

The Child Protective Services Investigator Shall:

1. Inform guardians about the need for emergency intervention, options available, and the possible consequences of refusing required intervention.

2 to understand the need for intervention, and to maximize their contribution to the decision making process.

3. Determine with Caretaker when feasible, the intervention strategy that will be most beneficial to the child.

4. Initiate the intervention plan.

5. Respond to the guardian’s possible refusal to support the intervention strategy in order to exhaust all efforts to show their cooperation. Inform the guardians of their responsibilities to prevent future harm to the child. Utilize the legal system to intervene when the guardians refuse emergency intervention in order to respond to the need for crisis intervention.

6. Obtain the guardian’s authorization when possible for emergency medical care for the child to facilitate intervention. Authority of the Tribe Tribal Children’s Court may be requested in the event where consent for necessary medical care is lacking.

7. Complete required forms and obtain appropriate signatures within (48) hours (Temporary Custody Notice, Consent forms, application for services, etc.)

8. In order to reduce trauma to the child explain the reason for the placement, where they are going, and that they said it would be safe.

* 1. Follow the provisions of the TRIBE Foster Home Placement procedures for placement in licensed foster homes, or kinship foster care pending licensure and placement procedures for emergency shelter outside the community.

**H. PREPARING AND CONDUCTING A CASE DISPOSITION**

The Child Protective Services Investigator Shall:

1. Conduct a case staffing with the Director and staff.

2. Decide whether the case is substantiated.

3. Determine whether the case should be referred for ongoing services.

4. File Minor in Need of Care Petition, if necessary.

**COORDINATION WITH**

**LAW ENFORCEMENT**

**Coordination with Law Enforcement**

1. **INTRODUCTION**

It should be recognized that there can be potentially life-threatening and/or potentially dangerous situations in providing Child Protective Services. If there are reasons to believe that a life-threatening and/or potentially dangerous situation exists, all available precautions shall be taken for the protection of staff, children, family members, and the general public.

The TRIBE staff will work in coordination with law enforcement that provides physical protection and safety for all persons involved in such situations. This includes assistance to the TRIBE Staff Investigator to safely remove a child, or to safely perform other CPS function.

1. The TRIBE is mandated to work in coordination and cooperation with law enforcement agencies and in conformity with provisions of the Tribe Tribal Code and Federal statues regarding criminal law.

2. The TRIBE must report all allegations of sexual abuse, severe neglect which may be life threatening, and severe physical abuse to the Tribe Law Enforcement (criminal investigation). The Tribe Law Enforcement will then notify the appropriate federal, state or county law enforcement offices depending on the jurisdiction. Injuries that occur as a result of abuse or neglect requiring immediate medical attention shall be reported to law enforcement by telephone immediately.

3. Documentation from law enforcement to Social Services shall consist of all relevant information on the alleged abuse. The reporting person must obtain a law enforcement report number, and the name of the law enforcement person receiving the report. Information may be used for follow-up purposes and/or case conferences.

4. TRIBE are coordinated with law enforcement and prosecution in accordance with existing tribal and federal statutes.

5. TRIBE staff must make periodic follow-up on the status of the case.

**B. TRIBE STAFF FUNCTIONS**

1. Inform the immediate supervisor and/or other colleagues of the situation and discuss a plan of action.

2. Contact law enforcement for escort, assistance and follow up visit if necessary:

1. When assessment of available data, information, and/or observations which indicate that there may be a possibility of a life-threatening and/or potentially dangerous situation.

3. When caseworkers are responding to a crisis call, without law enforcement present, which becomes life-threatening and/or potentially dangerous, and is without escort;

a. leave courteously as quickly as possible, and request escort from local law enforcement, and/or other appropriate assistance.

4. When responding to a crisis situation with law enforcement:

a. discuss a plan of action with law enforcement.

b. proceed with plan of action.

i. wait in a safe area, or

ii. accompany law enforcement officer and

iii. perform CPS functions appropriate to the situation.

5. Call law enforcement if at any time there is reason to believe a crime is in progress.

6. Share all pertinent information regarding these situations with law enforcement for documentation purposes.

7. Should a worker become injured as a result of the dangerous situation, the worker must;

a. seek immediate medical attention,

b. obtain medical statements,

c. consult with the Prosecutor’s office as to seek legal remedy and

d. provide an accident report to TRIBE Director within 12 hours.

**C. SUPERVISOR AND TRIBE STAFF RESPONSIBILITIES:**

1. Discuss and assist in developing a plan of action.

2. Initiate a follow-up conference with a worker who had been involved in such a situation.

3. Provide supervisory assistance, and/or case consultation as appropriate and relevant to the situation.

**Case Staffing Child Protective Services Cases**

**A. PURPOSE**

The purpose of a Case Staffing is to identify strengths and weaknesses of a client. Some of the reasons for a staffing are to:

1. assess the risk of endangerment and determine the need for removal of the child in a present accommodation,

2. determine the length of time for out-of-home placement and when to return the child to the caretaker

3. identify and determine appropriate intervention and decide grounds for removal of the child from the present accommodation.

4. determine if family contract if appropriate to prevent removal

5. communicate and discuss case situation and /or special problems at the time of transfer from CPS to other service providers.

**B. CASE STAFF MEETING**

1. Persons involved in services to children relevant to the Child Protective Services cases may be included in the case staffing. This may include primary caretaker, other TRIBE staff, etc.

2. The assigned TRIBE staff is responsible for arranging, conducting, and facilitating case staffing.

**C. RECORDING**

1. The TRIBE will utilize the staff casing form for record keeping.

2. All staffing documents shall be filed in the parent’s case record with a follow up as needed

**Temporary Custody and Removal**

**A. TEMPORARY CUSTODY**

1. The need for temporary custody is a shared decision between the TRIBE worker, and the CPS supervisor, in consultation with the Prosecutor as needed.

1. If a child is removed without consent, the primary caretaker must be given notice within 48 hours. The 48 hour Notice must be explained to the caretakers in the family’s primary language. **Chapter 9-7-1 of the Tribe Children’s Code states:**
2. **A law enforcement officer or child welfare worker shall take a minor into custody if:**

* **He has a reasonable belief that the minor is a minor-in-need-of-care;**
* **He has a reasonable belief that the minor is in immediate danger in his home environment and that removal is necessary; or**
* **An emergency custody order has been issued for the minor.**

1. **The minor’s parent, guardian, or custodian shall be notified immediately of the custody. And the location of the custody, unless location should jeopardize the minor’s safety.**
2. The TRIBE work may make arrangements for follow up physical, medical and/or mental health examinations as needed
3. When neglect or abuse is substantiated, a child will remain in temporary custody and a Minor In Need Of Care Petition has been adjudicated by the Tribe Children’s Court within (48) hours after removal. When there is no substantiation of abuse of neglect, a child must be returned to the caretaker within (48) hours of removal.

2. In all cases when children are taken into temporary custody a 48 Hour Custody Notice is provided to the caretakers.

a. Distribution of the 48 Hour Custody Notice is as follows:

i. One copy to the caretakers.

ii. One copy retained in the Case Record.

b. All reasonable efforts must be made to officially serve 48 Hour Custody Notice to the caretakers so that time of receipt can be verified and all alternatives for placement can be discussed.

3. TRIBE staff will conduct a case staffing to review the 48 hour Custody Notice and to discuss possible alternative actions that may vacate, modify, or differ custody action.

4. Upon case consultation with the TRIBE staff, the CPS worker may exercise discretion whether a Minor-In-Need of Care petition may be filed or not.

**B. VOLUNTARY PLACEMENT**

1. A child may be placed voluntarily in a family foster home, emergency shelter facility or with other extended family, or in treatment foster care or facility, when placement is determined necessary.

2. Voluntary placement agreements must be arranged through the TRIBE Office to be filed and approved by the Director.

a. A Parental Consent for Temporary Placement form must be signed by the parent, identified caretakers, TRIBE Staff, and the Director.

3. At the time of placement, the CPS worker and family will agree upon a specified period of time for the placement.

a. The placement shall not exceed sixty (60) days.

4. During the placement, the TRIBE staff will evaluate and assess the progress of the voluntary agreement with a minimum of monthly visits. Prior to the expiration date of the voluntary agreement, the CPS worker will determine whether:

a. The child should be returned to the caretaker.

b. Minor in need of care Petition should be filed with the Tribe Tribal Courts.

c. The parent should be served with Temporary Custody Notice in the event that the child is not returned.

5. If the parent revokes consent in writing, the TRIBE worker shall terminate the voluntary placement by:

a. Returning the child to the caretaker, or

b. Filing a Minor in need of care petition if there is reason to believe that unless the child is protected, there is a potential possibility that the child will suffer imminent abuse.

**Initiating A Minor in Need of Care Petition**

**A. PURPOSE**

A Minor In Need of Care action may be initiated by a TRIBE Staff on behalf of children who are abused, neglected, exploited or abandonment.

The affidavit shall contain all relevant information which includes the names of Children, Census Numbers, Date of Births, parents, alleged perpetrator(s), address, residence, the nature of referral, the investigative process, TRIBE Staff’s findings, assessment, conclusions and recommendations, and any supportive evidence.

1. Definition of Minor in Need of Care

a. The Tribe Children’s Code defines a Minor In Need of Care

1. *A minor who is neglected by a parent, guardian, custodian or other care-provider;*
2. *Abused by a parent, guardian, custodian, other adult, or other care-provider; or*

*In working with minor in need of care cases, TRIBE Staff shall adhere to the provisions of the Tribe Children’s Code (Chapter 7 and 8) as necessary:*

**B. SERVICE DESCRIPTION**

In working with minor in need cases, TRIBE Staffs shall adhere to the provisions of the Tribe Children’s Code, the Title IV-E requirements, and the TRIBE Standard Operating Procedures.

1. The CPS Worker Shall:

a. Initiate a CPS investigative summary report for minor in need of care petition on behalf of children who are alleged to be abused, neglected, abandoned or exploited.

b. Consult with the Director of TRIBE in case preparation.

c. Prepare to provide testimony regarding the child’s detainment and other information which led the worker to initiate minor in need of care petition.

d. The CPS worker shall meet with the Director of TRIBE for all pre-trial case reviews to avoid any confusion and disorganization.

e. The CPS worker must continue to work with the Prosecutor or Director of TRIBE on all minor in need of care cases.

**C. REQUIREMENTS FOR AN AFFIDAVIT SUMMARY REPORT FOR MINOR IN NEED OF CARE PETITION**

To initiate Minor In of Care action, the TRIBE Staff must prepare a report and submit it to the Tribe Children’s Court when:

1. A child has been taken into temporary protective custody.

2. A voluntary placement is revoked and there is reason to believe that unless the child is protected, there is a potential possibility that the child will suffer imminent abuse.

**D. RECOMMENDATIONS TO WITHDRAW MINOR IN NEED OF CARE PETITIONS**

Recommendations for withdrawal of Minor In Need of Care petitions may be made when;

1. Allegations cited in the investigative report are resolved and there is no need for further court action.

2. The child is no longer in need of protective supervision.

**Notice of Hearings, Summons, Subpoenas**

**A. INTRODUCTORY STATEMENT**

The Tribe Social Service staff provides Child Protective Services to children and families that often require court intervention, whether it is within or outside the boundaries of the Tribe Community jurisdiction. Child Protective Services staff are provided with notices of hearing, summons or subpoena to appear in the tribal or federal courtsto provide information or testimony on behalf of children. Other requests may include client case file information and/or other official social services documents.

**B. NOTICE OF HEARING IN THE TRIBE COURTS**

1. The Tribe Children’s Court sends out Notice of Hearing on pending cases to TRIBE Staff, Guardian Ad Litem, parents and other interested parties.

2. The Notice of hearing will have the case name, name of other siblings, date of birth, census number, court docket number, the type of hearing, and the date and time of the hearing.

3. The TRIBE Staff must review pertinent case file and prepare a court report relevant to the situation. All court reports must be submitted to the Tribe Children’s Court five (5) days before the scheduled hearing.

4. TRIBE Staff must attend all court hearings. If a TRIBE Staff is unable to attend a scheduled hearing, arrangements must be made within 5 days with the Tribe Children’s Court to notify the court that he/she will be absent.

5. Failure to attend a court hearing may result in An Order to Show Cause issued by the Court.

**C. SUMMONS FOR COURT APPEARANCE WITHIN THE TRIBE TRIBAL COURT**

1. Upon receipt of a summons, assigned to TRIBE Staff must consult with the supervisor to review the content and to discuss appropriate actions.

2. Should there be questions regarding the subpoena, a prosecutor may be consulted for assistance or clarification.

3. TRIBE staff who may be summoned must prepare to appear at the scheduled hearing. The worker must be prepared to read the affidavit into the record.

4. Failure to respond to a summons may result in An Order to Show Cause before the Court; as such action is exclusive authority of the Court.

**D. SUBPOENAS FOR COURT APPEARANCE IN THE FEDERAL COURT/REQUEST FOR DOCUMENTS**

All subpoenas and requests for information coming from courts outside the jurisdiction of the Tribe Tribal Courts must be routed through the TRIBE staff. TRIBE will comply with the subpoenas. TRIBE is under the legal jurisdiction of Tribe Tribal Courts, the staff must comply with the Tribe Tribal Court law first.

1. Upon receipt of a federal subpoena, a CPS worker or other TRIBE staff must consult with the Director to review the content and discuss appropriate actions.

2 The Director or other TRIBE staff must consult and refer all subpoenas to TRIBE attorney for legal review.

3. The attorney provides legal advisor. Technical assistance should include the review of the document’s content, the appropriateness of the request, and what the TRIBE should do in terms of response to the subpoena. Such assistance may include legal representation at a scheduled hearing or recommendations.

4. After legal advisement, TRIBE staff must prepare needed documents for a court hearing or to send requested information to the TRIBE attorney for review before distribution to the requesting party.

5. All activities must be documented in writing for case record references.

6. Failure to respond to a subpoena may result to An Order to Show Cause before the Court, which is at the discretion of the court.

**E. ORDER TO SHOW CAUSE**

1. The TRIBE worker is required to appear before the Court to justify and express his/her cause to why he/she failed to comply with a court order.

1. Any time an employee is issued an Order to Show Cause, it is the responsibility of the employee to appear before the Court.

3. The Office of the Prosecutor is not obligated to represent an Employee for a Show Cause hearing.

\* NOTE: The Tribe Tribal Court is empowered to retain the authority to issue an Order to Show Cause to any person within its jurisdiction to address and resolve any non-compliance with its Order or specific instructions. It is up to the court to accept or reject a person’s justification. If the Court is not convinced by the justification, why its Order is not complied with, has the option to hold a person in Contempt of Court. It has the discretion to impose a monetary fine or incarceration (jail time) or both; suspend any punishment.

Use of Foster Care/Emergency (Shelter) Facilities

**A. LIST OF DUTIES THE CHILD PROTECTIVE SERVICES WORKER SHALL PERFORM**

1. Determine which foster home or emergency shelter facility is appropriate for the sex and age of the child requiring out-of-home placement.

2. Transport or arrange for transportation of the child to a licensed foster home or shelter facility when the child must be removed from the primary care unit.

3. Notify caretaker that the child had been removed for protective custody and safety.

4.Follow procedures regarding written 48 Hour Custody Notice.

5. Use discretion in giving out information to the caretakers on the location of the foster home where the child will be placed.

6. Provide the foster home or emergency shelter facility with sufficient identifying information or other special instructions at the time the child is placed.

7. Arrange for needed medical and/or mental health assessment, and transportation for these services while the child is in out of home care.

8. Arrange for shelter care payments in compliance with PL 93-638 contract, when necessary.

9. Maintain contact with the child by visiting or making a telephone contact on the next working day after placement, as necessary.

10. Arrange placement in the least restrictive setting, but safe environment. Placement considerations are:

a. relative (kinship placement)

b. licensed foster home

c. group home

d. emergency shelter facility

11. Return child to the caretaker when emergency placement is not necessary.

1. **THE TRIBE DIRECTOR**

The TRIBE Director shall be available to TRIBE staff to assist with any questions regarding the following 3 paragraphs (1, 2, 3,)

1. Assure availability of technical assistance to TRIBE staff concerning situations, which require Temporary Protective Custody.

2. Participate in the decision-making and case-planning process from the time consideration is given to removal of the children.

3. Review the case of each child in shelter care to determine if appropriate legal action has been initiated, and that agency program standards and policies are met with regard to case planning.

**CASE MANAGEMENT**

**PROCEDURES**

**Case Management**

1. **DESCRIPTION OF CASE MANAGEMENT**
   1. General characteristics of Case Management
      1. Case management is a series of related decisions which are guided by assessment and ongoing evaluation of case progress.
      2. In case management, participation in Service Planning and responsibility for implementation are shared among the TRIBE Staff, client, may include other extended family members, and service providers.
      3. Direct services are limited to 18-months and focused on provision of services to allow parent/guardian to regain responsibilities.
      4. Direct services to individuals and families may be provided either by TRIBE staff, other community resources, depending upon the needs of the individual and/or families and the resources available within and outside of the Tribe community.
   2. Elements of the Case Management Process

The following elements are comprised of the case management process for Social Services:

* + 1. Intake
    2. Assessment
    3. Service Planning
    4. Plan Implementation
    5. Monitoring and Evaluation
    6. Case Closure

1. **INTAKE**
2. **The intake process shall be followed as outlined in the section entitled Intake and Eligibility**
3. **ELIGIBILITY DETERMINATION**
4. **The eligibility determination process shall be followed as outlined in the section entitled Intake and Eligibility**
5. **ASSESSMENT**

Assessment is a process which begins at intake and continues through closure. It results in a Service Plan that outlines the needs of an individual to address. The process includes writing a social summary, gathering other documents, referral and arranging for needed evaluations as a basis for improving famiy strengths.

1. The assigned TRIBE staff shall be responsible for case assessment and initiating a service plan.
2. A needs assessment shall be completed based on an interview and application from the client who is the primary source of information.
   1. Information should be obtained from multiple sources including but not limited to:
      * 1. Family members, parents, and guardians
        2. Source documents such as a tribal enrollment card, health records, written evaluations, school records, previous social agency documents, law enforcement reports, genogram etc.
   2. Information will be gathered in order to determine:
3. Family dynamics,
4. Contributing factors to present problems.
   * + 1. History of prior services.
       2. Risk Assessment which may indicate optimal Service Plan for the family.
5. Information obtained for the Social Summary Form shall be entered into the clients’ case records and should be objective. Conclusions should be clearly stated and supported with objective facts. Source of information must be documented in the case record.
6. The purpose for obtaining the social summary, includes identification of the following but not limited to:

i. All family members

ii. Factors leading to the present problem.

1. Coping methods the family used in the past that might be applied.
2. Community resources personalized utilized by the individual/family.
3. Recommendations.

b. A Social Summary Form shall be completed prior to placement in a residential setting.

c. When additional background information becomes available, the Social Summary Form shall be updated.

1. Placement shall be given, in the absence of good cause, to:

a. a member of the Indian child’s extended family

b. A foster home licensed, approved, or specified by the Indian child’s tribe

c. An Indian foster home licensed or approved by an authorized non-Indian licensing authority; or

d. A state licensed institution for children approved by the Indian tribe.

1. **SERVICE PLANNING**

Service Planning includes the development of a Service Plan.

1. Timing

* 1. The initial Service Plan must be developed within 20 days to prevent further abuse and to assure that the safety of the client is addressed.

2. Service plans must include statements indicating:

a. Type of services to be provided or referred to; expected outcome of the services.

b. The anticipated length of time to establish services to the client shall immediately..

c For out-of-home placement Visitation schedule will be developed as soon as possible.

* 1. Service Plan Components are:

a. Service plans must have specific objectives and should consider the following:

i. Client’s short and long term goals with target dates for completion.

1. **CASE STAFFING:**

1. Purpose

The purpose of a Case Staffing is to develop and review the Service Plan and to document progress with the client. Case staffing is the means by which TRIBE staff review, and determine further recommendation.

2. Follow-up

When the staffing results include the need for follow-up prior to the next scheduled Case Staffing, a date and time are set to review progress of the plan.

1. **IMPLEMENTATION:**

To ensure Service Plan implementation, TRIBE Staff shall periodically:

1. Determine the extent of compliance with the plan. The TRIBE Staff must have constant contact with client affected by the Service Plan and service providers to assess progress identify barriers, non-compliance issues and identify alternative methods of compliance.

2. The TRIBE Staff will make direct contact with clients every month to observe any adjustments, improvements, provide guidance, support and access of additional services as needed.

3. The TRIBE Staff will assess the well-being, safety and appropriateness of children in out-of-home placement.

**H. MONITORING AND EVALUATION OF THE SERVICE PLAN**

TRIBE staff documents the progress of a client’s case. If client’s progress is not being made, a non-compliance can be filed with Tribe Children’s Courts.

1. TRIBE staff must re-evaluate the objectives the Service Plan to determine:

a. Whether progress is being made toward the objective of the Service Plan..

**I. REFERRAL TO FAMILY PRESERVATION:**

1. The TRIBE staff may make a referral to the Family Preservation Program for services.

2. TRIBE staff will complete a Referral Form when referring to outside service providers.

**J. MONTHLY HOME VISITS**

When conducting monthly home visits, the TRIBE staff should, in coordination with the foster parent(s), complete the Age Appropriate Activities Review form to ensure that the child is developing appropriately. If the child does not appear to be advancing over a period of months, the worker should discuss this with the TRIBE Director to determine whether the child or foster parents are in need of specialized instruction or guidance to assist in promoting the child’s development to the next level.

**K. CASE PLANNING FOR CHILDREN AGE 14 AND OVER**

1. The case plan for a child 14 or over, includes a written description of the programs and services which will help such child prepare for the transition from foster care to successful adulthood. The case plan, including any permanency plan and any revision or addition to the plan must be developed in consultation with the child and, at the option of the child, with up to 2 members of the case planning team who are chosen by the child and who are not a foster parent of, or caseworker for, the child. TRIBE staff may reject an individual selected by a child to be a member of the case planning team at any time if TRIBE staff has good cause to believe that the individual would not act in the best interests of the child. In the event TRIBE staff rejects an individual selected by the child, the child has the right to select an alternate individual to replace the rejected representative. One individual selected by a child to be a member of the child’s case planning team may be designated to be the child’s advisor and as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child;
2. The Service Plan which must be developed in consultation with youth 14 and over will include: a description of where the child will be placed, what services the child and his or her parents and foster parents will receive, health and education records of the child, steps the agency will be taking in finding the child an adoptive family, a transition plan for youth over 16, a plan for education stability and explanations of why a child cannot be reunified with his or her family if kindship care is determined to be a permanent placement. TRIBE staff will include information in the plan relating to sexual health services and resources to ensure youth are informed and prepared to make healthy decisions about their lives;
3. During the 90-day period immediately prior to the date on which the child will attain 18 years of age, whether during that period foster care maintenance payments are being made on the child's behalf, or the child is receiving benefits or services, TRIBE staff, and, as appropriate, other representatives of the child will provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child. The plan includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, work force supports and employment services, and is as detailed as the child may elect.
4. For a child who has attained 14 years of age, TRIBE staffwill ensure the child receives, without cost, a copy of any consumer (credit) report pertaining to the child for each year until the child is discharged from care, and receives assistance (including, when feasible, from any court-appointed advocate) in interpreting and resolving any inaccuracies in the report.
5. When a child age 14 or over is placed in a foster home, or when a child already placed in a foster home is turning age 14, TRIBE staff will advise the foster parents of the child’s right to be involved in his or her case planning, court hearings, and

that planning for transition out of foster care will begin. The foster parents will be informed of what transition planning will include and how they may be of assistance and participate in this process.

**L. RIGHTS**

TRIBE includes in the case plan for any child in foster care who has attained 14 years of age:

1. A document that describes the rights of the child with respect to education, health, visitation, and court participation, the right to be provided with the documents, and the right to stay safe and avoid exploitation; and

2. A signed acknowledgement by the child that he or she has been provided with a copy of the documentation and that the rights contained in the document have been explained to the child in an age appropriate manner and that the child understands their rights.

**M, PERMANENCY HEARING-YOUTH AGE 14 AND OVER**

1 To meet the requirements of the permanency hearing, the Tribe holds permanency hearings for all children under the responsibility for placement and care of Agency, including children for whom the Tribe claims Federal reimbursement for the costs of voluntary foster care maintenance payments.

2.. In the case of a child who has attained age 14, the services needed to assist the child to make the transition from foster care successful adulthood; and in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to care successful adulthood, procedural safeguards shall be applied to assure the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child.

1. If a child has attained 14 years of age, the Judge should inquire and confirm that the permanency plan developed for the child, and any revision or addition to the plan, was developed in consultation with the child, that the child was fully engaged and had the opportunity to include two individuals of their choosing in the process.
2. In any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to independent living, procedural safeguards shall be applied to assure the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child.

3.. Procedural safeguards, specified in the Appeals Procedure are also to be applied with respect to parental rights pertaining to the removal of the child from the home of his/her parents, to a change in the child's placement, and to any determination affecting visitation privileges of parents.

4 If the Tribe concludes, after considering reunification, adoption, legal guardianship, or permanent placement with a fit and willing relative, that the most appropriate permanency plan for a child is placement in another planned permanent living arrangement, TRIBE staff will document to the court the compelling reason for the alternate plan,

**N. ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT**

In the case of any child for whom another planned permanent living arrangement is the permanency plan determined for the child TRIBE follows case plan and case system review procedures that include:

1. At each permanency hearing held with respect to the child, TRIBE shall document the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made by TRIBE to return the child home or secure a placement for the child with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including through efforts that utilize search technology (including social media) to find biological family members for the children.

2. At each permanency hearing held with respect to the child, the court or administrative body appointed or approved by the court conducting the hearing on the permanency plan for the child must:

a. Ask the child about the desired permanency outcome for the child.

b. Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and provide compelling reasons why it continues to not be in the best interests of the child to:

i. return home;

ii. be placed for adoption;

iii. be placed with a legal guardian; or

iv. be placed with a fit and willing relative.

3.. At each permanency hearing held with respect to the child, TRIBE shall document the steps TRIBE is taking to ensure that:

a. The child’s foster family home or child care institution is following the reasonable and prudent parent standard; and

b. The child has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities).

4. At each permanency hearing for children age 16 and over TRIBE shall continue to provide documentation of, and the Court shall review the appropriateness of, intensive, ongoing and unsuccessful efforts for family placement and a predetermination of the appropriateness of APPLA as a permanency option.

**O. HEALTH AND EDUCATION RECORDS**

1. A child's health and education records are reviewed and updated, and a copy of the record is supplied to the foster parent or foster care provider with whom the child is placed, at the time of each placement of the child in foster care.

2. The child's health and education records are supplied to the child at no cost at the time the child leaves foster care if the child is leaving foster care by reason of having attained the age of majority under Tribal law.

**P. ABSENCES FROM CARE – RUNAWAYS**

1. Every caregiver assigned by TRIBE must be required to report every child who has run away or otherwise gone missing to TRIBE and law enforcement within 24 hours. If foster parents are reluctant to report missing foster children for fear of being judged or even having their biological children taken from them, this will be addressed in foster parent training and support.
2. In no case later than 24 hours after receiving information on missing or abducted children or youth TRIBE will file a report with law enforcement for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation (FBI) and to the National Center for Missing and Exploited Children.
3. TRIBE staff will immediately report any missing child to the TRIBE Director and the department will be actively working to locate the missing child.
4. The State will be notified immediately when a child runs away and when a child returns. Title IV-E payments will be stopped while the child is gone and reinstate upon the child’s return.
5. The TRIBE staff should bear in mind the following:
6. Females are more likely to run away than males.
7. Runaway behavior is not linked to a particular race/ethnicity.
8. Runaways tend to have more school problems, higher rates of suicidal ideation, more reported behavioral problems; and more alcohol, substance abuse, and mental health disorders.
9. Foster youth are more likely to run away the first time if they entered care due to lack of supervision and less likely if they entered due to sexual abuse or physical abuse.
10. The more placements they have, the more likely youth are to run.
11. Youth in group homes or residential facilities more likely to run away than youth in foster homes; youth placed with relatives are least likely to run away.
12. Length of time in care does not necessarily predict runaway; in fact, the older the youth is when entering care, the more likely they are to run away.
13. The TRIBE staff will meet with the foster parents or institutional representative in an attempt to determine the primary factors that may have contributed to the child’s running away or otherwise being absent from care. Some of the factor that may have triggered the episode could include:
14. return home or to their neighborhoods to spend time with friends, and family;
15. get attention or provoke a reaction, to confirm that caretakers care about them and they are importnt
16. from bullying or sexual harassment by other residents;
17. escape abuse by staff; and
18. resist imposed escape crowded facilities or to seek privacy;
19. protest inadequate service or attention from social workers;
20. protect themselves from limits, particularly given that many juveniles in care come from homes with few limits.
21. recurrent arguments about typical parent-child issues such as autonomy, spending money, staying out late, permission to attend a party or concert, arguments with siblings, choice of friends, appearance, showing respect to parents, criminal behavior, alcohol or drug use, and school problems (truancy, suspension, grades);
22. physical and sexual abuse;
23. tension or rejection because of lifestyle or sexual orientation;
24. efforts to avoid a difficult encounter with parents, e.g., revealing a pregnancy, reporting failing grades;
25. rigid rules or expectations that do not account for normal developmental changes, punishments perceived as excessive, and authoritarian parenting styles;
26. seeking fun or adventure, to be with a boyfriend or girlfriend, or to do something parents will not permit;
27. parents’ inability to cope with stress, poor boundaries, failure to set limits, neglect, substance use, or depression;
28. parents’ disharmony, arguing, and domestic violence; and
29. tension with foster parent or problems adjusting to a split or blended family.
30. Juveniles in the foster care system are often shuttled among multiple placements. These disruptions can cause juveniles to feel disempowered and detached and may lead to runaway episodes. The substitute care placements culture or environment may also create an incentive to run away. Placements lacking structure and activities and those with overwhelmed staff who do not exercise their authority properly have higher rates of runaways than facilities with strong leadership, staff support, and juveniles involved in activities and setting rules.

**Q. AFTER A RUN**

What can social workers do to support runaway youth after they’re back in foster care?

* 1. Recognize that youth who have run away experience a disruption in services (medical, counseling, etc.) and may have unmet needs. Youth may not have sought out services while they were on the run, fearing that they would be turned in by service providers. After a runaway episode, work with foster parents and youth to reconnect youth to services to meet their needs.
  2. Get the youth reconnected with school as soon as possible. Connections with peers and friends is very important to reestablishing a sense of normalcy.
  3. When a child has returned from a run-away episode, especially if it is longer than 48 hours, the Social Worker should very carefully assess the child for sex trafficking victimization. The Assessment form should be completed and discussed with the TRIBE Director to determine what possible support services can be provided to the child and the foster parent.
  4. If specific services will be provided to the child and foster parents, the case plan should be modified to include these services. If the child is over 14, he or she must be involved in and approve the services and case plan modifications.

**R. PREVENTION**

1. Runaway prevention suggestions include:
2. Design the work schedules of staff to be flexible enough to meet the child’s needs.
3. Enforce requirements regarding the frequency of direct contact with children in foster care.
4. Recruit and support foster homes in communities from which foster children come into care.
5. Youth also desire more contact with their families.
6. Strengthening visitation can be an effective way to help prevent runaways from foster care.
7. Working with foster parents and youth on conflict management and communication is another key prevention strategy. By teaching skills and being available to families to help them work through difficulties, child welfare professionals make an important investment in strengthening relationships that may make the difference in a youth’s decision to run or stay when times are tough.

**S. SEX TRAFFICKING:**

1 Recent sting operations revealed that [more than half](http://www.childrensrights.org/news-events/cr-blog/sex-trafficking-sting-shows-foster-children-are-especially-vulnerable/) of the children being traded for sex come from foster care. The same children identified by our courts as most in need of protection from abuse and neglect are being bought and sold everywhere from truck stops and cheap motels to wealthy suburbs. They are being used, reused, and then discarded like trash.

2. Research shows that most victims of child sex trafficking come straight from the foster care system.

3. The youth at the highest risk of being lured into sexual slavery fall into several groups. First, those who have run away from "substitute care"—an umbrella term that includes foster care, kinship care, group homes and institutions. Then there are youth who "age out" of care with nowhere to go. Finally, the most overlooked are children missing from care but not formally counted by the state or tribe as "abducted" or "runaway."

4. Children *missing from care* are defined as those whose whereabouts are unknown to their state/tribal appointed caretakers yet their status is not reported to the authorities.

5. These include children who have been informally (and illegally) returned to a family of origin or "re-homed" with another family (while the foster parents continue to collect payments for a child no longer in their care); children whose overburdened social workers are instructed by supervisors to "check the box" rather than pay actual visits to check on youngsters' safety; and children who walk out of group homes. In many instances, youngsters in a foster care shelter are free to leave at any time and "a child is above the age of 15, or sometimes if they are above the age of 13 and 'seem particularly mature,' the shelter staff will not follow the child nor will the police be called."

**T. TRAINING: Prudent Parenting, Age, Developmentally Appropriate Activities, Sex Trafficking.**

1. **Foster Parents:**

1. Prior to being granted a license or, if a license has been issued, prior to a child being placed in a foster home, foster parents are trained in the skills relating to reasonable and prudent parenting and the child’s participation in age or developmentally-appropriate activities, including knowledge and skills relating to the developmental states of the cognitive, emotional, physical, and behavioral capacities of a child, and applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural and social activities which may include sports, field trips, overnight activities lasting one or more days which involves the signing of permission slips and arranging transportation for the child to and from extracurricular enrichment, cultural and social activities, and may also include decisions relating to the child obtaining a driver’s license.
2. Foster parents will also be trained in recognizing the at-risk behavior that may be present prior to a child running away and to recognize whether a child has been involved in any human or sex-trafficking activity or victimization. Training will also include who the foster parent (s) should contact when a child displays any of the at-risk or victimization behavior, and when a child runs away. Training will include what services and treatment are available to children who have been victims of sex trafficking and working with TRIBE to obtain these services.
3. **Social Workers:**
   1. Social workers/child welfare staff will be provided training on prudent parenting as well as age and developmentally appropriate activities. In addition, training will be provided on how to screen for sex trafficking and how to form and utilize multidisciplinary teams (including law enforcement, rape crises, child welfare, runaway and homeless youth service providers, health care, juvenile justice, courts, Community Advocacy Centers and education) to come together to inform training and design a plan for identifying, documenting, determining services and providing necessary services to victims of sex trafficking.
   2. Training will also include ability to ensure that service providers screen children appropriately to avoid re-traumatizing victims and to understand the complex psychological issues involved in sex trafficking victimization. The TRIBE staff will be trained to adequately assess for safety, to interact appropriately with victims, and to identify necessary resources and services to be provided.

**U. COURT DOCUMENTATION**

1. Introductory Statement

Every 90 days the Service Plan must be submitted to the court.

**V. CASE CLOSURE**

1. With the concurrence of and upon review by the Director, cases are closed under the following circumstances:

a. An individual or family receiving Service Only services requests to discontinue services.

b. The court has relieved the TRIBE the responsibility for the case.

c. The Service Plan had been accomplished.

d. The client(s) had moved out of the TRIBE jurisdiction.

e. Lost contact with the client(s) after all efforts had been made for contact.

f. The client is deceased.

g. been adopted or guardianship

h. reunification

2. The following actions shall be taken prior to closing a case:

1. Notify client of case closure
2. Review the case record to ensure that all relevant documents and information are filed or entered into the case file.
3. Update all case narratives
4. Complete a closure summary with approval by the Director.

**W. RECORD KEEPING SYSTEM**

The TRIBE recognizes the importance of a “safe” and organized record keeping system. Therefore, all clients must have individualized case records, which are easily identifiable and accessible. Accurate account of all case management activities should be documented. The contents should always be protected and confidential information can disclosed without the written consent of the client or court order. For contract monitoring, evaluation, and auditing purposes, only information that applies can be extracted.

The TRIBE staff shall adhere to the following guidelines for record keeping:

1. All case records shall be kept in a safe locked filing system.

2. The case record must be returned to the file cabinet at the end of each day.

3. No case record shall be removed from the office unless it is approved by the Director and signed out for the case record.

4. All narratives must be recorded in the case records within forty-eight hours for high priority cases and five working days for all othersafter case activities, e.g., counseling session, interview, phone calls, referral, etc.

5*.* The case record must bear the clients official name with supporting documents.

6. All TRIBE staff shall be accountable for their clients’ case records.

**X. FORMS**

The TRIBE staff utilizes the approved TRIBE forms as exhibited in this manual.

**TITLE IV-E**

**TITLE IV-E – State Requirements under Joint Powers Agreement**

The TRIBE operates under a Joint Powers Agreement between The Children, Youth and Families Department of the State of State and the Tribe Tribe. Title IV-E includes subsidies for Foster Care, Kinship Guardianship and Adoption provided a child meets certain federal/state eligibility criteria. In addition, the TRIBE is eligible for Title IV-E reimbursement for administrative and training activities. All TRIBE staff should be well-versed in the tribal requirements of the Joint Powers Agreement (Attached in Federal Regulations Section)

When intake is performed at the beginning of a Child Welfare/Child Protection case, it is imperative that the Title IV-E Eligibility Determination/Redetermination form be completed and forwarded to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The following sections have been copied verbatim from the Joint Powers Agreement (Attached) for caseworker ease of reference.

**A. REFERRALS FOR PAYMENTS**

1. When the Tribal Court awards custody of a child to the Tribe due to abuse or neglect and foster care placement is made in a Tribal approved foster home (or, if no Tribal foster home is available, a Department approved foster home), the Tribe shall make a referral for payments to the Title IV-E Specialist if the Tribe believes that the child is eligible for Title IV-E payments.
2. The referral shall include the completed forms attached as Exhibits G, H, I, J, and K to the attached Joint Powers Agreement, (note that if the child has special needs, as set out in Exhibit L of the attached Joint Powers Agreement, the referral should include the completed Request For Special Needs Certification, which is attached as part of Exhibit M); a copy of the court order; the case plan as defined in 42 U.S.C. §. 675(1), see Exhibit N of the attached Joint Powers Agreement.
3. A copy of the child's birth certificate and Social Security card; and the name and address of the child's placement with a copy of the foster home license.

**B. STATUS OF REFERRALS**

1. The Department shall determine Title IV-E eligibility based upon the information received with the referral,

2. The Title IV-E Specialist shall notify the Tribe, within 15 days of receipt of the referral, of the status of the referral by sending a copy of the Title IV-E determination form with one of the following notations:

The information is complete, the child is eligible and the Tribe can expect Medicaid eligibility and foster care payments to commence pursuant to the Title IV-2 Joint Powers Agreement.

* OR-

The following additional information is required to determine the child's Title IV-E eligibility: (Note: The Title IV-E Specialist shall list the additional information needed).

* OR-

The information is complete but the child is not eligible for Title IV-E payments for the following reasons:(Note: the Title IV-E Specialist will list the reason why the child is ineligible).

**C**. **EFFECTIVE DATES OF PAYMENT.**

If the child was receiving AFDC (TANF) payments at the time of removal from the home, the effective date of payment shall be on the first day of the month following the adjudication of abuse or neglect or the closure of the AFDC (TANF) grant, whichever is earlier, If the child was not receiving AFDC (TANF) payments at the time of removal from the home, the effective date of payments shall be the date of placement in foster care. Retroactive payments cannot be made for more than sixty (60) days.

1. **NOTICE OF CHANGES.**

The Tribe shall provide verbal notification to the Department within 48 hours and written notification to the. Department within 5 working days after becoming aware of any changes in the child's circumstances which might affect continued eligibility for Title IV-E benefits-.

1. **MEDICAID COVERAGE**
2. State Medicaid cards for children in Tribal custody who have been certified as eligible for Title IV-E benefits shall be sent to the foster parent(s). If the child's placement is changed, the Tribal TRIBE Staff shall give the current Medicaid card to the child's new foster parent(s).
3. The Tribe shall immediately notify the Department of changes in placement so that computer updates can be made. The Medicaid card will be sent by the Department to the new foster parent(s) the following month.
4. Medicaid eligible clients are subject to Medicaid procedures: primary care network restrictions, HMO and Managed Care requirements, utilization review procedures, and EPSDT screen requirements.

**F**. **CONDITIONS CONCERNING PAYMENTS**

1. Foster Care Payments

1. The Department agrees to make payments to the foster parent(s) as established by the Department's policies and procedures and rates (attached hereto as Exhibit 9B" and incorporated. herein by reference). The Department will pay the entire foster care payment for the Title IV-E eligible children only, which payments shall include the State's matching portion. If the child loses Title IV-E eligibility, then the Title IV-E foster care payments shall cease.
2. On the last working day of each month the Tribe shall submit by fax to the State Contact Person an alphabetical listing by the child’s name of those children who are then eligible for Title IV-E payments to the Department for approval using the billing form attached as Exhibit C of the Joint Powers Agreement. The billing form shall include information on where the child is currently placed.
3. The Tribe agrees to certify on the billing form to the accuracy of all documentation in support of the Title IV-E eligible children in Tribal custody.
4. Payments shall be made to the foster parent(s) c/o the Tribe via the Department's computer system.
5. The Tribe, on behalf of the child in Tribal custody, agrees to apply for any monetary benefits to which the child may be entitled; for example: third party insurance payments, survivors benefits, child support, Veterans Administration benefits, and Supplemental Security Income, etc. If the child is determined eligible for any such benefits, the Tribe shall immediately notify the Department and redetermine whether the child is eligible for continued Title IV-E payments.
6. In the event of an underpayment by the Department to the foster parent(s), the correction shall be made on the next billing.
7. In the event of an overpayment by the Department to the foster parent(s), the Tribe agrees to reimburse the Department for the overpayment and the Department agrees to assign its claim for recoupment of the overpayment to the Tribe.

**G. ADOPTION ASSISTANCE PAYMENTS.**

Any child who is eligible for Title IV-E foster care payments and who has a permanency plan of adoption is eligible for Adoption Assistance Subsidy payments upon signing of the adoption assistance agreement (as defined in 42 U.S.C. §675(3)). Procedures and the necessary forms for obtaining such payments are attached to the Joint Powers Agreement as Exhibits D, and E. The required documents shall be sent to the Title IV-E Central Adoption Unit (CAU) subsidy specialist (CAU Adoption Specialist, Children Youth & Families Department, P.O. Drawer 5160, Santa Fe, NM 87504, Phone: (505) 827-8400) for processing, certification, and approval.

1. **CONTINGENCY; AVAILABILITY OF FUNDS.**

Payments pursuant to this agreement, whether in whole or in part, are subject to and contingent upon the continuing availability of federal funds. In the event that said funds become unavailable, the Department may terminate this agreement according to § XX or amend it according to § XXI of the Joint Powers Agreement.

1. **ADMINISTRATIVE COSTS**

The Tribe may submit necessary forms to receive partial federal reimbursement for administrative costs. The Tribe shall receive the federal reimbursement only. A cost allocation plan and other federal reporting requirements are necessary under federal guidelines. The Department shall assist the Tribe in the preparation of the forms necessary for administrative reimbursement.

1. **PROVISION OF SERVICES**

1. The Tribe shall be primarily responsible for case management of foster care services (NOTE: excluding Title IV.-E foster care payment), for children placed by the Tribe in a foster care home licensed and approved by the Tribe pursuant to the standards and procedures adopted by the Tribe, when the Tribe has custody of the child.

NOTE: In most situations in which the Tribe has custody, the action will be in Tribal Court or in the process of being transferred to Tribal Court. In any case in which the Tribe has custody, but the action is being maintained in State court, or the child is placed in a foster home outside of the Tribal boundary, a staffing between the appropriate Tribal representatives and Department representatives, including the Children’s Court Attorney, will be necessary to coordinate responsibilities relative to the State court proceedings.

2. The Tribe shall make reasonable efforts to eliminate the need for removing the child from his home and to make timely reunification possible. After reasonable efforts have been made and reunification is determined not possible, the Tribal Court shall conduct a Permanency Hearing and create a permanency plan within twelve (12) months of the child entering care in order to determine which of the following options best meets the needs and interests of the child:

The child should be returned to the parents.

-0R-

The child should be placed for adoption.

-0R-

The child should be continued in foster care for a specified period.

-0R-

The child should be placed with a legal guardian.

3. The Tribal Court shall conduct judicial case reviews/permanency hearings of Title IV-E eligible children at least once every six (6) months. The Court must address the assurances listed under the judicial determination safeguards (see Foster Care Compliance Requirements in Exhibit N, Item II C, Nos. 16-18).

**K.** **ASSURANCES**

1. The Tribe and the Department, through their joint efforts, as specified herein, agree to meet the provisions of Title IV-B and Title IV-E of the Social Security Act, the State Title TV-E Plan filed with the Administration for Children and Families, Department of Health and Human Services. The Title IV-E of the Social Security Act has been amended and now includes ASFA law PL 105/89. The Tribe is also required to adhere to requirements of PL 105/89 in order to access Title IV-E reimbursement. The ASFA law requires: new criteria for "reasonable efforts", new health and safety determinations, new timelines for hearings, new background check requirements for foster and adoptive parents, new case plan requirements, and new adoption incentives. For details of the new requirements for Title IV-E the recompiled law is attached hereto and made a part hereof as Exhibit Q".

1. The Tribe agrees to meet all federal requirements for children receiving Title IV-E payments as outlined in the Federal Foster Care Compliance Requirements (P.L. 96-272): "A Desk Guide for Service Workers" (Exhibit N, incorporated herein by reference); Requirements for Court Order Findings

(Exhibit 0, incorporated herein by reference); and the Title 1V--E Foster Care Eligibility Checklist (Exhibit G, incorporated herein by reference).

1. The Tribe shall provide the Department with sufficient information regarding a child in Tribal custody in order for the Department to assess compliance with federal requirements necessary for federal financial participation and to determine the child's eligibility for other benefit programs administered by the Department (e.g., Social Security).

4. The Department retains the right to conduct program audits of the services provided pursuant to this agreement and the administration thereof. If the Department becomes aware of circumstances that might jeopardize continued federal funding, the situation shall be handled as provided in § VI D of the Joint Powers Agreement.

**L. RECORDS**

1. The Tribe agrees to develop and maintain client case records and foster parent records, including placement agreements, consistent with the requirements of Title IV-B and IV-E of the Social Security Act, for a period of five (5) years. The Department has designated the Uniform Case Record forms (attached as Exhibit J), which contain all of the federal requirements and may be used by the Tribe. If the Tribe wishes to develop their own forms, then the forms must be approved by the Department Title IV-E Specialist prior to receiving Title IV-E payments. All of these records shall be submitted to the Title IV-E Specialist prior to the initiation of the foster care payments.

2 The Tribe agrees to make all records pertaining to Title IV-E payments (including the eligible child's foster care/adoption case record, placement and foster home records, including studies and licensure information), available for onsite inspection at the Tribe's Social Services Office with reasonable notice.

3. The Tribe shall maintain fiscal and program records pertaining to this agreement for a minimum of five (5) years.

**M. ACCOUNTABILITY OF FUNDS**

The Tribe shall provide for strict accountability of all money paid to the Tribe subject to this agreement and shall follow generally accepted accounting principles and account for all receipts and disbursements of funds made to the Tribe pursuant to this agreement.

**N. RETURN OF FUNDS**

If there are any surplus funds, those funds shall be returned to the Department.

**Federal Guidelines – Title IV-E**

Listed below are some of the critical Federal requirements of Title IV-E that must be met in order for a child to be or remain eligible to receive the IV-E subsidy. These are also mandated requirements that the states must follow.

**REMOVALS, COURT REQUIREMENTS, REASONABLE EFFORTS**

**A. COURT ORDERED REMOVAL AND CONTRARY TO THE WELFARE/BENEFIT DETERMINATION**

1. The **Contrary to the Welfare (CTW) determination or reasons** for the CTW must be made in the first court order/ruling sanctioning the child’s removal (even temporarily) from the home. If not stated in the first court order, then **only transcripts** of the court hearing that specifies that the CTW determination occurred in the hearing is acceptable.

***Note:*** *If the CTW determination is not stated on the first removal order or in the court transcripts, then the child is not eligible for Title IV-E for the duration of the foster care placement episode.*

While it is recommended that the order have the "contrary to the welfare" or "best interest" language, some orders may not have those exact words. In that situation, other types of wording such as those presented below are acceptable.

1. Examples of Acceptable Contrary to the Welfare or Best Interest Statements:

Foster Care cases

1. Removal of the child is/was necessary to protect the child because.
   1. The child is being neglected and is without proper care and supervision.
   2. There is no parent or guardian available to provide supervision and care for the child.

**Note:** *A court order containing the language that a child is determined to be a dependent child or that cites only the Tribe Tribal Code, will not meet the CTW requirement and the child would* ***not*** *be Title IV-E eligible. Documentation must explicitly be made on a case-by-case basis, and so stated in the court order.*

**B. COURT ORDERED REMOVALS AND REASONABLE EFFORTS TO PREVENT**

1. For children removed **on or after** March 27, 2000, a judicial determination that **"Reasonable Efforts (RE) were made to prevent removal"** must be made within **60 days** from the date that the child is physically or constructively removed.[[2]](#footnote-2) The court order must specify the reasonable efforts that were made by the Agency to prevent removal.

2. **The RE determination does not have to be in the first court order** However, it must be in an order from a hearing that is held **within 60 days** from the date of the child’s physical or constructive removal for the child to be Title IV-E eligible.

3. If the **RE** determination is not stated on the order, then **only** transcripts of the court hearing that specifies that the RE determination occurred in the hearing would also be acceptable.

4. The child is not eligible for IV-E until the month in which the reasonable efforts to prevent removal determination is made and all other eligible criteria are met.

5**. There are two possible types of RE determinations for removals:**

1. **Reasonable efforts to prevent removal:** The reasonable efforts to prevent removal include pre-removal activities such as providing family preservation services, counseling, or other in-home services to maintain the child at home. When these efforts fail and the child enters removal, the reasonable efforts to prevent removal criteria is met when the court makes the finding that "reasonable efforts have been made to prevent removal" or makes a finding that the **lack** of such efforts was reasonable.
2. **Reasonable efforts to prevent removal are not required:[[3]](#footnote-3)** There are several situations when reasonable efforts to prevent a removal are not required. The court order must specifically state why reasonable efforts are not required to prevent removal.
3. The following are circumstances considered aggravated where providing services to prevent removal are not required:
4. A court determines that the parent has abused the child by abandoning the child, torture, chronic abuse, sexual abuse, or other abuse;
5. The parent has been convicted of murder or voluntary manslaughter of another child of the parent;
6. The parent has been convicted of aiding or abetting, attempting, conspiring, or soliciting to commit such a murder or voluntary manslaughter;
7. The parent has been convicted of a felony assault resulting in injury to the child or another child of the parent;
8. The parental right of a sibling of the child has been involuntarily terminated;
9. A parent of the child has, for the previous six months, had the ability to contact or communicate with the child and made no more than token efforts to do so;
10. The child or sibling of a child was previously removed from his home, adjudicated to have been abused or neglected, returned to his home and subsequently removed from his home as a result of additional abuse or neglect;
11. The child is less than one year of age, the father of the child is not married to the mother of the child and the father of the child has failed within 60 days after learning of the birth of the child, to visit the child, to commence proceedings to establish his paternity of the child or to provide financial support for the child or is entitled to seek custody of the child but fails to do so within 60 days after learning that the child was placed in foster care.

**C. COURT REVIEWS**

1. Six Month Reviews

A review of each child’s status shall be made no less frequently than once every six (6) months either by a court or an administrative review to:

* 1. determine the safety of the child, the continuing need for and appropriateness of the placement;
  2. determine the extent of compliance with the case plan;
  3. determine the extent of progress made toward alleviating or mitigating the causes necessitating the placement; and
  4. project a likely date by which the child may be returned and safely maintained at home or placed for adoption or legal guardianship; and

1. Administrative Review

If an administrative review is conducted, the following requirements are met:

* 1. the review will be open to the participation of the parents of the child; and
  2. the review will be conducted by a panel of appropriate persons, at least one of whom is not responsible for the case management of, or delivery of services to either child or the parents who are subject to the review.

The panel conducting the review must be appointed by the Tribal Court judge.

1. Permanency Hearing
   1. To meet the requirements of the permanency hearing, the Tribe holds permanency hearings for all children under the responsibility for placement and care of the title IV-E/IV-B agency, including children for whom the Tribe claims Federal reimbursement for the costs of voluntary foster care maintenance payments.
   2. The permanency hearing takes place within 12 months of the date the child is considered to have entered foster care (as defined within the meaning of 475(5)(F)) and not less frequently than every 12 months thereafter during the continuation of foster care.
   3. The permanency hearing may be held before the Tribal Court Judge or an Administrative Review Panel, provided the members of the Administrative Review Panel have been duly appointed by the Tribal Court Judge.
   4. When a court determines that reasonable efforts to return the child home are not required, a permanency hearing is held within 30 days of that determination, unless the requirements of the permanency hearing are fulfilled at the hearing in which the court determines that reasonable efforts to reunify the child and family are not required.

e. For the purposes of this requirement, a permanency hearing shall determine:

* 1. the permanency plan for the child that includes whether, and if applicable when, the child will be returned to the parent, or placed for adoption and the Tribe will file a petition for termination of parental rights (or modification of parental rights if customary adoption is the option chosen), or referred to legal guardianship, or (in cases where the State/Tribal agency has documented to the court a compelling reason for determining that it would not be in the best interest of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian) placed in another planned permanent living arrangement;
  2. in the case of a child who will not be returned to the parent, the hearing shall consider in-State and out-of-State placement options;
  3. in the case of a child placed out of the State in which the home of the parent(s) of the child is located, the hearing shall determine whether the out-of-State placement continues to be appropriate and in the best interests of the child;
  4. in the case of a child who has attained age 16, the services needed to assist the child to make the transition from foster care to independent living; and in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to independent living, procedural safeguards shall be applied to assure the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child.
  5. in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to independent living, procedural safeguards shall be applied to assure the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child.

1. Notice

The TRIBE will provide the parent(s) and foster parent(s) or guardian(s) of a child and any pre-adoptive parent or relative providing care for the child with timely notice of and a right to be heard in any proceeding to be held with respect to the child during the time the child is in the care of such foster parent, pre-adoptive parent, or relative caregiver. Notice of and a right to be heard does not require the Tribe to make the caregiver a party to the proceeding. Copies of all Notices are to be kept in the client file and recorded in the Social Services Database, if applicable.

**FOSTER CARE EPISODES**

**A. WHAT IS A FOSTER CARE EPISODE?**

A foster care episode is whenever a child enters foster care by either a **physical removal** or a **constructive removal.** The foster care episode continues as long as the child is considered to be in foster care placement. The child is considered to be in foster care even if the child is moved from one foster home to another, or if the child runs away from a foster home, or if the child returns home to a parent for a temporary period.

**B. COURT ORDER REQUIRED**

A court order that contains the required Contrary to the Welfare/ Best Interest and Reasonable Efforts judicial determinations must be made for each new foster care episode.

1. **WHEN FOSTER CARE EPISODE ENDS**

The foster care episode ends when one of the following conditions is met:

1. When a child is placed with a parent (even when the court supervision continues). Unless it is a trial home visit, wherein the IV-E agency continues to have legal responsibility for the child’s placement and care.
2. The Court dismisses custody and the Agency is no longer responsible for the child’s placement and care.
3. A trial home visit lasts longer than six months without court authorization.
4. Legal guardianship is granted.
5. The child is adopted.
6. The child ages out (turns 21).

**D. WHEN A CHILD IS CONSIDERED TO ENTER FOSTER CARE**

A child will be considered to have entered foster care on the earlier of:

1. The date of the first judicial finding that the child has been subjected to child abuse or neglect; or

2. The date that is 60 days after the date on which the child is removed from the home.

**Note:** A child who re-enters foster care after a **trial home visit** lasting longer than six months is considered a new foster care episode **unless** a court has ordered a trial visit lasting longer than six months.[[4]](#footnote-4)

There are two types of removal situations that are considered to be foster care episodes, physical removal and constructive removal.

**E. PHYSICAL REMOVAL OF A CHILD AND FOSTER CARE PLACEMENT**

A physical removal is when a child is actually physically removed from the home of a specified relative. The following are some examples of physical removal situations and requirements for the CTW/RE findings:

1. A child is returned home, the case is closed and the Agency dismisses the custody of the child. After four months at home, the reunification disrupts and the Agency places the child into substitute care.

This is a new placement episode and the Agency must obtain a new court order with a CTW and RE finding (or a voluntary placement agreement) and a **new** Title IV-E eligibility determination must be done

1. A child is in the custody of the Agency and is returned to his/her parent's home for a trial home visit. The child runs away from the parent's home after three months and is placed into foster care. Since the Agency retained custody of the child **and** since the trial home visit was less than 6 months this is **not** a new foster care episode. Therefore, the original Title IV-E eligibility determination still remains in effect.

**REIMBURSABILITY REQUIREMENTS FOR TITLE IV-E PLACEMENT SUBSIDY**

**If the child is reimbursable for one day of the month,** the child is considered reimbursable for the entire month. The only exception to this rule is placement in a non-reimbursable facility (See Section 3. Reimbursable and Non-Reimbursable Placements)

**A. LEGAL RESPONSIBILITY**

There must be a voluntary placement agreement or a court order that gives the Agency legal responsibility for the placement and care of the child. This is the court order that grants the custody of the child to the Agency or a signed VPA.

1. Agency Custody

The custody of the child remains with the Agency until one of the following conditions are met:

1. The Agency dismisses custody;
2. A legal guardianship occurs for the child;
3. The child is adopted; or
4. The child ages out.

2. Placement Responsibility

Payments will be provided to each child:

a. Whose placement and care in a foster family home or child care institution (as defined in Appendix A) is the responsibility of either:

* 1. The Agency administering the approved Title IV-E plan;
  2. Any other public agency with whom the Agency administering or supervising the administration of the approved Title IV-E plan has made an agreement which is still in effect.

iii. For any child placed in a state licensed child care institution, the Agency shall require, and maintain a copy of, the current license for such institution, in the child’s case file.

**REASONABLE EFFORTS TO FINALIZE A PERMANENCY PLAN**

For children removed after March 27, 2000, there must be a judicial determination that **reasonable efforts** were made to finalize a **permanency plan** within 12 months of the date the child is considered to have entered foster care, as defined in Chapter 1 Section II. D., and every 12 months thereafter while the child is in foster care for the child to continue to be IV-E reimbursable.[[5]](#footnote-5) The permanency plan must list the efforts made to finalize the plan. The permanency plan is the responsibility of the caseworker.

**A. BEGIN AND END DATES FOR RE-PERMANENCY HEARING REIMBURSABILITY**

If the RE to finalize a permanency plan determination is **not** obtained within 12 months of the date the child is considered to have entered foster care, as defined in Chapter 1 Section II. D., or within 12 months of a prior determination, then the child's foster care cost is **not** Title IV-E reimbursable starting with **the first day of the 13th month** or the **first day of the following month** that the court order specified that RE to finalize a permanency plan was **not met** if that should occur at a hearing earlier than within 12 months.

The child regains Title IV-E reimbursability in the month that the court makes a RE to finalize a permanency plan determination.[[6]](#footnote-6) The child becomes reimbursable from the **first day of the month** in which the court makes the RE to finalize a permanency plan determination.

**B. DUE DATE FOR PERMANCY HEARINGS**

The first permanency hearing must be held within 12 months after the date the child is considered to have entered foster care, as defined in Chapter 1 Section II.D. All subsequent permanency hearings must be held no less frequently than every 12 months thereafter.

**Note:** If the court determined that reasonable efforts to prevent removal or to reunify were not required due to aggravated circumstances, as defined in tribal law, then there must be a permanency plan hearing within 30 days, unless the requirements of the permanency hearing are fulfilled at the hearing in which the court determines that reasonable efforts to prevent removal or to reunify the child and family are not required. [[7]](#footnote-7)

**REIMBURSABLE AND NON REIMBURSABLE PLACEMENTS**

When the child enters or re-enters a reimbursable placement, the cost of care can be claimed to Title **IV-E from the date** that the child enters the reimbursable placement. Reimbursability ends when the child enters a non-reimbursable placement or leaves a reimbursable placement.

**A. REIMBURSABLE PLACEMENT**

The following types of foster care providers meet the Title IV-E definition of a reimbursable placement facility:

1. A licensed foster family home (as defined in Appendix A).
2. A licensed relative home.
3. A private for profit or not-for-profit child care institution licensed by the State or Agency (as defined in Appendix A).
4. A fully licensed, public childcare institution that accommodates no more than 25 children (as defined in Appendix A).
5. A private for profit or not-for-profit child placement or childcare agency.[[8]](#footnote-8)

Foster Care payments made to Title IV-E reimbursable placements cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to the child, and reasonable travel to the child's home for visitation with family, or other caretakers, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement.

1. **NON-REIMBURSABLE PLACEMENT**
2. Foster homes that are not licensed or their license has expired
3. Relative homes that are not licensed
4. Detention facilities
5. Forestry camps
6. Training schools
7. Other facilities operated "primarily" for the detention of delinquent children, which must be physically restricting **and** likely to be non-operational without a population of children adjudicated delinquent (i.e., hardware secure, locked facilities)
8. Medical facilities i.e., generally considered those that meet Medical Assistance (MA) or Joint Commission on the Accreditation of Healthcare Organizations (JCAHO) requirements, such as psychiatric or general hospitals
9. Publicly operated child care institutions licensed for more than 25 beds.

**C. NON-REIMBURSABLE FOSTER PARENTS[[9]](#footnote-9)**

A child's foster care maintenance payment is not reimbursable if the prospective foster parent was found to have been convicted of a felony involving the following crimes:

1. child abuse or neglect;
2. spousal abuse;
3. a crime against a child or children (including child pornography); or
4. a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

A child's foster care maintenance payment is not reimbursable if the prospective foster parent was found to have been convicted of a felony involving the following crimes within the last 5 years.

1. Physical assault
2. Battery
3. A drug-related offense

**D. NON-REIMBURSABLE COURT ORDERED PLACEMENTS[[10]](#footnote-10)**

**"Title IV-E reimbursement is not available when a court orders a specific placement for a child with a specific foster care provider;"** If a court orders the child into a specific placement without consideration of the Agency's recommendation of the child's placement, then that placement is not reimbursable for Title IV-E. This means that the court has taken the placement and care responsibility away from the Agency and has assumed such responsibility by choosing the child's placement without input from Agency representatives.

**Note:** ***If the court orders a specific placement for a child as an endorsement or approval of the Agency's placement choice, the child is eligible for reimbursement under Title IV-E***.

**E. RIGHT TO APPEAL/FAIR HEARING PROCEDURE**

A child or other person acting on the child's behalf of a Guardian, Foster or Adoptive parents have a right to Appeal or Request a Fair Hearing when they feel that Title IV-E benefits received on behalf of a foster or adoptive child have been unfairly denied or modified. An Appeal/Fair Hearing may be requested by following the guidelines outlined in the TRIBE Child Welfare Services Appeals/Fair Hearings Procedure.

**INTERETHNIC PLACEMENT**

The Tribe nor any entity within the Tribe that receives funds from the Federal Government and is involved in guardianship, adoption or foster care placements may not:

1. deny to any person the opportunity to become a guardian or foster parent, on the basis of race, color, or national origin of the person, or of the child involved; or

2. delay or deny the placement of a child for adoption or into foster care, or with a guardian on the basis of race, color, or national origin of the adoptive or foster parent or the child involved; and

3. maintain any statute, regulation, policy, procedure or practice that, on its face, is a violation of items a and b above.

1. Compliance with the Indian Child Welfare Act (ICWA) does not constitute a violation of items a and b above

**FOSTER CARE LICENSING**

**A. FEDERAL REGULATIONS**

1. The Tribe will not approve or license any prospective foster parent or guardian if the Tribe finds that, in any case involving a child on whose behalf such payments are to be made in which a State and/or local criminal **records** check or FBI fingerprint check, conducted in accordance with paragraph (a) of this section, reveals that a court of competent jurisdiction has determined that the prospective guardian or foster has been convicted of a felony involving:

. a. child abuse or neglect;

b. spousal abuse

c. a crime against a child or children (including child pornography; or

d. a crime involving violence, including rape, sexual assault, homicide, but not including other physical assault or battery

2. The Tribe will not approve or license any prospective foster parent or guardian if the Tribe finds, in any case involving a child on whose behalf such payments are to be made in which a State and/or local criminal records check or FBI fingerprint check, conducted in accordance with paragraph (a) of this section, reveals that a court of competent jurisdiction has determined that the prospective foster parent has, within the last five years, been convicted of a felony involving:

* + - * 1. physical assault;
        2. battery; or

c. a drug-related offense.

3. The Tribe will check any child abuse and neglect registry and sexual offenders’ registry for information on any prospective foster parent, prospective adoptive parent, prospective guardian, and on any other adult living in the home of such a prospective parent/guardian for such information, before the prospective foster parent, adoptive parent, or guardian may be licensed or approved for regardless of whether Foster Care, Adoptive, or Guardianship payments are to be made on behalf of a child..

The Tribe will check any child abuse and neglect registry and sexual offenders’ registry for relevant information;

b. The Tribe will request any other State/Tribe in which any such prospective parent or other adult has resided in the preceding 5 years, to check any child abuse and neglect and sexual offenders’ registry maintained by such other State or Tribe for such information; and

4. All fingerprinting, criminal records checks, child abuse and neglect, and sexual offenders’ registry checks shall be valid for a period of two (2) years.

5. The licensing file of a child care institution wherein a child may be placed, must contain a copy of the licensed issued by the State as well as verification that safety considerations with respect to the staff of the institution have been addressed pursuant to paragraphs D.1, D.2, and D.3 above

**B. REQUIRED ELEMENTS OF THE CASE PLAN**

1. The Case Plan must be developed jointly with the parents, be in written form using the prescribed format, and signed by the parents or guardians of a child in foster care, the caseworker, and the child and family team members assigned to complete an objective or to support the family in achieving an objective. The plan must also be approved and signed by the assigned supervisor. The caseworker will provide a copy of the plan to the parents and members of the child and family team and place the original in the case file. A copy must also be attached to all court reports.

2. An individualized case plan must be developed, implemented and signed by the legal custodian, the parent, the youth, and other members of the Child and Family team, within 45 days of removal. The plan should be reviewed with the Child and Family Team every 90 days or when a significant event has occurred that requires modification of the plan. Providers’ progress reports need to be collected prior to a team meeting. Review of the plan should reinforce progress, identify solutions to challenges and, if necessary, make modifications to the plan.

3. The Agency must follow the Case Review Procedure (Chapter 2) for all children removed from the custody of his/her parent(s) and placed in out-of-home care.

4. Children (all ages, as appropriate) must be involved in the case planning process whenever possible. However, youth age 14 and older, must be included.

**C. STANDARD ELEMENTS**

1. Specific safety/risk factors to be addressed by the case plan.
2. Solutions and objectives elicited from the family through solution focused interviewing.
3. History of services provided and outcomes to identify what works for this family and what does not work.
4. Description of family needs.
5. Strengths of the family and children that can be applied towards meeting plan objectives.
6. Child assessment information including physical and mental health, educational/IEP, special needs, attachment and bonding, developmental, and placement history.
7. Services and activities to meet case plan objectives that identify desired outcomes and how the services will specifically meet those objectives.
8. Activities to complete objectives date of completion and progress, expressed in increments.
9. Permanency Plan Goals (case plan goals) Placement Assessment.
10. Visitation plan between parents and children and between siblings, if placed separately.
11. In cases where the family has limited English proficiency, every effort must be made to translate the case plan document to the family’s language.
12. includes a description of the type of home or institution in which the child is placed.
13. includes a discussion of the safety and appropriateness of the placement and how the responsible Agency plans to carry out the judicial determination that it is contrary for the child to remain in the home.
14. includes a plan for assuring that the child receives safe and proper care, and services are provided to the parent(s), child and foster parents in order to improve the conditions in the parent's parents' home to facilitate the child's return to his/her own safe home or the permanent placement of the child.
15. includes a plan for assuring that services are provided to the child and foster parents in order to address the needs of the child while in foster care.
16. includes a discussion of the appropriateness of the services that have been provided to the child under the plan.
17. where appropriate for a child 16 or over, includes a written description of the programs and services which will help such child prepare for the transition from foster care to independent living.
18. where appropriate for a child 16 or over, includes a written description of the programs and services which will help such child prepare for the transition from foster care to independent living. During the 90-day period immediately prior to the date on which the child will attain 21 years of age, whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services ,a caseworker on the staff of the Agency, and, as appropriate, other representatives of the child provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, including specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and information about the importance of designating another individual to make health care treatment decisions on behalf of the child if the child becomes unable to participate in such decisions and the child does not have, or does not want, a relative who would otherwise be authorized under State/Tribal law to make such decisions, and provides the child with the option to execute a health care power of attorney, health care proxy, or other similar document recognized under State/Tribal law, and is as detailed as the child may elect.
19. for a child who has attained 16 years of age, ensure the child receives, without cost, a copy of any consumer (credit) report pertaining to the child for each year until the child is discharged from care, and receives assistance (including, when feasible, from any court-appointed advocate) in interpreting and resolving any inaccuracies in the report.
20. documents the steps to finalize a placement when the case plan goal is or becomes adoption or placement in another permanent home. When the case plan goal is adoption, at a minimum such documentation shall include child-specific recruitment efforts such as the use of Tribal, State, regional, and national adoption exchanges including electronic exchange systems to facilitate orderly and timely in-State and interstate placements.
21. For a child for whom the permanency plan is placement with a relative and receipt of kinship guardian assistance payments, the Agency shall include in the case plan a description of:
22. the steps that the Agency has taken to determine that it is not appropriate for the child to be returned home or adopted;
23. the reasons for any separation of siblings during placement;
24. the reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests;
25. the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;
26. the efforts the Agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons; and
27. the efforts made by the Agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.

g. includes a discussion of how the case plan is designed to achieve a safe placement for the child in the least restrictive (most family-like) setting available and in close proximity to the home of the parent(s) when the case plan goal is reunification and a discussion of how the placement is consistent with the best interests and special needs of the child;

1. if the child has been placed in a foster family home or child-care institution a substantial distance from the home of the parent(s), or in a different State, sets forth the reasons why such a placement is in the best interests of the child;
2. if the child has been placed in foster care in a State or service area outside the State in which the child's parent(s) are located, assures that an Agency caseworker on the staff of the State or service area in which the home of the parents of the child is located, or of the State or service area in which the child has been placed, or of a private agency under contract with either such State or Tribe, visits the child in such foster home or institution no less frequently than every month and submits a report on the visit to the Tribal agency where the home of the child's parent(s) is located;
3. a plan for ensuring the educational stability of the child for each placement in foster care, including--
4. assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and
5. an assurance that the Agency has coordinated with appropriate local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of placement; or
6. if remaining in such school is not in the best interests of the child, assurances by the Agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school; and
7. incorporates the health and education records of the child including the most recent information available regarding:
8. the names and addresses of the child's health and educational providers;
9. the child's grade level performance;
10. the child's school record;
11. a record of the child's immunizations;
12. the child's known medical problems;
13. the child's medications; and
14. any other relevant health and education information concerning the child determined to be appropriate by the Agency.

26. includes a description of the services offered and provided to prevent removal of the child from the home and to reunify the family;

27. incorporate a plan of health care oversight and coordination:

* + 1. ensures that an initial and follow up health screening will be made and/or an assessment for medical need, if deemed urgent, TRIBE will take child/children to be evaluated at medical facility available to Specialist if the child/children is able to wait the foster parent(s) will be asked to make appointment with their physician. This is to be done within 30 days of placement. A copy of the visit will be sent to TRIBE and placed in the file as well as in the court report.
    2. ensures that any needs that should be addressed by a physician or provider other than the primary provider will be addressed as soon as possible. Title XX (Medicaid) required referrals before an appointment can be made. The foster parent(s) will be the contact person as the child/children resides with them. The Specialist will be notified of the appointment to document and if the matter is serious the specialist will be at the appointment. Our goal will be that within 30 days the appointment is made the child/children will be seen.
    3. ensures that present immunization records are maintained by state health departments. If a child receives immunizations at Indian Health it is in the system. Through Medicaid we can receive information on where a child/children has gone to the doctor. Records are kept in the child/children’s file. A copy is given to the foster parent(s) and can be shared with the Child Protection Team.
    4. ensures the continuity of health care services by establishing a medical home for every child in care. Children placed in foster care are seen by the area Pediatrician. If at all possible we maintain the physician that the child may have been seeing. This maintains continuity of care. If this cannot be obtained we put the offices in touch with each other, communication in this betters the outcomes with the child and family. The parent(s) are notified as to the medical care the child/children are receiving and at times are asked to be available to attend the visits to better educate the parent(s) in meeting the need of their children.
    5. ensures that foster parents keep the Specialist up to date on prescription meds. This is maintained by the foster parent(s) as well as documented in their case file. Parent(s) are asked if the child/children has any allergies to medications. Documenting the duration and if the child/children completed the medication and if not why. Children that are in treatment will have a document that will note all medication that has been used to treat the child/children.

**D. Psychotropic Medications:**

TRIBE will review psychotropic medications that have been or may be prescribed for foster children. The TRIBE will meet as a part of a team with the Specialist, parents, foster parents, physicians, tribal courts, etc. Once referred for medication, TRIBE must consent to medications that are prescribed. The parent(s) are kept informed of the side effects and dosages of all prescribed medications. Parent(s) are also given opportunities to participate in medical appointment s when possible and feasible. Children who come into care already on medication will receive all necessary follow-up care. Foster parents work collaboratively with the Specialist to ensure that foster children receive all necessary follow up care required. Foster parents will keep all medications locked and secured in the home and ensure that a regular dosing routine is followed. Foster parents will document any behaviors that the child may exhibit related to the medication in order to ensure that appropriate follow up care is given. Foster parent and the specialist will work together and both will be responsible for informing the school of the child’s medication as well as potential behaviors and side effects that result.

**REIMBURSABLE ADMINISTRATIVE CLAIMS**

**A. OVERVIEW**

1. In order to claim federal Title IV-E reimbursement for the foster care administrative costs, the Agency must document that the staff costs were related to a staff that performed Title IV-E allowable activities and that the beneficiaries of the allowable activities were Title IV-E eligible children.

2. Title IV-E allowable activities are specified in the Federal Regulations and include "the determination and redetermination of eligibility, fair hearings and appeals, rate setting and other costs directly related only to the administration of the foster care program under this part are deemed allowable administrative costs under this paragraph."[[11]](#footnote-11)

3. The Federal regulations further specify that the following are additional examples of allowable administrative activities for Title IV-E and that only activities that are closely related to the examples are claimable as Title IV-E administrative costs:

1. Referral to services
2. Preparation for and participation in judicial determinations
3. Placement of the child
4. Development of the case plan
5. Case reviews
6. Recruitment and licensing of foster homes and institutions
7. Rate setting
8. A proportionate share of related agency overhead
9. Cost related to data collection and reporting[[12]](#footnote-12)
10. Conducting criminal record checks of prospective foster parents[[13]](#footnote-13)
11. Case assessments related to case planning[[14]](#footnote-14)

4 The federal regulations also specify that Title IV-E administrative activities and costs do **not** include "the cost of social services provided to the child, the child's family or foster family which provide counseling or treatment to ameliorate or remedy personal problems, behaviors or home conditions."[[15]](#footnote-15) Federal policy also **excludes** from Title IV-E administrative activities and costs, investigation of child abuse or neglect and physical, mental examinations or evaluations.[[16]](#footnote-16)

5. In addition, the federal statute was changed so that the Agency may claim Title IV-E administrative costs for children in certain types of placements. Title IV-E administrative costs can be claimed for children who have been placed with an unlicensed relative who is pending licensure for no longer than 3 months which is the average length of time to license a foster home by the Agency.

6. Additionally, the TRIBE may claim Title IV-E administrative costs for up to one calendar month for any child who moves from an ineligible placement to a Title IV-E eligible placement. Example: The child resides in Child Haven and goes to a licensed family foster home. TRIBE may claim one month retroactively on the Title IV-E administrative claim for that child whereas the Title IV-E reimbursement claim would only include costs from the actual date of placement in the licensed home forward. The Title IV-E administrative claim may include a child who moves from an ineligible facility to a Title IV-E eligible facility, not just at removal. For children who have been in foster care for years and go from a psychiatric hospital or detention (ineligible Title IV-E placements) to a Title IV-E eligible placement, the Agency can retroactively claim for up to one month on these children as well.

7. Administrative costs associated with an otherwise eligible child who is in an unallowable facility or an unapproved or unlicensed relative home, and who is removed from the home of a specified relative shall be considered only for expenditures:

a. for a period of not more than the lesser of 12 months or the average length of time it takes to license or approve a home as a foster home, in which the child is in the home of a relative and an application is pending for licensing or approval of the home as a foster family home; or

b. for a period of not more than 1 calendar month when a child moves from a facility not eligible for payments under this part into a foster family home or child care institution licensed or approved by the State or Tribe.

8. Administrative costs associated with a child who is potentially eligible for benefits under the approved title IV-E plan and at imminent risk of removal from the home, shall be considered for expenditures only if:

a. reasonable efforts are being made to prevent the need for, or if necessary to pursue, removal of the child from the home; and

b. the State/Tribal agency has made, not less often than every 6 months, a determination (or redetermination) as to whether the child remains at imminent risk of removal from the home.

9. A time study of the Agency staff who perform Title IV-E administrative activities is typically conducted to determine the proportion of allowable and unallowable activities that are performed. The time study is usually based on a sampling methodology where the date, time and staff that are to be sampled are randomly selected. This is called the Random Moment Sample (RMS) time study.

10. The proportion of Title IV-E allowable activities determined by the RMS is then allocated to Title IV-E and other funding sources based on the Title IV-E eligibility factor or ratio.[[17]](#footnote-17)[[18]](#footnote-18) The Title IV-E eligibility ratio is typically the number of children who have been determined to be eligible for Title IV-E divided by all children in foster care. This ratio is often called the IV-E eligibility factor or ratio.

**B. ALLOWABLE TRAINING COSTS**

1. Title IV-E reimbursement is available for the cost of training child welfare personnel employed by the provider’s child welfare and ICWA programs. Reimbursement is also available for short-term training (including travel and per diem expenses) for current and prospective foster or adoptive parents. Costs incurred by the provider is allocated on a quarterly basis and calculated using a specific formula. Reimbursement is made only for expenses paid by TRIBE for eligible training.

Short term training of public and private agency staff who serve Title IV-E eligible children is 75% for allowable topics as shown in the examples below:

1. Preparation for and participation in judicial determinations
2. Case management and supervision
3. Referral to service
4. Development of the case place
5. Placement of the child
6. Case Reviews
7. Recruitment and licensing of foster homes and institutions
8. Cultural competency related to children and families
9. Title IV-E policies and procedures
10. Social work practice, such as family centered practice and social work methods including interviewing and assessment
11. Permanency planning including kinship case as a resource for children involved with the child welfare system
12. Effects of separation, grief and loss, child development and visitation
13. Communication skills required to work with children and families
14. Activities designed to preserve, strengthen, and reunify the family if the training is not related to providing treatment of services
15. Child abuse and neglect issues, such as the impact of child abuse and neglect investigations, if the training is not related to how to conduct an investigation of child abuse and neglect
16. Ethics training associated with a Title IV-E state place requirement, such as confidentiality requirements.

**Foster Care**

**Child Foster Care**

1. **SCOPE OF SERVICES**

TRIBE will provide services to children in need of out-of-home care. The purpose is to protect the health, safety and well-being of children; to enhance children’s continued growth and development; to support family restoration through substitute family care; and to establish support services for children and their families.

1. **DEFINITIONS OF TYPES OF CARE**

Kinship Care is a special form of family foster care in which the foster parents are members of the child’s biological extended family. These relatives may receive payment for the care, are required to meet certain requirements, and are offered services similar to other foster families.

Foster Care is a means of temporarily meeting the developmental needs of the child by providing him/her **with 24-hour substitute care away from their parents or guardians and for whom the TRIBE has placement and care responsibility. This includes, but is not limited to, placements in foster homes licensed by the Tribe on or near Tribal Lands, or a home licensed by another tribe on or near its respective reservation, a State or county licensed foster family home or small family home, a family home licensed by a State licensed foster family agency, a State/county/Tribally licensed relative or a licensed non-related extended family foster home, or a state licensed group home for children.**

1. **PROGRAM GOALS and OBJECTIVES**
2. TRIBE will adhere to Foster Care policies set forth in 25 CFR Part 20: Foster Care, PL 110-351: Fostering Connections to Success and Increasing Adoptions Act of 2008, Title IV-E, and Title IV-B. Subpart 2.
3. To protect the health, safety, and well-being of children placed in out-of-home care.
4. To place children in a least restrictive environment that allows for learning and nurturance.

4. To provide quality care and services to children and families.

5. To promote and enhance the children’s culture, family and extended family ties.

6. To maintain continuity in the child’s educational goals.

7. To maintain continuity in the children’s relationships with family and/or appropriate sources.

8. To work towards reunification with child’s parent(s)

1. **DESCRIPTION OF SERVICES**
2. Foster care and substitute care services are temporary out-of-home care services for a planned period of time. Services are to be utilized only after all efforts to maintain the family unit have been exhausted. Services include:
3. selection of appropriate foster homes.
4. placement and supervision of children.
5. provision of case management services to children.
6. development and implementation of treatment plan.
7. provision of financial support to meet children’s personal needs, including shoes and clothing.
8. provision of comprehensive medical and dental services and mental health services.
9. **FOSTER CARE MANAGEMENT SERVICES**
10. At a minimum the following information is required in the foster care case file:
11. For BIA services, tribal enrollment verification in accordance with 25 CFR Part 20.100; (see attachment in Government Regulations Section).
12. If a child is not enrolled, Foster Care worker must apply for an enrollment number on behalf of the child.
13. A written Service Plan (established within 20 days of placement), which would include a permanency plan detailing the need for and expected length of placement;
14. Information on each child’s health status and school records, including medications and immunization records;
15. Parental consent(s) for emergency medical care, school, and transportation;
16. A signed plan for payment, including financial responsibility of parents and use of other appropriate resources;
17. A copy of the certification/license of the foster home;
18. A current photo of each child;
19. A copy of the social security card, birth certificate, Medicaid card and current court order;
20. For placement beyond 30 days, copy of the action taken or authorized by a court of competent jurisdiction that documents the need for protection of the child;
21. For an involuntary placement, a social services assessment completed by a TRIBE Staff within 30 days of placement;
22. Documentation of a minimum of one visit to the placement setting per month by the TRIBE Staff with each child; and
    1. A list of all prior placements, including the names of the foster parents and dates of placements and discharge.
    2. A list of all phone contacts made.
23. make reasonable efforts to:
    1. place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the Tribe documents that such a joint placement would be contrary to the safety or well-being of any of the siblings; and
    2. in the case of siblings removed from their home who are not so jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless the Tribe documents that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.
24. If a child needs foster/kinship care, the TRIBE Staff must select care that meets the physical, behavioral, and emotional needs of the child. Foster care is intended to be short-term. A Service Plan must show that all the requirements in the following items are met:
25. All foster homes must be certified or licensed by the Tribe Tribe or other appropriate authority. Foster care placement beyond 30 days must be case staffed to ensure that:

b. Federal background checks are completed prior to placement as required by PL 101-630; and Title IV-E (See attachment in Government Regulations Section).

c. Training is provided to the foster / kinship family.

d. If the child is placed with relatives, the case file must contain an approved current home study and license

e. An off-reservation foster home, or residential care facility placement will require for the facility to provide TRIBE with a copy of the tribal and/or state license.

1. When a child is placed in foster care or a residential care facility the TRIBE Staff must do all the following:
2. Discuss with the foster parents or caretakers, the child’s special needs, including disabilities if any;
3. Provide guidance or referral to available resources;
4. Refer any child requiring medical, substance abuse, or behavioral (mental) health services to an appropriate health services to be assessed and to receive services;
5. Ensure that the Service Plan provides for all necessary costs of care (including clothing, incidentals, and personal allowance) in accordance with established state standards of payments;
6. Develop a foster family agreement signed and dated by the parties involved that specifies the roles and responsibilities of the foster parents, and placing agency; the terms of payment of care; and the need for adherence to the established Service Plans;
7. Immediately report any occurrences of suspected child abuse or neglect in a foster home or residential care facility to law enforcement and protective services in accordance with tribal standards and reporting requirements under PL 101-630; and
8. Complete a yearly assessment of each tribal or licensed foster home or residential care facility evaluating how the home has fulfilled its function relative to the needs of the child placed in the home.
9. **SERVICES TO CHILDREN**
   * 1. TRIBE staff shall:

a. Assume a cooperative responsibility for the children’s care along with the parents and foster parents.

b. Ensure children receive basic care necessary for growth, development and nurturance.

c. Provide for the personal needs of the children.

d. Arrange for a medical exam and/or schedule an appointment for the children and conduct appropriate follow up

e.Arrange for mental health exam when necessary.

f. Obtain necessary documents for school enrollment. Social services will make all reasonable efforts to keep child in same school and if possible assist with transfer.

g. Make referrals to and coordinate services with other collateral agencies.

h. Maintain confidentiality of children and families.

i. Ensure proper documents are submitted for payments.

j. Encourage and facilitate visitation among children, natural parents/guardian, and foster parents. Foster family cannot arrange visitation.

1. **FOSTER PARENT(S) RESPONSIBLITIES**

1. Provide for the basic and appropriate needs of children including food, shelter, clothing, and personal hygiene.

2. Ensure adequate provisions are made for the daily supervision of children.

3. Provide for regular medical, vision and dental examinations for children.

4. Be aware and sensitive to the emotional needs of children in foster care.

5.Monitor children’s educational placement.

6. Provide opportunities for leisure-time activities and physical/ social development.

7. Provide opportunities for religious, spiritual, cultural, and ethnic development.

8. Maintain confidentiality of children.

9. Report to TRIBE any serious incidences and/or life-threatening situations regarding the children. (Refer to Foster Care Agreement.)

10. Keep a record of the child’s daily activities, history of the child’s monthly medical appointments and medication log that is to be turned in at the end of each month (Child’s Placement/Medical Passport).

11. Advise TRIBE of any change in the household (such as and individual over 18 moving in) or any change in the status of the foster child that may affect eligibility to receive subsidy payments (child is in long-term hospital care, child has been placed in locked facility, child has run away)

1. **TRIBE RESPONSIBILITIES**

1. Have legal supervision of children placed in foster care.

2. Strengthen the children’s home environment through family preservation services or developing a comprehensive treatment plan of services.

3. Reimburse foster home on a monthly basis for services rendered.

4. TRIBE will work with Income Support Division to ensure child receives Medicaid.

5. Need to address monitoring of psychotropic drugs (procedures, form, case

management).

6. Need to address youth 16 and over

a. Provide copy of credit report annually and assist youth if there is a problem on the report

b. Assist youth with independent living plan

c. Provide youth with information re appointing someone to make medical decisions for the youth if the youth is unable to do so.

**FOSTER HOME**

**LICENSING STANDARDS**

**Foster/Kinship Licensing Standards**

1. **SCOPE OF SERVICES**

TRIBE shall recruit and train capable foster / kinship family homes to enhance their ability to care for foster children. TRIBE shall provide on-going support to maintain an adequate number of foster family homes.

1. **GOAL**

TRIBE will develop a sufficient number of foster family homes that may be accessible to TRIBE Staffs. Family foster home will serve as a necessary resource for social services to provide for safety and well-being of children in out-of-home care.

1. **OBJECTIVES**

1. To recruit and screen potential foster parents.

2. To select foster parents that show unique characteristics, values, and motives which will enable them to fulfill the needs of children in out-of-home placement.

3. To license foster parents who meet the basic requirements of the Tribe Foster Home Standards and Regulations and who have undergone the safety checks as required under Title IV-E and the BIA.

4. To certify and license foster home for children in out-of-home placements.

5. To provide a structured training program to foster parents.

6. To retain foster home through monitoring and follow-up.

7. To retain relative foster home through monitoring and follow-up.

8. To support the foster families need for respite and other services.

1. **DESCRIPTION OF SERVICES**

1. Recruitment - Vital to the TRIBE foster care program is the selection and screening of potential foster parents and families. There must be a sufficient number of families to meet the individual needs of children in out-of-home placement. Therefore, increasing or maintaining the number of foster families will be an on-going process. A continuous foster home recruitment process should include:

a. community awareness and education through provision and implementation of specific educational opportunities including:

* 1. parenting training
  2. foster care training
  3. first aid and CPR training
  4. food handlers training
  5. resource coordination
  6. collaboration, and
  7. networking

b. utilizing current foster parents to educate and inform others in the community. They will share their positive experiences and recruit friends, family, and community members.

c. targeted population, i.e., interested community members, health professionals, teachers, PSA’s, etc.

2. Foster Home Care Application - Any individual(s) desiring to become a foster parent shall make inquiry to Tribe Tribal Social Services. TRIBE shall make an application available to the interested individual(s).

3. Licensing of Foster Homes - the process by which a family receives permission and recognition through documentation to provide out-of-home care for children in need. The licensing of foster family homes is required by TRIBE and its funding agencies. The types of licenses are as follows:

a. Provisional - a license issued to an individual and/or family until the family complies with all requirements. The length of such a license is two (2) months. **There are no foster care payments made until a regular license is issued.**

b. Regular - a license issued for term of one-year to an adult individual(s) whose home qualifies and is in compliance with the licensing requirements. The license is for short-term, long-term, emergency, receiving and respite placements.

c. Special - same as a regular license, except additional training requirements are needed for the care of developmentally delayed or handicapped children.

d. Kinship - a licensed home of a relative suitable to provide care to children who permanency plan is guardianship or adoption with the family.

4. Training/Continuing Education - Foster parent training is an integral part of the Foster Care program and is a requirement for licensing. The purpose of training is to provide foster parents with information and awareness through orientation behavior management and child care skills of all foster parents. Therefore, a continuum of training and alternatives are necessary to support foster families. Applicants must complete 30 hours of training prior to licensing and 15 hours of training each year (both foster parents, if applicable).

5. Monitoring and Evaluation - To perform frequent assessment of the following:

a. How the children’s basic needs are being met, including clothing, shoes, and the children’s physical, emotional, mental, and educational development.

b. Foster parent participation and compliance with TRIBE Foster Care Standards.

c. The process by which foster parents are provided support and consultation, for their own well-being.

6. Retention - Providing services that motivate foster parents, including support services, incentives, and respecting their decision-making abilities. Retention should also include respite services which allow rest and relaxation, reimbursements, and monthly payments.

1. **PROCEDURES FOR RECRUITMENT**

The TRIBE Staff Shall:

1. Provide community awareness and education on monthly, quarterly and annual basis through:

a. presentations during Child Abuse prevention month.

b. promotional activities and exhibits, workshops, etc.

c. written communication through brochures, posters, etc.

1. **PROCEDURES FOR FOSTER / KINSHIP HOME APPLICATION**

The TRIBE Staff Shall:

1. Explain the foster care program to potential foster parent(s) and interested individuals.

* + 1. Provide and explain sections of the foster care application to potential applicant(s).
    2. Assist potential applicant(s) in completing the foster home application, when necessary.
  1. Upon submission of the Foster Care Application, TRIBE Staff will review application for thoroughness and provide the following additional forms for the applicant to sign:
     1. Release of Information form for all household members over the age of 18. Form will be used to obtain local tribal background checks from Tribe Tribal Courts.
     2. Refer applicant to the appropriate tribal, state/county agency for criminal background checks. (Per The Adam Walsh Child Protection and Safety Act of 2006)-Sexual Abuse, Sexual Offender Registry
     3. Emergency Plan. Emergency contact information, utility shut-offs, home exit maps, family, medical contacts, list of all medications for everyone in the household including foster child(ren) and a secure place for all important paperwork.
     4. Physical/Health Screening to be submitted to local hospital for primary caregiver and adult members of the household.
     5. Weapons Agreement. Listing of all weapons in the household identifying location of such weapons.

4. Contact by phone the personal references provided by the applicant.

5. Review the Foster / Kinship Care Case file for thoroughness and forward to TRIBE Director for review and assignment for a Home Study.

6. TRIBE Staff will forward completed Foster/Kinship Home Study Report with recommendations to the TRIBE Director for approval/denial.

7. TRIBE Director will forward results to TRIBE Staff to:

1. Mail a Denial letter to applicant explaining reasons for denial of application, including the process the applicant must follow in order to Appeal the decision.
2. Issue a Foster / Kinship License along with letter to the applicant.

8. Initial orientation to begin to prepare and establish a foundation for parents to work with the challenges of providing foster care, and to provide potential foster parents with information that will assist them in their decision as to whether or not they can be foster parents. To be covered are:

1. an overview of agency and program
2. introduction to foster care
3. review of foster care regulations and forms
4. review of Foster Parent Handbook
5. forming a new family
6. communication, loyalties and values
7. dynamics of child development
8. separation, loss, and grief
9. discipline versus punishment, and
10. confidentiality
11. Prior to being granted a license or, if a license has been issued, prior to a child being placed in a foster home, foster parents are trained in the skills relating to reasonable and prudent parenting and the child’s participation in age or developmentally-appropriate activities, including knowledge and skills relating to the developmental states of the cognitive, emotional, physical, and behavioral capacities of a child, and applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural and social activities which may include sports, field trips, overnight activities lasting one or more days which involves the signing of permission slips and arranging transportation for the child to and from extracurricular enrichment, cultural and social activities, and may also include decisions relating to the child obtaining a driver’s license.
12. Foster parents will also be trained in recognizing the at-risk behavior that may be present prior to a child running away and to recognize whether a child has been involved in any human or sex-trafficking activity or victimization. Training will also include who the foster parent (s) should contact when a child displays any of the at-risk or victimization behavior, and when a child runs away. Training will include what services and treatment are available to children who have been victims of sex trafficking and working with TRIBE to obtain these services.

9. Arrange and schedule continued and on-going training to:

a. Educate foster parents about child abuse, neglect, parenting and other related issues, to obtain a better understanding of their family situation and relationship with the child. Topics may include:

i. dynamics of child abuse and neglect

ii. communication

iii. behavior management

iv. impact on the foster family with foster children

v. tradition, culture and heritage

vi. advocacy and networking

vii. fetal alcohol syndrome/fetal alcohol effect

* 1. parenting skills

ix. child abuse/neglect and the law

x. domestic violence

xi. dysfunctional families

xii. Satanism/gangs

xiii. attention deficit disorders

xiv. recordkeeping - monitoring and evaluation

xv. experience success - incentives, resolving conflict, and confrontation

xvi. child protection services

xvii. alleged abuse/neglect in foster home

xviii. food handling

xix. arrange and schedule special training for foster parents and families who wish to open their homes to children with special needs.

* overview of developmental disabilities and other handicapping conditions
* types of developmental disabilities
* medically fragile children
* teenagers and adolescents
* sexually abused children
* cardiopulmonary resuscitation (CPR)
* first aid
* defensive driving
* Video or CD viewing.

10. Conduct at least one in-home visitation a month and as necessary.

11. Record all contacts (provide narrative detail).

12. Notify the Family Foster Home in writing, 60 days prior to the expiration of their license and **provide** them **with** **the** documents required for re-licensure.

13. Monitor and update all documents as necessary.

14. Support and advocate on behalf of foster parents through;

1. respite services
2. support groups
3. timely reimbursements

15. Coordinate and network services to foster parents with;

1. health services
2. support services
3. treatment services

d. education services

The TRIBE Staff shall:

1. Verify and certify all information recorded in case file:
2. insuring documents are in case records, and

b. recording date of completion

1. Provide information on Foster Home License:
2. type of license and duration;
3. number of children, and

c. age and sex of children.

3. Maintain confidential data and information on foster families and children in foster care.

4. Issue Foster Home license, upon approval.

5. Issue foster parent Letter of Authorization, for placement and care of child(ren)

6. Obtain signature of TRIBE director on license and obtain signatures of both TRIBE director and assigned TRIBE Staff for the Letter of Authorization.

7. Advocate for ongoing foster care service delivery.

**Child Protection Team (CPT)**

**A. CHILD PROTECTION TEAM**

The Tribe Child Protection Team may include members from school, medical doctor, police department/criminal investigation, prosecutor, FBI representatives, and TRIBE Family Preservation, CPS worker, Case management worker, counselor/psychologist, and recovery center services.

**B. INTRODUCTORY STATEMENT**

TRIBE is the Tribe Child Protection Team. The Purpose is to provide oversight regarding reported child abuse/neglect incidents, facilitating the provision of service and providing objective intervention for child and family by effectively utilizing community resources in the treatment and prevention of child abuse.

**C. CASE REFERRALS TO THE CPT**

1. The CPT will coordinate services to children and families involved in a child protection referral/investigation. A CPT approach to coordinating service delivery maximizes the use of services available to victims of child abuse and neglect.

2. TRIBE must provide feedback as to whether or not a case has been placed on the CPT agenda. TRIBE has an annual calendar indicating the dates CPT meetings are held. CPT meetings should be held on a regular basis and emphasize the prevention of child abuse and neglect.

**CLIENT APPEAL PROCEDURE**

**Client Appeal Procedure**

**A**. **RIGHT TO APPEAL**

Any applicant or services recipient shall have the right to appeal pursuant to the procedures as set forth by TRIBE and the Code of Federal Regulations. TRIBE shall provide for the rights of an applicant/service recipient to appeal any of the following decisions or actions:

1. Denial, approval, discontinuation, suspensions or termination of Social Services by Tribe Tribal Social Services.

2. Denial, suspension or termination of a Foster Home License.

3. Failure to issue a written decision within 30 days from the time an application was submitted

4. Allegations of discriminatory practices by program personnel.

**B**. **HEARING PROCESS**

An applicant shall be informed in writing of his/her right to request a hearing on any adverse decision or action. The program personnel shall ensure that the applicant actually received notice of his/her right to request a hearing. An applicant must request a hearing within twenty (20) working days from the date of a decision or action, within twenty (20) working days from deadline for issuing a written decision on an application, or within twenty (20) working days from the alleged discriminatory practices. A request for a hearing may be made orally or in writing. Upon a request for a hearing, service shall continue until the date of the final decision is made by the Director of Tribe Tribal Social Services.

1. At the time a request for a hearing is received from the applicant or recipient, an informal hearing will be scheduled first. A formal hearing will not be scheduled until the completion of the informal hearing.

a. The informal hearing shall take place within ten (10) working days from the date the request for a hearing is received.

b. The informal hearing shall include only the appellant, the TRIBE Staff/case worker who made the initial decision or took the initial action, and the Director.

c. The appellant shall have the right to present oral or written evidence at the informal hearing, and the right to examine all of the case record that may be a basis for a decision in the matter.

d. A decision to uphold or reverse the original decision or action shall be made by the TRIBE Staff/Director at the end of the informal hearing.

e. The proceedings of the informal hearing shall be documented. The appellant has the right to a copy of a transcript upon request.

f. If the appellant is dissatisfied with the decision a formal hearing request can be made in writing within fifteen (15) days from the date of the informal hearing.

2. A formal hearing shall be scheduled within ten (10) working days from the date the request is received in the TRIBE office. The hearing shall be conducted by the TRIBE Director. Written notice of the date and location shall be given to the appellant. The written notice shall include a statement of the issues, the right of the appellant to be heard in person or be represented at their own expense, the right to present both oral and written evidence as well as to submit written statements before or during the hearing, the right to confront and cross-examine witnesses, and the right to examine and copy their case record as it is related to the proposed action being taken.

a. All individual participants of the hearing shall present honest statements and supportive evidence in good faith.

b. The TRIBE Director may consider any relevant evidence submitted in any form by participants to the proceeding.

c. The TRIBE Staff/case worker who made the initial decision or took the initial action shall attend the hearing unless the TRIBE Director rules otherwise.

d. The hearing shall be documented. A transcript of the hearing shall be provided to the appellant upon request.

e. The TRIBE Director shall issue a written decision upholding or reversing the initial decision or action within seven (7) working days after a hearing is held. The decision shall be based only on evidence presented during the hearing.

The written decision shall include:

i. A written statement covering the evidence relied upon and reasons for the decision.

ii. The appellant’s right to further appeal from any decision in accordance with the procedure set forth in Part C, below.

**C. APPEAL TO TRIBAL ADMINISTRATOR**

If an appellant is dissatisfied with the decision rendered after a formal hearing by the TRIBE Director or designated Hearing Officer, the decision may be appealed to the Tribal Administrator.

1. The Tribal Administrator shall be a person with no personal knowledge of the appellant or the circumstances surrounding the decision or action being contested.

2. The Tribal Administrator must receive notice of the intent to appeal within fifteen (15) working days from appellant’s receipt of the Tribe Tribal Social Services’ decision. A postmark within the 15-day period is deemed receipt for purposes of this procedure. No extension of the time to file notice of appeal will be granted.

3. A hearing shall be scheduled within ten (10) working days from the date “notice of the intent to appeal” is received by the Tribal Administrator. The appeal must identify the case, give a statement of the reason for appeal, and make any arguments the appellant wishes to make. The appellant shall be notified in writing of the scheduled date and time of the hearing.

4. The hearing shall be documented. Evidence will be limited to evidence produced at prior hearings, in the absence of extraordinary circumstances to justify why newly-offered evidence was not previously produced.

5. All participants in the proceedings shall present honest statements and supportive evidence in good faith.

6. The Tribal Administrator shall issue a written decision within five (5) working days of the date of the hearing. The Tribal Administrator’s decision shall be based only on evidence and testimony contained in the record of the proceeding offered at the previous hearing.

7. The decision of the Tribal Administrator shall be final for the Tribe

Tribal Social Services. The decision may be appealed to the Tribal Court in any manner authorized by law.

**D. NON-INTERRUPTION OF ASSISTANCE**

TRIBE shall not interrupt assistance to the appellant until after the hearing is completed. Finally, the program personnel shall ensure at all information given by or about the appellant shall be kept confidential and such information shall not be disclosed to unauthorized person(s) without the consent of the appellant.

**ADULT PROTECTIVE SERVICES**

**Adult Protective Services**

**A. SCOPE OF SERVICES**

TRIBE will provide Adult Protection Services to those adult persons who are neglected, abused, exploited, and/or abandoned by utilizing the Tribe Adult Protection Code It is the custom and tradition of the People of Tribe and is a community value to honor and respect our elders and to protect vulnerable adults on the Tribe Reservation from abuse and neglect. By doing so, it promotes the integrity of the family since vulnerable adults in general and elders in particular are an integral part of the Tribe family. Thus, it is in the interest of and serves the welfare of the People of Tribe to protect vulnerable adults. (Per Tribe Adult Protection Code)

**B. PROGRAM GOALS**

1. Program Goal:

a. TRIBE will follow the policies and procedures set forth in the Tribe Adult Protection Code.

b. See Manual

**C. DEFINITIONS**

1. RECOGNIZING ADULT/ELDER ABUSE, NEGLECT AND EXPLOITATION

* 1. WHAT IS ABUSE?

i. Abuse is defined as:

* + - the intentional or negligent infliction of physical pain, injury or mental anguish without justifiable cause; or
    - the deliberate deprival by a caretaker or other person of services necessary for the mental and physical health of an adult.

1. **EXAMPLES OF ABUSE**
   1. A caregiver:
2. constantly threatens to place the adult in a nursing home;
3. belittles and shames the adult;
4. under-medicates or overmedicates the adult;
5. withholds medical treatment from the adult
6. uses the adult as a scapegoat;
7. beats the adult;
8. refuses to provide basic care (hygiene, food, adequate shelter);
9. punishes the adult for real or imagines actions;
10. through coercion (force or threat of force), involves the adult in any form of sexual contact or assault, including but not limited to rape, fondling, sodomy and forced observation of sexual acts.
11. **HOW TO RECOGNIZE ABUSE**

The signs of abuse are not always easy to detect. A vulnerable adult who exhibits any of the following characteristics may be experiencing abuse:

1. Physical Indicators:

* 1. bums, located unusual areas;
  2. bruises - bilateral, clustered, resembling an object, old and new;
  3. lacerations, welts, black eyes;
  4. malnourishment, dehydration;
  5. appearances of over medication / under medicated;
  6. untreated medical conditions;
  7. rope marks or other signs of physical constraints;
  8. unhealed sores/untreated injuries;
  9. prolonged interval between injury and treatment;
  10. doctor hopping;
  11. inconsistent explanations of injury or explanations that are not feasible;
  12. untreated pain;
  13. inappropriate clothing;
  14. fleas, lice;
  15. hair pulled out;
  16. sexually transmitted disease;
  17. pain and irritation of the genitals; and
  18. excessive masturbation.
  19. Behavioral Indicators:

1. justified fear;
2. unwarranted suspicion;
3. unwillingness to talk;
4. recent or sudden changes in behavior;
5. refusal to discuss situations, to open the door, ask for help;
6. flinching or cowering when caregiver enters room; and
7. fear of being removed from their own home.
8. **WHAT IS NEGLECT?**

Neglect means failure of the caretaker of an adult to provide basic needs such as clothing, food, shelter, supervision and care for the physical and mental health for that adult or failure to provide such basic needs for himself.

* + 1. EXAMPLES OF NEGLECT
    2. The vulnerable adult:
  1. is inappropriately dressed for the weather;
  2. spends long periods of time in own faces or urine;
  3. is malnourished or dehydrated;
  4. is dirty or smells;
  5. has bedsores;
  6. lives in hazardous conditions; and
  7. is isolated or ignored.

1. **HOW TO RECOGNIZE NEGLECT**
   * 1. A vulnerable adult who shows several of the following characteristics may be experiencing neglect:
2. clothing too large;
3. odor of urine or feces;
4. significant weight loss;
5. skin loses elasticity;
6. decayed teeth;
7. shoes on wrong feet;
8. same soiled clothing all the time;
9. untreated illnesses/injuries;
10. lack of safe, warm, sanitary shelter;
11. adult left alone for extended periods of time;
12. locked away and denied visitors; and
13. food, medication, and personal care withheld by caregiver.
    * 1. Behavioral Indicators:
         1. failure to thrive;
14. hording food;
15. begging or stealing food;
16. confusion;
17. apathy;
18. lethargic; and
19. chronic pain not related to a diagnosed illness.
20. **WHAT IS EXPLOITATION?**

Exploitation means an unjust or improper use of an adult’s resources for another’s profit or advantage, monetary or otherwise.

1. **EXAMPLES OF EXPLOITATION**

1. A Caregiver:

1. demands excessive charges in return for care, goods or services;
2. promises to take care of the vulnerable adult forever if the adult signs over his assets;
3. depletes the vulnerable adult’s bank account with nothing to show for it;
4. uses the vulnerable adult’s finances to supports his own habits;
5. attempts to gain Power of Attorney or to become guardian or conservator when vulnerable adult is incapable of making decisions for himself/herself.
6. **INDICATORS**:
7. caregiver is financially dependent on the vulnerable adult;
8. the vulnerable adult begins to institute changes in his will, representative payee, or power of attorney;
9. previously uncaring relatives suddenly appear;
10. there is no money to pay bills which were formerly paid;
11. the adult is unaware of how much money they have and what their regular monthly expenses are; and
12. household goods or personal property begin to disappear.

**FAMILY PRESERVATION**

**Family Preservation Services**

**A. PURPOSE**

1. Family Preservation Services are comprehensive, short-term, intensive services for families delivered primarily in the home and designed to prevent the unnecessary out-of-home placement of children or to promote family reunification. They are services for children and families designed to help families at risk or in crisis. Family Preservation Services is **not** designed to “fix” everything in the family but to help the family learn the skills necessary to provide a safe and caring environment for the child.
2. **PROGRAM GOALS**

1. To enhance the parents’ ability to create a safe, stable and nurturing home environment that promotes healthy child development.

2. To prevent out-of-home placement of children, due to child abuse and neglect.

3. To provide, refer to, and coordinate services in an effort to achieve or maintain family safety, stability, self-sufficiency and unity.

4. To emphasize Tribe family cultural values and heritage.

1. **PROGRAM OBJECTIVES**

1. To ensure reasonable efforts are made to prevent removal and out-of-home placement of children. To stabilize the crisis that put the child at risk of placement.

2. To address the needs of at-risk children/family members.

3. To provide family-based services with treatment in the least restrictive setting.

4. To ensure adequate progress of treatment on a regular consistent basis.

5*.* To coordinate, organize and develop family-based services with existing agencies/service providers.

6. To review, analyze and interpret policies, regulations, statues, and procedures that affect family and child welfare services.

1. **PARTICIPATION**
2. Participation in Family Preservation Services may be court ordered, a referral from outside service providers, CPS, and/or voluntary. Families experiencing a crisis that may result in a child’s placement outside the home or who has recently been reunified, are recipients of the Family Preservation Program.
3. **SERVICES PROVIDED**
4. All services are available to families with one or more children, who are at risk for out-of-home placement. Risk factors include, but are not limited to: lack of effective parenting, family disruption/instability, substance abuse, abuse and/or neglect, court/law involvement and family violence.
5. Services are targeted to individual child and family needs, and typically include family guidance, parenting and other skills training, referrals for housing assistance, and instructions in family budgeting, stress/anger management, health/ nutrition, child development, parent/child after reunification and behavior management.
6. Family Preservation Services provide follow-up service care to families to whom a child has been returned after a foster care placement. The purpose of the services is to address the issues that necessitated the out-of-home placement and then assist in providing a smooth and healthy transition for children as they return to their families.
7. **DELIVERY OF SERVICES**
8. Within 24 to 48 hours from receipt of a referral to Family Preservation, a response must be made to the individual.
9. Family Preservation services are provided in the family home or in the office setting. This allows the worker to observe family members in their own environment, feel less intimidated, to understand the issues and dynamics of the family as a whole, and to identify the strengths and resources of the family. Families are more likely to feel at ease in their own home, where they can practice new parenting and communication techniques and get on-the-spot coaching and feedback from the worker.
10. For the purpose of achieving family unity within a safe environment, In-Home Family Preservation services are provided, and the worker can coordinate or refer families for any of the following services:

a. providing supportive counseling and crisis intervention (educational, vocational, family planning);

b. classes for effective parenting skills (teaching age appropriate disciplinary practices, conflict resolution and techniques of communication);

1. assistance in meeting basic needs (food, clothing, diapers, etc.);
2. child care,
3. budgeting, housekeeping, and meal preparation;
4. assistance and support to enhance the likelihood of positive family responsibility and self-sufficiency;
5. assistance in locating safe, affordable housing;
6. provision of transportation or teaching families to use public transportation;
7. linking families with community resources and

j. court ordered probation services.

1. **RESPONSIBILITIES OF THE FAMILY PRESERVATION WORKER:**
2. Receive and screen all requests for services and determine the appropriateness of the referral and/or request.
3. A case staffing may be conducted to determine which services will be provided to an individual or family.
4. Open a family case file.
5. Conduct a family assessment by identifying strengths and needs of each family member.
6. Develop a Service Plan by outlining types of services the family will need, duration of services, and selecting the type of services to be provided including individual guidance session, group guidance, family guidance, parenting classes, and/or traditional counseling.
7. Implement a family service plan by supporting and assisting the family to carry out the service plan, ensuring that collateral services are being provided by mental health, behavioral health, schools, domestic violence shelters, etc.
8. Evaluate the family’s performance by monitoring whether or not the family has improved its functioning, review service plan for effectiveness, compliance, revise service plan as needed and provide feedback to referring agency where necessary.
9. Develop a discharge plan

9. Complete Case Closure Form

**SERVICES TO COURT**

**PRIVATE ADOPTIONS AND CUSTODY CASES RELATED TO DIVORCE**

**SERVICES TO THE COURTS**

**Private Adoption and Custody Cases Related to Divorce**

**A. INTRODUCTORY STATEMENT**

TRIBE provides numerous services to the Courts of the Tribe Tribe. These services include assessment of home situations in reference to court studies for child custody and adoption.

**B. ELIGIBILITY FOR SERVICES FOR CHILD CUSTODY AND ADOPTION STUDIES**

TRIBE staff shall take a Social Services application to determine eligibility. Eligibility will be determined by using the 25 CFR eligibility criteria. The National Poverty Guideline will be used for income criteria. Court study shall be provided to eligible families as follows;

1. Families who meet the tribal enrollment criteria, residency requirements and are low income.

2. Families who meet the above eligibility criteria and who are currently receiving other services from TRIBE.

The most recent Poverty Guideline must be kept abreast by the agency office. For assistance, call the TRIBE office.

**C. INCOME EXCEEDING THE NATIONAL POVERTY GUIDELINE**

1. Individuals not meeting the income eligibility criteria in accordance with the National Poverty guideline can contact the TRIBE for referral to other resources.

**D. SERVICES PROCESS**

1. Legal counsel(s) initiate petitions for child custody, guardianship or adoption on behalf of petitioners and submit a petition to the Family Court.

2. The Tribe Tribal Court will send an Order for Social Services Investigation to the TRIBE office. The Order shall indicate a Court hearing date. If the Court does not allow sufficient time for a social services investigation, a request for an extension may be made.

**E. SERVICES DESCRIPTION**

1. The Intake worker shall review and record all incoming requests from the Court for any home studies.

2. The TRIBE Staff supervisor shall screen and prioritize requests prior to assignment for social work investigation.

3. The assigned TRIBE Staff shall take an application for social services to determine income eligibility using the National Poverty Guideline and the 25 CFR guideline. If an applicant is determined ineligible for services, the Tribe Tribal Court shall be notified in writing.

4. The TRIBE Staff shall conduct an in-depth interview of the Petitioner(s) or Respondent(s) regarding the content of the petition, their intent for the petition, their motivations, abilities, and capabilities of Petitioners and other members, future plans for the children, home living conditions, and other important information to be assessed. (See attached social summary outline.)

5. Subject children, family members, neighbors, friends, teachers, counselors and others may also be interviewed to assist the TRIBE Staff in the investigation process.

6. Upon completion of all interviews, the TRIBE Staff must complete an assessment, evaluate and make recommendations to the court regarding plans for child custody, guardianship or adoption.

7. The TRIBE Staff shall attend the scheduled court hearing to answer any questions that may arise regarding the investigation.

**TRIBE**

**BURIAL/EMERGENCY**

**FINANCIAL ASSISTANCE**

**Burial/Emergency Assistance**

The following are available services and procedures:

**A. INDIGENT BURIAL SERVICES:**

1. A relative of the deceased may approach the TRIBE Office on behalf of the deceased to apply for the Indigent Burial Assistance.

2. Burial Assistance is available only upon absence of other resources. The TRIBE staff will research resources available to the deceased. Where there are resources available, but not enough to cover the burial expenses, the amount to cover the difference may be approved.

3. When death occurs outside the reservation the caseworker will determine if the site is “near reservation” or not. The deceased must have been enrolled with Tribe Tribe and socially, culturally, and economically affiliated with the Tribe Community area. The deceased must have lived in the identified service unit for at least six (6) months immediately prior to death, unless having to live in a nursing home or special needs residential homes.

4. In cases where there are added charges to the burial cost (including transportation cost) the TRIBE Staff must ensure the charges are reasonable.

5. TRIBE will request funds from the Finance Department to be provided to the family of the deceased.

**B. EMERGENCY ASSISTANCE:**

Defined as Payment provided to individuals or families who suffer from a burnout, flood, or other destruction of their home and loss or damage to personal possessions. The Bureau will make payments only for essential needs and other non-medical necessities, when funding is available.

**C. RECORD KEEPING**

1. The TRIBE Staff will maintain an Indigent Burial Package client file for each deceased.

1. A case file will be developed for each emergency assistance request.
2. A case file will be created by the TRIBE Staff for each and every service provided by the Burial Assistance Package. This will help the Auditor have a clear understanding of the types of services offered by Burial Assistance and the results of each case.
3. The case file will be maintained in a locked file room within the TRIBE Office.
4. Each case file will include a copy of the Burial Assistance Application form, Release of Information Form, and Demographic Information.

**FORMS**

**GOVERNMENT REGULATIONS**

1. Non-accidental injury that is inflicted by someone other than a parent, guardian, relative, or other caregiver (i.e., a stranger), is considered a criminal act that is not addressed by child protective se*rvices.*

   [↑](#footnote-ref-1)
2. 45CFR1356.21(b) [↑](#footnote-ref-2)
3. 45CFR1356.21(b)(3) [↑](#footnote-ref-3)
4. 45CFR1356.21(e) [↑](#footnote-ref-4)
5. 45CFR1356.21(b)(2)(i) [↑](#footnote-ref-5)
6. 45CFR1356.21(b)(2)(ii) [↑](#footnote-ref-6)
7. 45CFR1356.21(H)(2) [↑](#footnote-ref-7)
8. ACYF-CB-IM-06-01 and PL 109-113 (Nov 22, 2005) allows for IV-E reimbursement for a for-profit child placement agency. [↑](#footnote-ref-8)
9. 45CFR1356.30(b) [↑](#footnote-ref-9)
10. 45CFR1356.21(g)(3) "(FFP is not available when a court orders a placement with a specific foster care provider) [↑](#footnote-ref-10)
11. 45CFR 1356.60(c )(1) [↑](#footnote-ref-11)
12. 45CFR 1356.60(c)(2) [↑](#footnote-ref-12)
13. CWPM 8.1, question 1

    13 CWPM 8.1, question 2 [↑](#footnote-ref-13)
14. [↑](#footnote-ref-14)
15. 42CFR 1356.60(c)(3) [↑](#footnote-ref-15)
16. CWPM 8.1B, question 1 [↑](#footnote-ref-16)
17. Deficit Reduction Act of 2005, Sec 7403 [↑](#footnote-ref-17)
18. CWPM 8.1C, question 3 [↑](#footnote-ref-18)