



Fort Belknap Social Services Policy and Procedures Manual

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Chapter 1

Introduction

The Fort Belknap Social Services Policy and Procedures Manual was created with the assistance and input of the director and staff of the Fort Belknap Social Services Department (FBSS), as well as other agencies and departments of the Fort Belknap Tribes.

This manual is meant as a guide to assist Social Services workers in delivering culturally sensitive and relevant services to the citizens of the Fort Belknap Tribes. It is provided as a reference that summarizes relevant standards and procedures drawn from best practices and the requirements of various Tribal, state and federal laws, contracts and grants utilized by the Fort Belknap Social Services Department. It is not a substitute for the full text of the standards and procedures of the Tribes, Program or funding source.

Social Services staff should be familiar with all the standards and procedures governing their employment and activities, including but not limited to the Tribes' laws and Personnel Policies and Procedures Handbook and amendments, Federal grant and contract requirements and state program requirements.

Chapter 2

Maintenance and Use of this Manual

Regulations, laws and grant and contract requirements change frequently. This manual should be reviewed no less than annually. It will be the Social Services Director's responsibility to see that this manual is reviewed and amended as needed to reflect current Tribal, federal and state laws and regulations, as well as to address current best practices in social services and to address the changing needs of the community.

It is the responsibility of managers, supervisors and staff to recommend revisions to established policies and practices whenever such revisions are recognized as being desirable and/or necessary. Such recommendations should be presented in written form to the Director or her/his designee. At no time shall any employee be permitted to change, modify, rescind, or ignore any established policy that has been approved by the Tribal Council.

All employees of the Fort Belknap Social Services Department are responsible for reading and adhering to these guidelines. They should be familiar with the contents of this manual and keep a copy as a reference. Any deviation from the procedures in this manual must be discussed with and approved by the Social Services Director.

History of Adoption and Amendments

This manual was adopted by the Fort Belknap Tribal Council, Resolution Number _____, on _____(Date).

Chapter 3

Vision and Mission Statement

Vision

Safe and healthy children, families and communities.

Mission Statement

The Fort Belknap Social Services Department's mission is to strengthen families and promote the well-being of children through prevention, intervention, education and advocacy.

Chapter 4

Definitions

Abandon	<p>When a parent, guardian, custodian, or other person responsible for the welfare of a child:</p> <ol style="list-style-type: none">1) leaves the child without communication; or2) fails to support the child and there is no indication of that person's willingness to assume a parental role for a period in excess of six (6) months. <p>Failure to maintain a normal parental relationship with the child without just cause for a period of six months shall constitute prima facie evidence of abandonment.</p> <p>Custody with extended family members or voluntary consent to placement does not constitute abandonment</p>
Active Efforts	<p>Active efforts is a term included in the Indian Child Welfare Act (ICWA). It refers to the amount of effort a social worker must devote to providing services to a parent in order to prevent state removal of an Indian child from parental care and to assist a parent rehabilitate so a child may safely be returned. It is generally held by the courts that Active Efforts require higher level of effort than those required by "Reasonable Efforts." ICWA requires that active efforts draw in the child and family's extended family and tribe, that they include tribal service providers, and that they be tailored to the cultural values of the child and family's tribe.</p>
Adult	<p>A person who is (18) years of age or older, or otherwise emancipated by order of a court of competent jurisdiction.</p>
Aggravated Circumstances	<p>Any factor involved in the commission of an act of abuse or neglect that increases its enormity or adds to its injurious consequences, included, but not limited to, abandonment, torture, chronic abuse, or sexual abuse. (IV-E Handbook)</p>
Caretaker	<p>A person who is required by law to provide services or resources to an elder or a person who has voluntarily undertaken to provide care or resources to an elder.</p>
Case management	<p>A process to plan, seek, advocate for, and monitor services from different social services or health care organizations and staff on behalf of a client. The process enables social workers in an organization, or in different organizations, to coordinate their efforts to serve a given client through professional teamwork, thus expanding the range of needed services offered. Case management</p>

	limits problems arising from fragmentation of services, staff turnover, and inadequate coordination among providers. Case management can occur within a single, large organization or within a community program that coordinates services among different settings.
Child	A person who is less than eighteen (18) years old and has not been emancipated by order of a court of competent jurisdiction.
Child Abuse or Neglect	<p>Harm to a child's health or welfare by the acts or omissions of a person responsible for the child's welfare:</p> <ol style="list-style-type: none">1) the person responsible for the child's welfare inflicts or allows to be inflicted upon the child physical or mental injury;2) commits or allows to be committed sexual abuse or exploitation of the child;3) induces or attempts to induce a child into giving untrue testimony that the child or another child was abused or neglected by a parent or person responsible for the child.4) causes failure to thrive or otherwise fails to supply the child was adequate food or fails to supply clothing, shelter, education or adequate health care, though financially able to do so or offered financial or other reasonable means to do so;5) abandons the child by leaving the child under circumstances that make reasonable the belief that the parent or other person does not intend to resume care of the child in the future or willfully surrenders physical custody for a period of one (1) year and during that period does not manifest to the child and the person having physical custody a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child; or6) is unknown and has been unknown for a period of 180 days and reasonable efforts to locate the parents have failed.
Child Care Institution	A private child care institution, or a public child care institution which accommodates no more than twenty-five (25) children, and is licensed by the licensing authority responsible for licensing or approval of institutions of this type as meeting the standards established for such licensing. The licensing authority must be the Department or another Tribal authority for a foster family home in the Department's or other Tribal authority's service delivery area; or, a State authority in the State in which the foster family home is located. In the case of a child who has attained eighteen (18) years of age, the term includes a supervised independent living setting in which the individual is

	living independently. This excludes detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent. (IV-E Handbook)
Child in Need of Care	<p>A child:</p> <ol style="list-style-type: none">1) who has no parent(s), guardian, or custodian available and willing to care for him/her or2) who has suffered or is likely to suffer a physical injury inflicted upon him/her by other than accidental means, which causes or creates a substantial risk of death, disfigurement, or impairment of bodily function;3) who has been neglected or abused by a parent, legal guardian, or person who has custodial care of the child.
Child Protection Worker	A child protective services worker or a social services worker.
Conflicts of Interest	A conflict of interest occurs when a person has a duty to more than one individual and cannot easily manage the adverse interests of the parties. Social workers are obligated to take reasonable steps to avoid conflicts of interest.
Constructive Removal	<p>The non-physical removal of a child. A constructive removal occurs when the child:</p> <ul style="list-style-type: none">• Resides with a non-parent interim caretaker who is not the legal guardian or custodian of the child; and• Is court-ordered into the custody of the Department or placed through a voluntary placement agreement.
Cultural Relative	Extended or adopted family, members of the same clan, or people that share other cultural and ceremonial bonds.
Custody or Legal Custody	<p>The status created by order of the Family Court or any other court of competent jurisdiction that vests the following rights and responsibilities:</p> <ol style="list-style-type: none">1) The right to have physical custody of the child;2) The right and duty to protect, train and discipline the child;3) The responsibility to provide the child with food, shelter, education and ordinary medical care, and the authority to consent to surgery or extraordinary care in an emergency.
Custodian	A person, other than a parent or guardian, to whom legal custody of the child has been given
Detention	The placement of a juvenile in a physically restrictive facility.

Domicile	A person's permanent home, legal home or main residence. The domicile of a child is that of the legal custodial parent, guardian, or custodian.
Elder	A person who is 55 years or older.
Elder/Vulnerable Adult Abuse	<ol style="list-style-type: none">1) Infliction of bodily injury, unreasonable confinement, intimidation, or cruelty towards an elder with resulting physical harm or pain or mental anguish by any person, particularly anyone such as a spouse, child, other family members, caretaker, or other person recognized by Gros Ventre and Assiniboine traditional law as having a special relationship with an elder.2) Sexual abuse, emotional abuse, exploitation of funds, property or other resources of an elder or vulnerable adult for personal gain without the informed or true consent of the elder/vulnerable adult. Or acquiring the funds, property, or other resources of an elder/vulnerable adult by threat, intimidation, or other coercion. Failure to use the elder's/vulnerable adult's funds or benefits for the elder/vulnerable adult or according to the elder's/vulnerable adult's wishes.
Elder/Vulnerable Adult Neglect	When a caretaker fails to provide basic needs, supervision, services, or resources necessary to maintain minimum physical and mental health of an elder, including: <ol style="list-style-type: none">1) Taking resources to an elder;2) failure to report abuse, neglect, or exploitation of an elder when there is reasonable suspicion;3) failure to provide services or resources essential to the elder's practice of customs, traditions, or religion;4) leaving of a child or children for indefinite periods of time by parents or legal guardians in the care of elders or grandparent(s) who may resort to using their limited resources in meeting needs of the children.
Emergency Foster Care	Placement in a home that has been licensed to accept emergency placement of children at any hour of the day or night.
Exploitation	Financial or Property Exploitation means illegal or improper use of an elderly or adult with a disability's money, property, or other resources for monetary or personal benefit, profit or gain. This includes, but is not limited to, theft, misappropriation, concealment, misuse or fraudulent deprivation of money or property belonging to the elderly or adult with a disability.
Failure to Thrive - Children	Children are diagnosed with failure to thrive when their weight or rate of weight gain is significantly below that of other children of similar age and sex. Infants or children that fail to thrive seem to be dramatically smaller or shorter than other children the same age. Teenagers may have short stature or appear to lack the usual changes

Failure to Thrive - Adults	<p>that occur at puberty. However, there is a wide variation in what is considered normal growth and development.</p> <p>In the elderly, failure to thrive describes a state of decline that could be due to multiple factors and may be caused by chronic concurrent diseases and functional impairments. Manifestations of this condition include weight loss, decreased appetite, poor nutrition, and inactivity. Four common symptoms of failure to thrive: impaired physical function, malnutrition, depression, and cognitive impairment.</p>
Foster Care	<p>Substitute care for children placed away from their parents or guardians and for whom the Department has been legally identified as having legal & physical custody. (IV-E Handbook)</p>
Foster Care Provider	<p>A Foster Family Home or Child Care Institution. (IV-E Handbook)</p>
Foster Family Home	<p>The home of an individual or family licensed or approved as meeting the standards established by the licensing or approval authority, that provides twenty-four (24) hour out of home care for children under the age of 18. The licensing authority must be the Department or another Tribal authority for a foster family home in the Department's or other Tribal authority's service delivery area; or, a State authority in the State in which the foster family home is located. The term may include group homes, agency-operated boarding homes or other facilities licensed or approved for the purpose of providing foster care by the Department, Tribal agency or State responsible for approval or licensing of such facilities. (IV-E Handbook)</p>
Good Faith	<p>An honest belief or purpose and the lack of intent to defraud.</p>
Imminent Danger	<p>The child, elder or vulnerable adult is at risk of some harm or injury that could occur immediately.</p>
Incapacity	<p>The current inability, (functional inability) of a person to sufficiently understand, make, and communicate responsible decisions about himself as a result of mental illness, mental deficiency, physical illness or disability, or chronic use of drugs or liquor, and to understand the consequences of any such decision. Incapacity may vary in degree and duration and shall not be determined solely on the basis of age.</p>
Indian	<p>Any enrolled member of the Gros Ventre or Assiniboine Tribes or federally recognized Indian tribe, band or community, Alaska Native and descendant or a person considered by the community to be Indian, by traditions, customs and culture of the Gros Ventre or Assiniboine Tribes, or an individual who may not meet the requirements for enrollment but is recognized in the community as Indian.</p>

Individual Indian Money Account	An interest bearing account for trust funds held by the Secretary of the Interior that belongs to person who has an interest in trust assets. Tribal Social Services staff are authorized through 638 Contracts to carry out the duties previously administered by the Secretary.
Kinship Care	Any living arrangement in which a relative or someone else emotionally close to the child takes primary responsibility for rearing a child. (IV-E Handbook)
Least Restrictive Alternative	An approach which allows an elder the most independence and freedom from intrusion, consistent with the elder's needs by requiring that the least drastic method of intervention is required to protect the elder from harm.
Legal Age	Legal age of alcohol consumption is 21 years of age and the legal age of Tobacco use is 18 years of age. Mandatory legal age includes being a high school graduate.
Legal Removal	When the Department obtains responsibility for placement and care of a child through a court order or a voluntary placement agreement. (IV-E Handbook)
Parent	<p>A biological or adoptive or stepparent.</p> <p>Does not include persons whose parental rights have been terminated, nor does it include the unwed father whose paternity has not been acknowledged or established.</p>
Physical Removal	When the child is physically removed by the Department from the child's current living arrangement and placed into out-of-home care. (IV-E Handbook)
Priority 1 Report	<ul style="list-style-type: none">• Child is in imminent danger of physical harm (define further)• Child abandoned and in imminent danger• Child unsupervised and in imminent danger• Family may flee or child may disappear• Child at hospital for examination/parents present and awaiting questioning• Child fatality or near fatality due to alleged child abuse or neglect• Child held by police/physician/NP• The child is in imminent danger from severe psychological abuse, such as depression, anxiety, self-harm, eating disorders or fear.• The child is being exploited, sexually trafficked, endangered

Priority 2 Report	<ul style="list-style-type: none">• Other circumstances that constitute an emergency, e.g. failure to thrive• Alleged abuse or neglect in which the child is not in imminent danger but other risk factors are present• Child abandoned but not in imminent danger• Child hospitalized• Child exhibits signs of psychological abuse but is not in imminent danger.
Priority 3 Report	<ul style="list-style-type: none">• Educational neglect, such as truancy• Run-aways• Children without legal parent or guardian taking care of them• Emotional neglect or abuse that is not imminent danger
Priority 4 Report	<ul style="list-style-type: none">• All other types of reports• Follow ups on families who have completed case plans• Follow ups on unsubstantiated reports• Well-being checks
Probation	<p>A legal status created by Court order whereby a Juvenile offender is permitted to remain in his or her home under prescribed conditions and under the supervision of a person designated by the Court.</p> <p>Juvenile offender on probation is subject to return to Court for further proceedings in the event of his or her failure to comply with any of the prescribed conditions of probation.</p>
Psychological Abuse of a Child	<p>A pattern of intentional verbal or behavioral actions or lack of actions that convey to a child the message that he or she is worthless, flawed, unloved, unwanted, endangered, or only of value to meet someone else's needs. Withholding emotional support, isolation, or terrorizing a child are forms of psychological abuse. <u>Domestic violence</u> that is witnessed by a child is also considered a form of psychological abuse.</p> <p>Symptoms can include but are not limited to:</p> <ul style="list-style-type: none">• Difficulties in school• <u>Eating disorders</u>, resulting in weight loss or poor weight gain• Emotional issues such as low self-esteem, <u>depression</u>, and <u>anxiety</u>• Rebellious behavior• Sleep disorders• Vague physical complaints
Retaliation	<p>Threatening harm, or otherwise interfering with an individual reporting elder abuse, including threats or injury to a person's family, property, and employment status of the reporter or the reporter's family in any way.</p>

Services Rendered Report	A report, to be submitted bi-weekly, detailing the amount of time spent delivering services to clients and the programs under which the services were provided.
Specified Relative	<ol style="list-style-type: none">1. Father, mother, brother, sister, uncle, aunt, first cousin, child of a first cousin, nephew, or niece, or2. Relationships to persons listed above of preceding generations denoted by prefixes of grand, great or great, great are within this definition, or3. The parental relationship can be biological, adoptive or step. The sibling and grand, great, great, great relationships can also be biological, adoptive, step, or half, or4. Spouses of any persons named in the above groups are within the scope of these provisions, even though the marriage is terminated by death or divorce. (IV-Handbook)
Special Needs Child	<ol style="list-style-type: none">1. Physical or mental disability;2. Serious emotional maladjustment;3. A recognized high risk of physical or mental disability;4. Over the age of eight (8), which presents a barrier to permanency;5. Over the age of two (2) and has racial or ethnic factors which present a barrier to permanency;6. Is a member of a sibling group that should be placed together; or
Substantiated/Unsubstantiated Report	Generally, reports of abuse or neglect are “substantiated” when the investigation reveals that maltreatment did, in fact, occur. When the results of the investigation are unable to confirm the occurrence of abuse or neglect, a report may be classified as “unsubstantiated.”
Unfounded Report	“Unfounded report” means a report that is determined by the investigator who conducted the investigation to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse or neglect.
Vulnerable Adult	A person 18 years of age or older who suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage, or mental illness, or who has one or more physical or mental limitations that restrict the person's ability to perform the normal activities.

Chapter 5

Ethics and Standards of Conduct

Policy

- It is essential that the traditions and cultures of the Gros Ventre and Assiniboine people as related to family life be incorporated into any decision-making. This includes matters such as adoption, visitation, custody, recognition of sibling and extended family relationships to the child.
- Whenever a matter involving members of the Gros Ventre or Assiniboine tribes is being considered, the respective tribal traditions should be sought out and incorporated into any decision-making. This can include seeking information from tribal elders as to how such matters were handled in years past.
- All employees of Fort Belknap Social Services Department must comply with all laws and adhere to the highest ethical standards in the conduct of FBSS business and the provision of client services.
- As professionals FBSS staff are obligated to maintain current credentials such as licenses or certificates. Depending on licensure/certification, each profession has its own applicable ethics code.

Guiding Laws, Regulations and Documents

- National Association of Social Workers Revised Code of Ethics (<https://www.socialworkers.org/About/Ethics/Code-of-Ethics/Code-of-Ethics-English>)
- Title XI of The Laws of the Gros Ventre and Assiniboine Tribes of Fort Belknap, Juvenile Justice Code (https://img1.wsimg.com/blobby/go/d94bfdb9-dd85-49bd-94c2-4822ef04bf3b/downloads/1d2vrn2d0_384179.pdf?ver=1622659778175)
- Title V of The Laws of the Gros Ventre and Assiniboine Tribes of Fort Belknap, Family Court Act (Tribes' Website)
- P.L. 101-630 Indian Child Protection and Family Violence Prevention Act (<https://uscode.house.gov/view.xhtml?path=/prelim@title25/chapter34&edition=prelim>)
- Bureau of Indian Affairs Indian Child Welfare Act Guidelines (<https://www.bia.gov/sites/bia.gov/files/assets/bia/ois/pdf/idc2-056831.pdf>)

- BIA 638 Contract – (Tribal Document-Check with Social Services Director)
- 25 CFR Part 20 (Up-to-date Code of Federal Regulations can be found at this site (<https://www.ecfr.gov/cgi-bin/ECFR?page=browse>))

Procedures

5.1 Professional Ethics.

Staff members are required to follow the National Association of Social Workers Revised Code of Ethics and the Fort Belknap Code of Ethics. In cases where there might be a conflict, the most stringent code should be followed. Staff requiring clinical supervision towards certification or licensure must make such arrangements with the Social Services Director at the time of hire. The Social Services Director will inquire about a history of any violations of professional ethics with the appropriate accrediting bodies at the time of hire. FBSS has developed this ethics policy for general business conduct and professional ethics. These standards identify the legal and ethical obligations of all employees, along with their responsibilities in the provision of FBSS services and conducting the business of FBSS.

Common ethical guidelines include, but are not limited to matters related to confidentiality, dual relationships, client and provider boundaries, self-disclosure, duty to warn of client danger to self or others and mandatory reporting requirements. All staff, clinical and administrative alike, are responsible for reading and following policy and procedures associated with ethics related to business, marketing and service delivery, as well as state and federal laws with regard to these issues.

Code of Ethics. Members of the FBSS professional and administrative staff will give the welfare of clients and their families' utmost consideration and concern in matters affecting them. In behavior both inside and outside of work, they serve as responsible role models for their clients, staff, and community. FBSS staff will:

- Deliver kind and humane treatment to all in their care regardless of race, creed, gender, disability, age or sexual orientation.
- Will not deliberately do harm to a client, either physically or psychologically. Will not verbally assault, ridicule, attempt to control, or endanger a client, nor will they allow other clients or staff to do so.
- Promote changes in the lives of clients in the interest of promoting reunification and family strengthening. Will not pressure clients to adopt beliefs and behaviors that reflect social worker's value system rather than the client's own.
- Remain aware of their own skills and limitations. Will attempt never to counsel or advise clients on matters not within their area of expertise. Recognize when it is in

the best interest of our clients to release or refer them to another program or individual.

- Will not engage in any activity that could be construed as exploitation of clients for personal gain, whether it is sexual, financial, or social.
- Will not promote dependence on therapists or counselors, but help clients to empower themselves and become self-sufficient.
- Understand and agree to uphold the FBSS policy on client rights and to respect the rights and views of other professionals.
- As caring and care giving people, FBSS staff understands that a professional relationship does not end with a person's discharge from a FBSS program. Staff recognizes the need to conduct any relationships with former clients with the same concern for their wellbeing that is acknowledged above.
- Adhere to all tribal substance abuse policies
- Exhibit responsible concern for the wellbeing of our peers by not ignoring illness or unethical conduct in a colleague.
- Accept responsibility for their continuing education and professional development as part of their commitment to providing quality care for those who seek help from FBSS.
- Do everything possible to avoid conflicts of interest and step away from cases that involve biological or cultural relatives.

5.2 Confidentiality

FBSS staff will not name or give information about a client, former client, or family member except to other program staff as required by case plans, tribal law or when specifically authorized by the client. You will abide by the limits of confidentiality as stated in the FBSS Confidentiality Form and Release of Client Information Form.

- During employee orientation, FBSS employees will receive a verbal explanation of the Confidentiality Form and the Release of Client Information Form.
- Before asking clients to sign the Confidentiality or Release of Client information forms, FBSS staff will provide clients with a verbal explanation of the forms.

Confidentiality beyond Employment. FBSS employees have an ethical responsibility to maintain confidentiality of clients' records and information when they leave the employ of the

tribe. Revealing confidential information obtained while employed by the tribe May violate tribal, state or federal law.

Penalty for Fraudulently Obtaining or Releasing Confidential Information Regarding Child Abuse. Any person found guilty of knowingly and willfully requesting or obtaining any information concerning child abuse or neglect under false pretenses, or any person who knowingly or willfully discloses any such information in any manner to any individual not entitled under any law to receive it could be subject to legal repercussions including fines. (Updated Tribal Juvenile Code, Section 2, Subsection 2.4 (A-B) enacted on the 318199, Resolution 63-99)

5.3 Interaction with Clients and Public

Dress Code. It is important that employees come to work dressed in an appropriate manner for their job. Among things to consider is whether there is the likelihood of coming into contact with the general public and how your appearance may reflect on you and your department.

Badges need to be worn at all times.

Social Media. FBSS staff need to be aware that social media venues can pose potential problems. Staff should adhere to the Fort Belknap Social Media Policy. Case workers should be careful about the amount of personal information they post on social networking websites. Be sure that all social media postings consist of only appropriate content and demonstrate your professionalism at all times.

Illness. If you are sick and unable to meet with a client you must notify the client and the Social Services Director as soon as possible.

Conflicts of Interest. Social workers should be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment. Social workers should inform clients and the Director when a real or potential conflict of interest arises and discuss a resolution with the Director. Steps should be taken to resolve the issue in a manner that makes the clients' interests primary and protects clients' interests to the greatest extent possible. Unreported conflicts could be deemed an ethical violation and may be appealed to the tribal council.

Case Management. Case management is a professional and ethical responsibility. It is the ethical and professional responsibility of the case manager to follow through with families and children from intake to close out. Case managers must:

- Assess each family's unique strengths and needs and not rely on boiler plate copy for case plans
- Appear in court when scheduled and be on time

- Carefully and thoroughly complete all forms, affidavits and applications and file them as required in a timely manner
- Utilize the cultural and spiritual knowledge local elders from the Assiniboine or Gros Ventre tribes, whichever the family identifies as, and set cultural goals that may benefit the family and the individuals in the family. For example, maybe individuals within the family want Indian names, or would like to attend sweats, etc. Utilize Tiwahe's group of elders for assistance.
- Explain all forms to clients before asking them to sign
- Continue to supervise and assist children placed outside the home, while working to unify the family
- Engage other tribal, state and federal agencies and programs as appropriate in the effort to strengthen the family by setting goals whether it be for individual within the family, then the family as a whole. Provide incentives through Tiwahe funding when goals are met if funds are available.
- Engage elders as appropriate in the effort to strengthen the family
- Utilize cultural resources in the effort to strengthen the family
- Keep complete and accurate records to meet tribal, state and federal requirements and to facilitate the smooth transfer of cases from one agency to another or one social services worker to another
- Close out cases in a responsible way, communicating to all necessary parties regarding the outcome of the case and follow up

5.4 Duty to Warn

If a client communicates to a staff member a threat of imminent serious physical harm or death to an identifiable group or individual, and the client has the apparent intent and ability to carry out the threat the provider has a duty to warn the intended victim(s) and the police.

- The FBSS staff person must notify their immediate supervisors and the Social Services Director of the threat.
- The Social Services Director or designee will notify local law enforcement and assign an appropriate staff member to coordinate with law enforcement on attempt to notify the identified individual or group of the threat.

- The Social Services Director or designee will coordinate with law enforcement the warning process as well as meet with the staff member and other appropriate parties to review the actions taken.
- FBSS staff will document in the case record the specific dates, times, and individuals spoken to regarding the reporting.

5.5 Mandatory Reporting

The below is list of professionals or officials who know or have reasonable cause to suspect as a result of information they receive in their professional or official capacity, that a child, elder or vulnerable adult is abused or neglected shall report the matter promptly to the tribal prosecutor presenting officer, social worker, or law enforcement officer. In addition, under federal law anyone who supervises a mandatory reporter is also considered a mandatory reporter.

- Medical professionals - physicians, residents, interns, dentists, nurses, optometrists, community health representatives, any official or employee who is employed by the Indian Health Service or the Tribal Health Department
- School teachers, school officials and employees who work for the school during regular hours
- Social worker
- Operator or employee of any registered or licensed day-care facility; foster care or residential worker
- Law enforcement officer or official
- Clergy
- Any member of the local Indian Child welfare committee
- Members of the child protection team
- All tribal court staff

5.6 Clients Rights

Clients receiving services from Social Services must be informed of their rights. The Clients Rights form should be presented and explained to adults. The form must be signed by the client. A copy of the signed form should be included in the client's file. The original should be given to the client.

Clients should understand that the family will work directly with FBSS staff and that FBSS works on their behalf. Clients should not go to the Tribal Council or individual Tribal Council members or the BIA or IHS to intercede with FBSS. If clients have a complaint they should use the formal grievance process.

5.7 Violation of Ethics Code

Disciplinary actions for violations of ethics could consist of the following actions consistent with the Fort Belknap Personnel Policies (Section 520.6) and will depend on the nature of the violation:

- Verbal warning
- Written warning
- Suspension with pay
- Suspension without pay
- Letter of reprimand
- Requirement to work under direct supervision for a specific period of time
- Requirement to obtain additional training or counseling
- Termination
- Report to law enforcement (if there is an alleged crime)
- Report to individual's licensing board

Chapter 6

Operations

Policy

- Social Services staff will observe and comply with all grant and contract requirements.
- Social Services staff will participate in meetings, training sessions and staff retreats in order to improve their skills and assure clients are receiving the best possible services.
- FBSS will support staff by providing supervision, mentorship and regular training opportunities.
- The case records of social services, child protection workers, tribal attorney and law enforcement officers, and court actions taken concerning child abuse and neglect must be kept confidential.

Guiding Laws, Regulations and Documents

- The Laws of the Gros Ventre and Assiniboine Tribes of Fort Belknap (Tribes' Website)
- P.L. 101-630 Indian Child Protection and Family Violence Prevention Act (<https://uscode.house.gov/view.xhtml?path=/prelim@title25/chapter34&edition=prelim>)
- Bureau of Indian Affairs Indian Child Welfare Act Guidelines (<https://www.bia.gov/sites/bia.gov/files/assets/bia/ois/pdf/idc2-056831.pdf>)
- BIA 638 Contract – (Tribal Document-Check with Social Services Director)
- 25 CFR Part 20 (Up-to-date Code of Federal Regulations can be found at this site <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>)
- 25 CFR Part 63 (Up-to-date Code of Federal Regulations can be found at this site <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>)
- 45 CFR Parts 1355, 1356 and 1357 (Up-to-date Code of Federal Regulations can be found at this site <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>)
- Bureau of Indian Affairs, Tiwahe Initiative (<https://www.bia.gov/sites/bia.gov/files/assets/as-ia/ocfo/pdf/idc1-032110.pdf>)
- State of Montana Title IV-E Program (<https://dphhs.mt.gov/Portals/85/cfsd/documents/cfsdmanual/405-1.pdf>)
- State of Montana Social Services Procedures Manual (<https://dphhs.mt.gov/cfsd/cfsdmanual>)

Procedures

6.1 Organizational Structure.

FBSS operates under the Fort Belknap Tribal Government and guided by the following federal regulations:

- 25 CFR Part 20 – Bureau of Indian Affairs, Financial Assistance and Social Services Programs. The regulations in this part govern the provision to eligible Indians of the following kinds of financial assistance and social services:
 - Adult Care Assistance
 - Burial Assistance
 - Child Assistance
 - Disaster Assistance
 - Emergency Assistance
 - General Assistance
 - Services to Children, Elderly and Families and
 - Tribal Work Experience Program
- 25 CFR Part 23 – Bureau of Indian Affairs, Indian Child Welfare Act. The purpose of the regulations in this part is to govern the provision of funding for, and the administration of Indian child and family service programs as authorized by the Indian Child Welfare Act of 1978 (Pub. L. 95–608, 92 Stat. 3069, 25 U.S.C. 2, 9, 1901–1952).
- 25 CFR Part 63 – Bureau of Indian Affairs, Indian Child Protection and Family Violence Prevention. The purpose of these regulations is to prescribe minimum standards of character and suitability for employment for individuals whose duties and responsibilities allow them regular contact with or control over Indian children, and to establish the method for distribution of funds to support tribally operated programs to protect Indian children and reduce the incidents of family violence in Indian country as authorized by the Indian Child Protection and Family Violence Prevention Act of 1990, Pub. L. 101–630, 104 Stat. 4544, 25 U.S.C. 3201 3211.
- 25 CFR Part 900 – Bureau of Indian Affairs and Indian Health Service, Contracts under the Indian Self Determination and Education Assistance Act. These regulations are the rules for the administration of 638 contracts with the Department of the Interior (Bureau of Indian Affairs) and the Department of Health and Human Services (Indian Health Services).
- Bureau of Indian Affairs, Tiwahe Initiative. The Tiwahe Initiative is a nationwide program to improve the health, safety, and well-being of families by implementation of a coordinated service delivery model among agencies and justice systems to:
 - increase access to family and social services,
 - create alternatives to incarceration via solution-focused sentencing options,
 - improve links to appropriate prevention, intervention and treatment opportunities,
 - improve case management services, and

- improve the overall partnerships among local, tribal, county, state and federal providers to improve access to services for tribal children, youth and families.
- Bureau of Indian Affairs, ICWA Guidelines
- 45 CFR Parts 1355, 1356 and 1357 – The Department of Health and Human Services, Administration on Children Youth and Families, Foster Care Maintenance Payments, Adoption Assistance and Child and Family Services. Regulations for Title IV-B and Title IV-E programs under the Social Security Act. This part applies to State and Indian Tribal programs for child welfare services under the Act.

6.2 Eligibility.

Per Public Law 93-638 contracts, Fort Belknap Social Services 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:

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

6.3 Programs Administered by FBSS.

Below are brief descriptions of the programs administered by FBSS and funded through grants and 638 contracts. Employees are obligated to understand and meet all the requirements of grants and contracts, including but not limited to, budgeting, procurement and reporting. Budgeting, procurement and expenditures for all programs must adhere to Fort Belknap Procurement, Fiscal, and Travel Policies. For a brief overview of the programs and reporting requirements see Appendix, page A-2.

- Indian Child Welfare Act -- The purpose of the Indian Child Welfare Act program is to promote the stability and security of American Indian tribes/Alaska Native and families by protecting American Indian and Alaska Native (AI/AN) children and preventing the separation of AI/AN families. Furthermore, the grants provide assistance to Indian tribes in the operation of child and family service programs. This program is open to Native American/American Indian or Alaska Native (AI/AN) who are enrolled in a federally

recognized American Indian tribe or Alaska Native village. Positions for this program are funded through a BIA 638 Contract, the BIA 638 ICWA contract and the BIA 638 Tiwahe contract. See Appendix, page A-6 for an ICWA procedures flow chart. Detailed guidelines for this program can be found at

<https://www.bia.gov/sites/bia.gov/files/assets/bia/ois/pdf/idc2-056831.pdf>

- Foster Care Program – This program allows Social Services to increase efforts to protect and support child abuse and neglect victims, who are subjected to out of home placement, and to address the social and crime related issues. This program is funded through a 638 Contract with the Bureau of Indian Affairs and a grant from the US Department of Justice.
- Title IV-E – Federal Payments for Foster Care and Adoption Assistance – This program provides subsidies to foster caregivers to support the daily living costs of eligible children. Supports caseworker and agency efforts to ensure the safety and well-being of each child in foster care and to plan for, and achieve, permanency for them via family reunification, adoption, or legal guardianship. This program is funded by the US Health and Human Services Department and administered through the state of Montana. Detailed information on the program can be found here
<https://dphhs.mt.gov/Portals/85/cfsd/documents/GuardianshipAssistanceProgram-StatePlan.pdf> and here
<http://www.mtrules.org/gateway/ChapterHome.asp?Chapter=37%2E49>
- Batterers Intervention Program – The main purpose of BIP is to assist batterers in learning skills for nonviolence. Offenders are taught to monitor their actions and to understand their feelings when they become violent. The Program helps offenders understand and control their violent impulses. This program is funded through a BIA 638 Tiwahe contract.
- Family Intervention – The Family Intervention Program assists families by providing crisis intervention, parenting skills training, child development education, child safety assessments and education on a number of issues, including domestic violence, drug abuse, mental illness, coping skills, relationships and communication skills. This program is funded through grants from Tiwahe and the federal Office of Juvenile Justice and Delinquency Prevention.
- Domestic Violence Program -- A BIA 638 Tiwahe Contract funds one position (Tiwahe Domestic Violence Crime Advocate) and a BIA 638 Contract funds another position (Domestic Violence Program Coordinator).
- Child Protective Services – Child Protective Services protects children who have been or are at substantial risk of abuse, neglect or abandonment with the goal of working with

families and tribal agencies to improve the safety, permanency and well-being for the children. This program is funded through a BIA 638 contract and the IV-E program.

- Home Base Program -- The Home Base program provides flexibility in the way we respond to families where there is a potential care or protection concern and increases the range of early intervention options available by linking families with services earlier and in a more structured way. By connecting families to services that will help them resolve issues earlier, the department will be more likely to reduce the likelihood of more serious problems occurring further down the track. This program is funded through a BIA 638 contract.
- Youth Receiving Home – this program provides a safe, healthy, therapeutic, nurturing and caring home environment for youth who have been traumatized and need support. Day/night youth care workers are funded through a BIA 638 Tiwahe contract.
- Tiwahe – The Tiwahe Initiative is a nationwide program to improve the health, safety, and well-being of families by implementation of a coordinated service delivery model among agencies and justice systems to:
 - increase access to family and social services,
 - create alternatives to incarceration via solution-focused sentencing options,
 - improve links to appropriate prevention, intervention and treatment opportunities,
 - improve case management services, and
 - improve the overall partnerships among local, tribal, county, state and federal providers to improve access to services for tribal children, youth and families.

6.4 Submission of Reports

All reports for contracts and grants must be submitted as indicated by the provisions of the contract or grant. A services rendered report must be submitted bi-weekly to the Social Services Director. A services rendered report must include the hour the service was delivered, the case number and the program code. Social Services employees funded under the Tiwahe Program must submit a monthly report to the Tiwahe Family Advocacy Coordinator.

Program Funding Sources, Activities, Positions and Reporting Requirements			
Funding Source/s	Programs/Activities Funded	Positions Funded	Reporting Requirements
BIA – 638 Contract	<ul style="list-style-type: none"> • General Assistance • Services to Children, Elderly and Families • Child Assistance • Emergency Assistance • Individual Money Accounts Supervision • Domestic Violence • Meth Initiative 	<ul style="list-style-type: none"> • Director of Social Services • Administrative Assistant (partial) • Home Base Case Manager • Domestic Violence Program Coordinator • 638 Social Worker • 638 Case Manager • IIM/Adult Protection Caseworker • Foster Care Licensing Specialist 	<ul style="list-style-type: none"> • Annual Progress Report Due on Dec. 31, consisting of: <ul style="list-style-type: none"> ○ Final Financial Report (SF-425), including the final expense summary ○ Final Narrative Report ○ Financial Assistance Social Services Report, including number of recipients by program category and amount expended on each ○ Carryover of funds to next calendar/fiscal year • Monthly Child Protection Report submitted by the 10th of each month. This report identifies the types of child protection referrals each month and whether they were substantiated or not and where they were referred. The number of referrals are counted by family when the referral involves a family (not number of children in the family). These referrals are not duplicated in subsequent months unless another referral is received. • Quarterly SF-425 Federal Financial Report • Quarterly Government Performance Report Act (GPRA) data as required by the BIA. GPRA reports are due seven days after the end of each quarter.
BIA 638 Contract – ICWA	Indian Child Welfare Act	<ul style="list-style-type: none"> • Administrative Assistant (Partial) • Case Manager 	<ul style="list-style-type: none"> • Annual Progress Report Due on Dec. 31, consisting of: <ul style="list-style-type: none"> ○ Final Financial Report (SF-425), including the final expense summary ○ Final Narrative Report ○ Financial Assistance Social Services Report, including number of recipients by program category and amount expended on each ○ Carryover of funds to next calendar/fiscal year • Monthly Child Protection Report submitted by the 10th of each month. This report identifies the types of child protection referrals each month and whether they were substantiated or not and where they were referred. The number of referrals are counted by family when the referral involves a family (not number of children in the family). These referrals are not duplicated in subsequent months unless another referral is received.

			<ul style="list-style-type: none"> • Quarterly SF-425 Federal Financial Report • Quarterly Government Performance Report Act (GPRA) data as required by the BIA. GPRA reports are due seven days after the end of each quarter.
BIA 638 Contract -- Tiwahe	<ul style="list-style-type: none"> • ICWA Program • Batterer Intervention Program • Domestic Violence Program • Family Intervention Program • Youth Receiving Home 	<ul style="list-style-type: none"> • Domestic Violence Crime Advocate • Batterer Intervention Specialist • Family Intervention Specialist • Family Advocacy Coordinator (Planning Department) • ICWA Specialist • Day/Night Youth Care Worker 	<ul style="list-style-type: none"> • Annual Progress Report Due on Dec. 31, consisting of: <ul style="list-style-type: none"> ○ Final Financial Report (SF-425), including the final expense summary ○ Final Narrative Report ○ Financial Assistance Social Services Report, including number of recipients by program category and amount expended on each ○ Carryover of funds to next calendar/fiscal year • Monthly Child Protection Report submitted by the 10th of each month. This report identifies the types of child protection referrals each month and whether they were substantiated or not and where they were referred. The number of referrals are counted by family when the referral involves a family (not number of children in the family). These referrals are not duplicated in subsequent months unless another referral is received. • Quarterly SF-425 Federal Financial Report • Quarterly Government Performance Report Act (GPRA) data as required by the BIA. GPRA reports are due seven days after the end of each quarter.
Montana	IV-E Program Foster Care Program	<ul style="list-style-type: none"> • Social Service Director (Part) • Administrative Assistant (Part) • Social Worker I • Social Worker II 	Time Samples for funded positions 12 weeks out of the year.
Department of Juvenile Justice and Delinquency Prevention	Family Intervention Program	Family Intervention Specialist	<ul style="list-style-type: none"> • Quarterly SF-425 Federal Financial Report • Semi-annual progress report submitted within 30 days of end of reporting period (due July 30 and January 31) • Final Report at the end of reward period

DOJ Office of Victims of Crime	Child Welfare Program	Child Welfare Investigator (8-5 not on call)	<ul style="list-style-type: none"> • Quarterly SF-425 Federal Financial Report • Semi-annual progress report submitted within 30 days of end of reporting period (due July 30 and January 31) • Final Report at the end of reward period
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6.5 Personnel

In this section is a list and brief description of personnel in the FBSS. Including minimum qualifications, licensures, etc. Social Services Funding Tiwahe, 638 contracts, the state, and grants.

Social Services Director. The Director will be responsible for all administrative duties within the Social Services Department. These duties include yearly application for funding requests from the state and federal agencies and will ensure that the requirements are being met for continued funding. Responsible for the direct supervision of all Social Service staff. Will attend meetings involving clients including but not limited to Child Protection , Foster Care, Indian Child Welfare Act, Com1 Hearings, Tribal Business Council, Program Reviews as well as other meetings that are related to social services issues and will respond to child abuse and neglect referrals as needed. Work closely with various state, tribal, and federal agencies to seek services to address child abuse and child neglect.

Minimum Qualifications: Master’s Degree of Social Work is preferred. Bachelor’s Degree in Social Work from an accredited school and 2 years of experience or four years of experience in administering a social services program.

Assistant Social Services Director.

Lead Social Worker/638 Case Manager. The Lead Social Worker/638 Case Manager will assist management with case management oversight, and training observations of staff as needed; they will ensure that the facility and environments are safe and nurturing and conducive to supporting the development of each child as mandated by Federal, State and Tribal standards. They will act as the liaison between Social Services and Administration and will follow the directions of parents and supervisors to ensure that each child's needs are met; they will complete all required trainings in accordance with their Individual Plan (IDP) as a condition of employment and will demonstrate competency in their job. The Lead Social Worker will mentor new staff and model appropriate behavior and guidance techniques. The Lead Social Worker will adhere to all Standard Operating Procedures and program and Fort Belknap Personnel policies.

Minimum Qualifications: Associate's Degree from accredited college or university, with course work in social work or related fields and minimum of one year of experience in related field.

Case Manager – Home Base Program funded by 638. The Case Manager for the Home Base program is responsible for the carrying out the requirements and purpose of the program, including but not limited to the general description of duties listed on the job description for this position.

Minimum Qualifications: Associate's Degree from accredited college or university, with course work in social work or related fields and minimum of one year of experience in related field.

Case Manager – Indian Child Welfare Act. The Case Manager will provide professional services through independent and sound judgment; anti coordinate with the Indian Child Welfare Act Committee in support or children and families associated with Fort Belknap, who enter foster and adoptive placement and come under the jurisdiction or the Fort Belknap Tribal Court System.

Minimum Qualifications: Associate's Degree in Human Services or related field. Two years of related social services experience, including one year of experience in working with Foster Care.

Social Worker I & II – Foster Care Program. The Social Worker carries out day-to-day case management to children in foster care who are Title IV eligible, which includes record keeping, foster home support and identifying services to address the needs of children in foster care. The Social Worker maintains a close relationship with the children and family, works closely with the Family Court System and provides progress reports as required. The Social Worker serves as a team member with other service providers such as Child Protection Team, Foster Care Review Board, and ICWA Committee.

Minimum Qualifications: Bachelor's Degree in Social Work or related field, plus one year of experience in Child Protective Services.

Social Worker - 638 Program. The primary purpose of the Child Welfare Investigator position is to investigate referrals for substantiation or non-substantiation process. The Child Welfare Investigator joins with families and the community to promote long-term safety, well-being, and permanent families for children. Work includes assessing child safety, abuse/neglect, and signs of danger; client strengths and capability; family functioning; case planning; petitioning for protective custody and placement; and enters data for the State of Montana and Bureau of Indian Affairs.

Minimum Qualifications: Bachelor's Degree in Social Work or related field, plus one year of experience in Child Protective Services.

Intervention Specialist – Tribal Youth Family Program. The Tribal Youth Family Intervention Specialist will serve a broad population of youth, including those involved with multiple child-serving systems and those at high risk of removal from their families. Activities are geared to

specialize in diverting youth from out of home placements by helping their families safely maintain youth in their home environment.

Minimum Qualifications: A Master's Degree and two years of experience in Social Work, Counseling or related field is preferred.

Domestic Violence Program Coordinator. Provide public awareness in the area of domestic violence and will provide case management to program clients and coordinate with other service agencies in the area.

Minimum Qualifications: Associates Degree in Human Services or related field and/or two years of experience in related field is preferred.

Tiwahe Domestic Violence Crime Advocate -- The Domestic Violence Crime Advocate (DVCA) will maintain client contact with both the victim and alleged abuser as the case moves through the justice system and after for follow up. The Advocate also engages in community outreach to promote positivity about law enforcement services and to increase awareness about Domestic Violence with the ultimate goal of raising public awareness for prevention and reduction of Domestic Violence.

Minimum Qualifications: Must possess a valid MT driver's license and be insurable by the FBIC Insurance Master Plan. Must be an enrolled member of a federally recognized tribe.

Child Welfare Investigator. Primary responsibility of this position is to assume the job of Child Welfare Investigator/Data Entry. This individual will investigate referrals for substantiation or non-substantiation and enter data for the State of Montana and the Bureau of Indian Affairs.

Minimum Qualifications: Degree in Social Work or Human Services with one year of experience working with children.

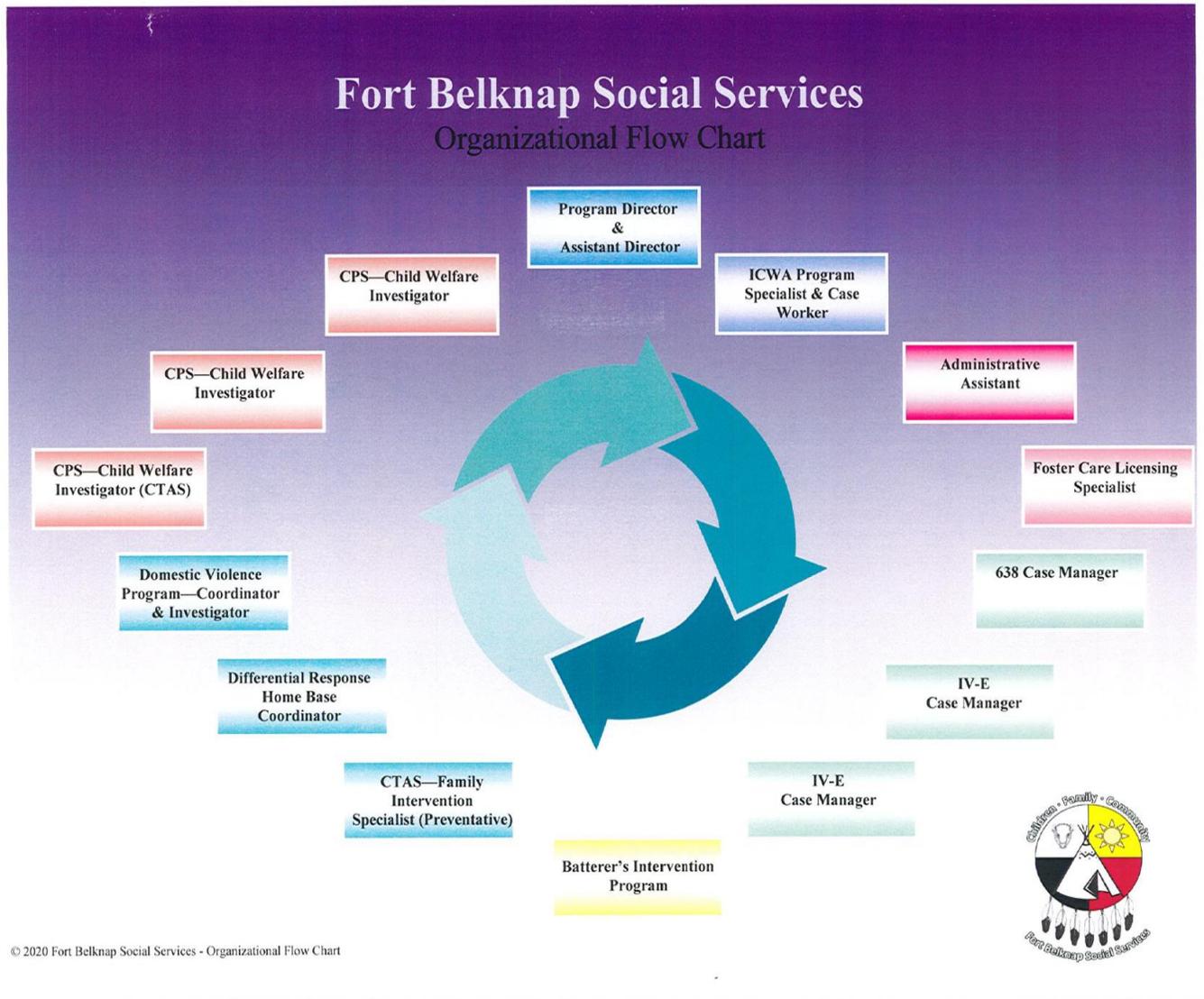
Day/Night Youth Care Worker. Responsible for cultivating a safe, healthy, therapeutic, nurturing, and caring home environment that is supportive of youth who have experienced emotional or physical trauma.

Minimum Qualifications: GED or HS Diploma, Driver's License, over the age of 21.

Tiwahe Batterer's Intervention Specialist --

Administrative Assistants -- Answers phones, takes and delivers messages to FBSS staff. Update cuff accounts (there are training from Central Admin on CUFF accounts). Assist staff on day to day errands, route documents for staff, etc.

Minimum Qualifications: High school diploma or high school equivalency.



6.6 Staff Development and Training

Regularly Scheduled Staff Meeting. Staff meetings are an opportunity to share challenges, learn from each other and be updated on information and developments that impact the Social Services Department.

Attendance at staff meetings is mandatory. You should make every effort possible to attend staff meetings, either in person, on the phone or online. If you are unable to attend a staff meeting for any reason, you must notify the Social Services Director prior to the meeting.

Staff meetings will be held at least once a week or as necessary.

Training. Staff, with the guidance of the Social Services Director, must receive at least 36 hours of training a year from a source approved by the FBSS Director.

FBSS will provide staff with monthly opportunities for professional development, cultural experiences, sharing knowledge, and guidance on self-care and stress reduction.

Professional Development. The staff will participate in an annual two-day professional development retreat and recognition program.

Strategic Planning. The FBSS Director will conduct an annual strategic planning session for FBSS that includes staff and participants from other departments and agencies as appropriate. The FBSS director will oversee the implementation of plans that result from departmental and tribal strategic planning session. Assigned staff members will submit weekly reports – using tribes approved report template -- to the director. The Director will submit quarterly reports to the tribes' strategic planning team, using the tribes' strategic planning report template.

Licensure. The state of Montana offers a Master's Social Worker license for qualified individuals. Information on licensure is available at the site below.

<http://mtrules.org/gateway/Subchapterhome.asp?scn=24%2E219%2E5>

6.7 Procedures for Protecting Confidential Records

Storage of Client Information and Files. All client records and files shall be securely stored in order to protect the confidentiality of clients.

- Files that are not immediately being worked on will be kept in locked fireproof file cabinets
- All client files will be stored in locked fireproof cabinets at the end of each business day.

Office Computers and Workstations. All FBSS staff will comply with the following safeguards in terms of the office computer and workstations:

- Documentation of User ID and Passwords will be maintained in a master file under control of the FBSS Director for use in the event the employee is unavailable.
- No sensitive client information and/or case documentation or files will be left exposed on FBSS staff desks or in staff workspace when working with clients or non-FBSS staff.
- All client-related written documentation of any kind is to be properly filed in the appropriate client file in a timely manner.

- All discarded/duplicate client documents will be properly disposed of by shredding via a crosscut shredder.
- All client case files are to be stored in a locked desk drawer or office if staff is away from his/her desk for other than routine activities during the business day.
- Anytime an FBSS employee leaves their desk they will log off of their computer.
- Passwords should not be an obvious use of a name associated with the user (own name, family member or pets name, date of birth, address, etc.)
- If tampering or compromised access is suspected, immediately inform the FBSS Director, who shall contact IT (Information Technology) support.
- IT support should use all necessary means to obtain as much information about the incident (date, time, workstation used, missing files, and altered files), and submit a detailed report.
- Workstation locations should not be within main entrances or high traffic areas. The workstation location should always allow the user to maintain control of his/her workstation.
- No personal files will be kept on any workstation.
- Games will not be installed on any computers.
- FBSS is prohibited from using the internet for personal or inappropriate purposes. Internet searches should be limited to work related tasks and research.
 - Accessing streaming media is prohibited, including downloading of music, videos, illegal software, questionable software, pornographic material, or any other files not ethical, professional, or legal.
 - All electronic files must be stored on the Fort Belknap Tribes' secured network. If it is necessary to transport vital information through removable media (thumb drives, floppy disks, CDs, etc.) staff must obtain approval from the FBSS Director.

6.8 Case Management

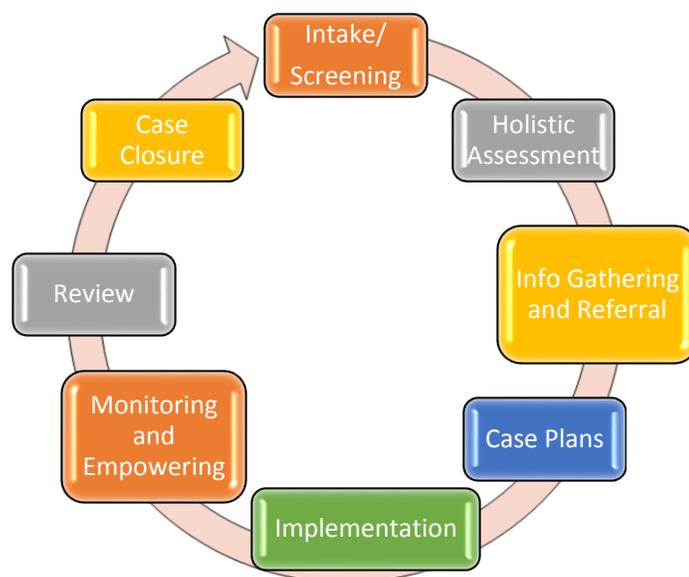
Case management is a key aspect of social work; it provides a detailed and organized process, consisting of several steps, to ensure that all important aspects are covered for fulfilling the individual's needs and well-being. Case management helps with assessing, planning, monitoring, and evaluating the services and possible options required for the client's needs.

Case management allows social workers to individually focus on a client and their family's requirements to provide the best possible care and outcomes.

General characteristics of Case Management. Case management includes a number of activities that involve assessments, decision-making and collaboration with the family as well as other agencies that can assist the family.

- Case management is a series of related decisions which are guided by assessment and ongoing evaluation of case progress.
- In case management, participation in Service Planning and responsibility for implementation are shared among the Fort Belknap Social Services Staff, client, may include other extended family members, and service providers.
- Direct services are limited and focused on provision of services to allow parent/guardian to regain responsibilities.
- Direct services to individuals and families may be provided either by Fort Belknap Social Services 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.

Elements of the Case Management Process. The diagram below illustrates the typical case management process.



Intake/Screening for Eligibility is determined by the program and the process described in subsequent chapters of this manual.

Holistic Assessment is a dynamic and ongoing process where information is gathered from a range of sources about a person, their life situation, and formal and informal supports. The range of information is then considered in the context of information and advice from the person, their family and informal supports. Information may be obtained from a range of sources, including written reports or records, verbal reports and observations and impressions of the social worker/case manager

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 family strengths.

- The assigned FBSS staff shall be responsible for case assessment and initiating a case plan.
- A needs assessment shall be completed based on an interview and application from the client who is the primary source of information.

Information should also be obtained from multiple sources including but not limited to:

- Family members, parents, and guardians
- Source documents such as a tribal enrollment card, health records, written evaluations, school records, previous social agency documents, law enforcement reports, genogram etc.

Information Gathering and Referral is done in order to determine:

- Family dynamics,
- Contributing factors to present problems.
- History of prior services.
- Risk Assessment which may indicate optimal Case Plan for the family.

Information obtained 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.

The purpose for obtaining the family information, includes identification of the following but not limited to:

- All family members

- Factors leading to the present problem
- Coping methods the family used in the past that might be applied
- Community resources personalized utilized by the individual/family
- Recommendations
- All appropriate forms shall be completed prior to placement in a residential setting.
- When additional background information becomes available, forms shall be updated.

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

- a member of the Indian child's extended family
- A foster home licensed, approved, or specified by the Indian child's tribe
- An Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- A state licensed institution for children approved by the Indian tribe.

Case Planning includes the development of a Case Plan.

The initial Service Plan can begin immediately and must be developed within two weeks to prevent further abuse and to assure that the safety of the client is addressed.

Case plans must include statements indicating:

- Type of services to be provided or referred to; expected outcome of the services
- The anticipated length of time to establish services to the client shall immediately
- For out-of-home placement Visitation schedule will be developed as soon as possible.

Case plans must have specific objectives and should consider the client's short and long term goals with target dates for completion.

Implementation is the process of putting into action the plan developed by the case manager, together with the client, their family and/or caregiver. The aim of implementation is to help the client achieve their goals and desired outcomes, identified in the assessment and planning phases.

To ensure Case Plan implementation, FBSS shall periodically:

- Determine the extent of compliance with the plan. The FBSS Staff must have constant contact with client affected by the Plan and service providers to assess progress identify barriers, non-compliance issues and identify alternative methods of compliance.
- The FBSS Staff will make direct contact with clients every month to observe any adjustments, improvements, provide guidance, support and access of additional services as needed.
- The FBSS Staff will assess the well-being, safety and appropriateness of children in out-of-home placement.

Monitoring is an active and ongoing process where aspects of the planning and implementation phases are reviewed. It identifies the effectiveness and relevance of planned goals, focusing on the timeliness and success of strategies being used to achieve these goals. *Additionally, it provides the opportunity to adjust the plan to address any unanticipated problems. Agreement should be reached with participants on how actions within the plan are to be monitored, as part of the planning process.*

To ensure Service Plan implementation, FBSS Staff shall periodically:

- Determine the extent of compliance with the plan. The FBSS Staff must have constant contact with client affected by the Case Plan and service providers to assess progress identify barriers, non-compliance issues and identify alternative methods of compliance.
- The FBSS Staff will make direct contact with clients every month to observe any adjustments, improvements, provide guidance, support and access of additional services as needed.
- The FBSS Staff will assess the well-being, safety and appropriateness of children in out-of-home placement.
- FBSS staff documents the progress of a client's case. If client's progress is not being made, a non-compliance can be filed with Fort Belknap Courts.
- FBSS staff must re-evaluate the objectives the CASE Plan to determine if progress is being made toward the objective of the Plan.

Review Case management practice involves regular formal and informal review processes. The review phase is important to help ensure that outcomes for people are relevant to their needs and include a focus on community inclusion and participation. The review process should be driven by, and include the client and how their thoughts on how the process is working.

At regular and set intervals, the plan is checked to see if it is having the intended effect to see if the goals are being met and if necessary to make adjustments. If changes to the case plan are required, then Step 4, reassess, might be required as a means of informing a revised case plan.

The review phase should adhere to the following principles;

- Ensure that case management is about identifying strategies to support the needs of the client/family in the most appropriate way.
- Focus on finding a balance between what is important *to* the client, and what is important *for* the client.
- Look at the mechanisms built into the assessment, planning and monitoring tools.
- Can be formal or informal and should be recorded in the most appropriate way depending on the type of review.
- Involve the client/family in regular informal and formal reviews.
- Ensure people involved in the review are informed and educated about the process.
- Involve service and supports where appropriate.

Case Closure occurs with the concurrence of and upon review by the Director. Cases are closed under the following circumstances:

- An individual or family receiving only services requests to discontinue services.
- The court has relieved the FBSS the responsibility for the case.
- The Service Plan had been accomplished.
- The client(s) had moved out of the FBSS jurisdiction.
- Lost contact with the client(s) after all efforts had been made for contact.
- The client is deceased.
- been adopted or guardianship
- reunification

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

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

Chapter 7

Wraparound Services and Case Management Process

Policy

- Social workers and case managers will draw on resources from other agencies within the tribe, the state and federal government to make sure families are receiving any and all services that can assist them.
- Alleviate crises that might lead to abuse and/or neglect of children, to prevent the necessity to remove children from their home and to help reunify families where the children have been removed.
- Focus on family strengths
- Keep children safely in their own homes
- Support families in preparing for a child to be returned to their home if they have been removed
- Help families connect with other community services and supports necessary to address family needs in a culturally sensitive manner.

Guiding Laws, Regulations and Documents

- Title XI of The Laws of the Gros Ventre and Assiniboine Tribes of Fort Belknap, Juvenile Justice Code (Tribes' Website)
- Title V of The Laws of the Gros Ventre and Assiniboine Tribes of Fort Belknap, Family Court Act (Tribes' Website)
- Bureau of Indian Affairs, Tiwahe Initiative (<https://www.bia.gov/sites/bia.gov/files/assets/as-ia/ocfo/pdf/idc1-032110.pdf>)

Procedures

7.1 Wraparound Case Management Process

Below is a step-by-step description of the Wraparound Service Program Case Management Process. Diagram on the following page.

Intake Process. The intake process begins when a referral is received from the state, local agency or law enforcement.

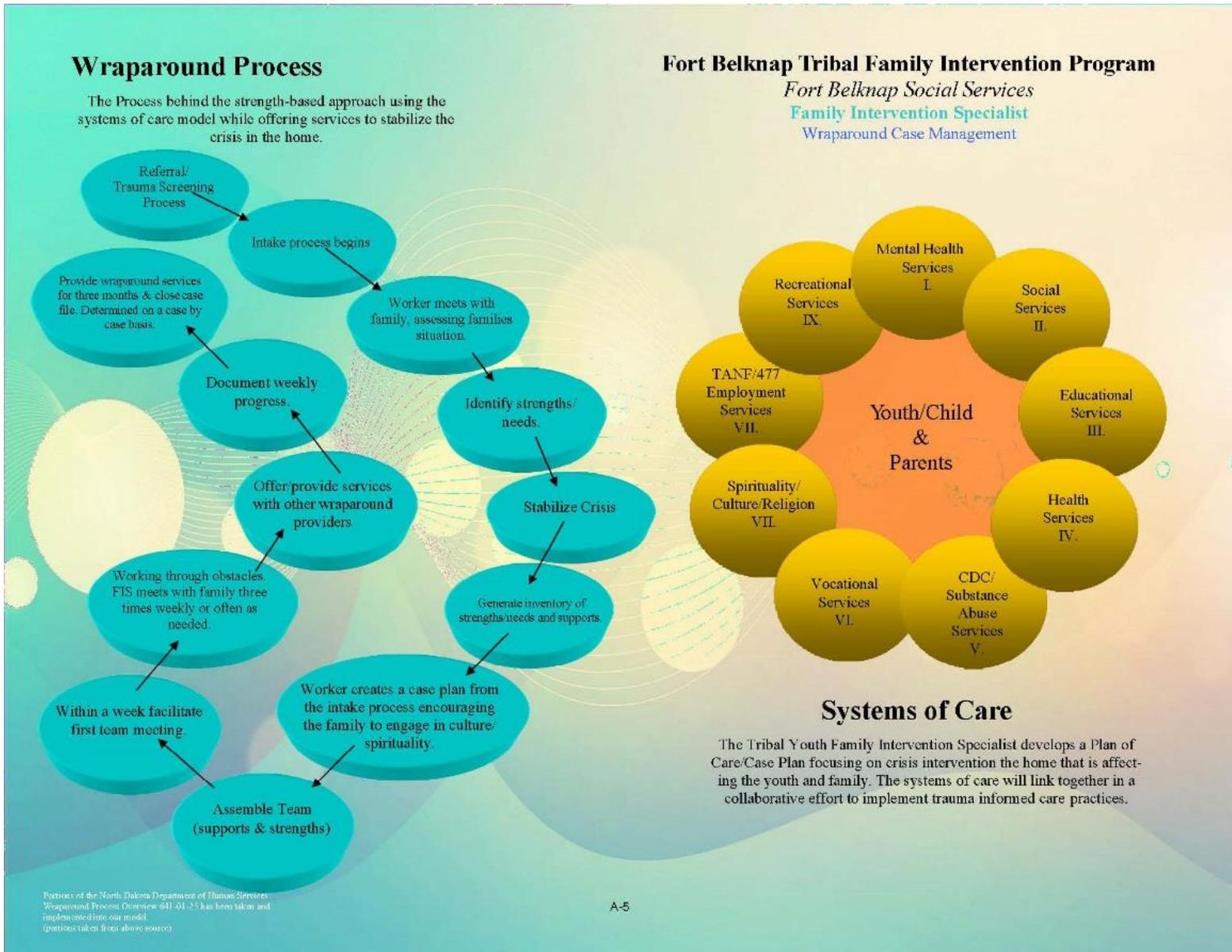
- The social worker will consult with the director and staff and use the established case priority system to determine the timing of response to reports.
- Within 24 to 72 hours, of receiving a referral the social worker will meet with the family to assess the situation and stabilize the crisis.
- If the child or other children in the home are in imminent danger (see definitions – Chapter 4), the children should be removed from the home following the protocol described in Section 8 of this manual. Once any crises have been stabilized the social worker can begin to develop a case plan.

Case Plan. Within two weeks of completing the Intake Process, the social worker and Tiwahe Family Intervention Specialists (FIS) will develop a case plan based on interviews with the family. The Social Worker and the Tiwahe FIS will work together to identify agencies and services that can assist the family in meeting challenges.

- The FIS will assemble a team representing the agencies that can assist the family. The team should meet within a week.
- The FIS should meet with the family at least once a week or as often as needed to monitor progress, work out ways to overcome obstacles and provide other services as needed.
- The FIS will document weekly progress and incentives will be given accordingly.
- Make clients aware that cultural resources -- such as ceremonies, sweats, traditional naming, sweet grass braiding or participation in celebrations -- are available to them if they choose to incorporate it into their case plans.

90-Day Assessment. Wraparound services are meant to be temporary.

- After 90 days the FIS will meet with the family to go over the progress
- Multi-disciplinary team will meet to assess the case
- Develop a new case plan, offer ongoing services or close the case



7.2 System of Care

Fort Belknap has developed a System of Care (see the diagram above) that includes other tribal agencies and resources that can assist in the delivery of Wraparound Services. The list below briefly explains the services each tribal agency can provide in this process.

- **Mental Health Services.** Mental Health Service are administered through the Fort Belknap Health Department.
- **Educational Services.** Education based services support families by providing the following programs:

- Boarding school program – Located at 477, see Higher Ed. Manager
- Child Care Program – located at Child Care Building by Head Start
- Early Head Start (Pre-School) – Located at Head Start Building
- Language Preservation – Located at Language Preservation Office next to Agency Senior Center
- Upward Bound (College Prep) – Located upstairs at Tribal Administration Building
- Health Services. The Fort Belknap Tribal Health Department, administers programs under contract from Indian Health Service. The Tribal Health Department administers:
 - Community Health Representative Program – Located at HIS, next to PHN Offices
 - Diabetes Program – Located at Red Whip Building, across from Police Department
 - Family Planning Program
 - Domestic Violence Program – Located in Rodeo Drive, Middle Trailer by CDC
 - FAS/FAE Program
 - Health Education & HIV Prevention Program
 - Healthy Heart Program
 - Nutrition
 - Personal Care Attendants – Located in IHS, by CHR Offices
 - Public Health Nursing Program – Located in IHS
 - Sanitation/Environmental Program
 - Women, Infant and Children Nutrition Program – WIC – Located in IHS across from PHN
- CDC/Substance Abuse Services. The Chemical Dependency Center and Substance Abuse services are administered through the Fort Belknap Tribal Health Department. Located in South Rodeo Drive.
- Vocational Rehabilitation Services. Vocational Rehabilitation services are available assist in employment training for tribal members with physical or intellectual disabilities. These services are administered by General Public Services. Located in old Tourism Building
- Spirituality/Cultural/Religious Assistance. The Tribal Historic Preservation Office is charged with promoting and preserving tribal culture and documents. Located at Language Preservation Office next to Agency Senior Center. Tiwahe has a list of

elders for Cultural assistance, please contact Tiwahe Family Advocacy Coordinator or Assistant Family Advocacy Coordinator for assistance.

- TANF/477 Employment Services. The purposes of the TANF program are: (1) to provide grants to tribes to assist needy families with children so that the children can be cared for in their own homes or in the homes of relatives; (2) to reduce dependency by promoting job preparation, work, and marriage; (3) to prevent and reduce out-of-wedlock pregnancies; and (4) to encourage the formation and maintenance of two-parent families.

Chapter 8

Children and Families in Need of Assistance

Policy

- To provide for the welfare, care and protection of the children and families on the Fort Belknap Indian Reservation
- To preserve unity of the family, preferably by separating only when necessary the child from his or her parents
- To take such actions as may be necessary and feasible to prevent the abuse, neglect or abandonment of children
- To provide a continuum of services for children and their families from prevention to residential treatment, with emphasis, whenever possible, on prevention, early intervention and community-based alternatives
- To secure the rights of and ensure fairness to the children, parents, guardians, custodians or other parties who come before the Family Court under the provisions of Title XI of the Tribal Code
- To recognize and acknowledge the Tribal customs and traditions of the Gros Ventre and Assiniboine with regard to child-rearing

Guiding Laws, Regulations and Documents

- The Laws of the Gros Ventre and Assiniboine Tribes of Fort Belknap (Tribes' Website)
- P.L. 101-630 Indian Child Protection and Family Violence Prevention Act (<https://uscode.house.gov/view.xhtml?path=/prelim@title25/chapter34&edition=prelim>)
- Bureau of Indian Affairs Indian Child Welfare Act Guidelines (<https://www.bia.gov/sites/bia.gov/files/assets/bia/ois/pdf/idc2-056831.pdf>)
- BIA 638 Contract – (Tribal Document-Check with Social Services Director)
- 25 CFR Part 20 (Up-to-date Code of Federal Regulations can be found at this site (<https://www.ecfr.gov/cgi-bin/ECFR?page=browse>))
- 25 CFR Part 63 (Up-to-date Code of Federal Regulations can be found at this site (<https://www.ecfr.gov/cgi-bin/ECFR?page=browse>))
- 45 CFR Parts 1355, 1356 and 1357 (Up-to-date Code of Federal Regulations can be found at this site (<https://www.ecfr.gov/cgi-bin/ECFR?page=browse>))
- Bureau of Indian Affairs, Tiwahe Initiative (<https://www.bia.gov/sites/bia.gov/files/assets/as-ia/ocfo/pdf/idc1-032110.pdf>)
- State of Montana Title IV-E Program (<https://dphhs.mt.gov/Portals/85/cfsd/documents/cfsdmanual/405-1.pdf>)
- State of Montana Social Services Procedures Manual (<https://dphhs.mt.gov/cfsd/cfsdmanual>)

Procedures

8.1 Structured Decision Making

Every day FBSS social workers must make decisions that balance the safety of children and the preservation of the family. To do this, social workers must answer some difficult questions: Should they respond in person to a report of abuse and, if so, how quickly should they respond? Is the child in imminent danger? What's the probability that the child will experience future maltreatment? What are the family's needs and strengths, and what services does the family need to reduce risk? When is it time to reunify a child or close a family's case?

In order to make these important decisions, it is recommended that social services programs adopt a Structured Decision Making (SDM) model. SDM is an approach to child protective services that uses clearly defined and consistently applied decision-making criteria for screening for investigation, in determining response priority, in identifying immediate threatened harm, and in estimating the risk of future abuse and neglect.

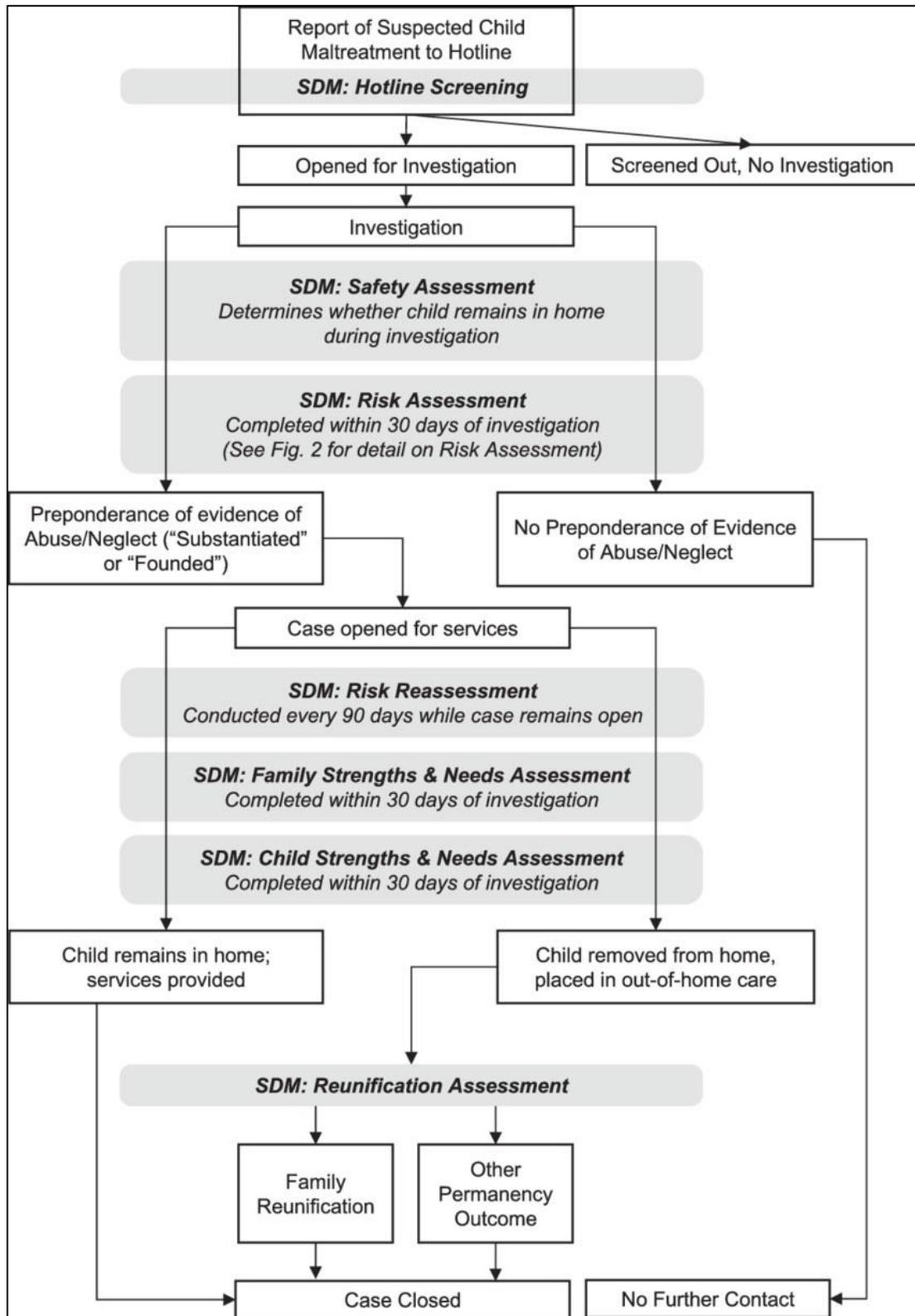
FBSS social workers are already using many of the tools included in the SDM process, including:

- Hotline Tools, to screen referrals for in-person response and determine how quickly a response must be made
- Risk Assessments, to support decisions about opening a case for court-ordered or voluntary supervision based upon the characteristics of the household associated with likelihood of future maltreatment.
- Family Strength and Needs Assessment, to determine the underlying caregiver needs, strengths and services that would benefit the family.

The chart on the following page is an example of how the SDM process comes into play during the course of a child abuse investigation. Though FBSS may use different terms and procedures, it is not difficult to see how FBSS social workers have already incorporated SDM tools in their jobs. The procedures outlined in this section are designed to encourage the consistent application of SDM and to build on the SDM practices already utilized by FBSS social workers.

SDM makes use of several forms to facilitate the job of gathering and evaluating information during the course of an investigation or family assessment. When those forms are referenced in these procedures they must be used and included in the case file. Whenever possible and practical, the forms should be completed with the family.

Example of Structured Decision Making in Social Work



8.2 Intake of Child Abuse Reports

Substantiated reports of child abuse or neglect received by FBSS must be assessed by an intake specialist and assigned a priority.

A substantiated report is one that provides information that would lead a reasonable person to believe that child abuse or neglect may have occurred or is occurring, based on all the facts and circumstances known to the person.

Upon receipt of any report or information about neglected, abused or abandoned children, an intake specialist, in consultation with the social services team will assess the report and assign it a Priority using the SDM Report Priority System described below. A social worker will be assigned to investigate the report and in consultation with the Social Services team determine the best approach for the investigation.

8.3 Report Priority System

When reports are received, either from police or from the hotline or directly to Social Services, the Intake Specialist will, in consultation with the Social Services Director and a Supervisor, assign the report a Priority based on the following system.

Priority 1 Report. A Priority 1 report requires that **within 24 hours of receipt** of the report by Social Services, the assigned social worker make face-to-face contact with the child(ren) alleged to have been abused and/or neglected or who are alleged to be at substantial risk of abuse and/or neglect. Any time face-to-face contact with the child cannot be made within 24 hours or any exception to this policy must be approved by a Supervisor and documented in the case file.

A Priority 1 Report can include, but is not limited to, the following circumstances:

- Child is in imminent danger of physical harm. Immediate or imminent danger means that the child could suffer death or serious physical harm in a short time if left or placed back in the home.
- Child abandoned and in imminent danger
- Child unsupervised and in imminent danger
- Family may flee or child may disappear
- Child at hospital for examination/parents present and awaiting questioning
- Child fatality or near fatality due to alleged child abuse or neglect
- Child held by police/physician/NP
- The child is in imminent danger from severe psychological abuse, and shows signs of severe depression, anxiety, self-harm, eating disorders or fear.
- The child is being exploited, sexually trafficked, endangered
- Other circumstances that constitute an emergency, e.g. failure to thrive

Priority 2 Report. A Priority 2 report requires that **within 72 hours of receipt** of the report by Social Services, the assigned social worker make face-to-face contact with the child(ren) alleged to have been abused and/or neglected or who are alleged to be at substantial risk of abuse and/or neglect. Any time face-to-face contact with the child cannot be made within 72 hours or any exception this policy must be approved by a Supervisor and documented in the case file.

A Priority 2 report can include, but is not limited to, the following circumstances:

- Alleged abuse or neglect in which the child is not in imminent danger but other risk factors are present
- Child abandoned but not in imminent danger
- Child hospitalized
- Child exhibits signs of psychological abuse but is not in imminent danger.

Priority 3 Report. A Priority 3 report requires that **within 10 days of receipt** of the report by Social Services, the assigned social worker make face-to-face contact with the child(ren) alleged to have been abused and/or neglected or who are alleged to be at substantial risk of abuse and/or neglect. Any time face-to-face contact with the child cannot be made within 10 days or any exception this policy must be approved by a Supervisor and documented in the case file.

A Priority 3 report can include, but is not limited to, the following circumstances:

- Educational neglect, such as truancy
- Child running away from home
- Children without legal parent or guardian taking care of them
- Children beyond parental control

Priority 4 Report. A Priority 4 report requires that the report be fully investigated and assessed, and that a written report documenting the determination be completed, **within 30 days from the receipt of the report.**

A Priority 4 report can include, but is not limited to, the following circumstances:

- Follow ups on families who have completed case plans
- Follow ups on unsubstantiated reports
- Well-being checks

8.4 Assessing/Investigating the Report

Investigating Reports. A Priority 1 Report received from the hotline or police, must be assessed within 24 hours. Whenever possible, two social workers and law enforcement will conduct the investigation.

The report should be investigated for the following:

- Child is in imminent danger of physical harm
- Child abandoned and in imminent danger
- Child unsupervised and in imminent danger
- Family may flee or child may disappear
- Child at hospital for examination/parents present and awaiting questioning
- Child fatality or near fatality due to alleged child abuse or neglect
- Child held by police/physician/NP
- The child is in imminent danger from severe psychological abuse, and shows signs of severe depression, anxiety, self-harm, eating disorders or fear.
- The child is being exploited, sexually trafficked, endangered
- Other circumstances that constitute an emergency, e.g. failure to thrive

All other reports of suspected abuse or neglect will be investigated by a social worker within an appropriate timeframe, based on the Priority System.

Eligibility. During the course of the initial investigation it is necessary to determine if the family members are eligible for services. Socials services are available for enrolled members of the Gros Ventre and Assiniboine Tribes and enrolled members of other tribes. If the family members are not enrolled members of the tribes nor members of another tribe they are not eligible for services. The case should be transferred to the state or nearest county socials services. FBSS and Fort Belknap police will assist the state or county with the removal of children if necessary.

Drug Testing. If there is reported or reason to suspect drug abuse, a social worker trained in urine analysis drug testing will administer a urine analysis drug test of the adults in the home.

- If the drug test is positive and this is the first referral and the children appear to be well cared for and the home is clean and children indicate that they have not seen adults using drugs the adults will be offered preventative services
- If the drug test is positive and it's first referral and there is evidence of abuse and neglect or if the children appear to be in danger because the adult is unable to care for them or if there is obvious evidence of drug abuse that would endanger the children, the children should be removed from the home.
- If adults refuse the drug test, it will automatically be marked as positive and the above considerations will come into play.
- If the test is negative the UA form will be marked as such and the form will be included in the referral folder.
- If an adult tests positive and this is a second referral, a risk assessment will be conducted to determine if it is safe for the children to remain in the home or if they should be removed from the home.

If a report alleging a pregnant woman's abuse of alcohol or a controlled substance is received, protective services shall arrange an appropriate assessment and offer services which may

include, but are not limited to, a referral for chemical dependency assessment, a referral for chemical dependency treatment if recommended, and a referral for prenatal care.

Child protection workers may also seek court ordered services if the pregnant woman refuses recommended voluntary services or fails recommended treatment. A referral shall also be made to the tribal prosecutor who may prosecute under tribal law any pregnant woman who abuses alcohol or drugs. Tribal Code Title XI §4.4(8)

Interviewing Children. If possible, children should be interviewed at school. If a school interview is not possible, children over the age of 4 may be interviewed in the home. Home interviews should take place away from the adults in the home in an atmosphere where the child or children will be free to talk. According to federal law, photographs of injuries, x-rays, medical examinations, psychological examinations, and interviews of an Indian child alleged to have been abused are 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.

Risk Assessment. A risk assessment must be completed before a determination to remove the child can be made. When possible it should be reviewed at Child Protective staffing. Whenever possible the supervisor should be involved.

8.5 Children in Need of Protection

Based on the results of the investigation and the Risk Assessment, determine if the child can remain safely in the home. If the assessment indicates that the child can remain safely in the home, consult with the Social Services Director, and obtain his or her approval to have the child remain in the home with no further services or with the assistance of on-going services.

If a child is to be removed the SDM Family Strengths and Needs Assessment should be conducted as soon as possible to evaluate whether the family and community's strengths can be used to form action plans that will enable children to return home with appropriate services and to identify the risks to the child and the family's strengths.

If during the investigation it is determined that the family can benefit from community services, including but not limited to Wrap Around Services, to allow the child to remain safely or immediately return home, refer the family to the appropriate level of services.

Law Enforcement.

If upon interviewing the child or adults in the home and performing the risk assessment, the social worker determines that a child should be removed from the home, the social worker should excuse themselves, leave the home and call the police for assistance from outside the home.

Law enforcement must be called if:

- If the child needs to be taken into temporary protective custody;

- For emergency pickup if there are reasonable grounds to believe that the child is suffering from illness or injury or is in imminent danger from his surroundings and that his removal is necessary.
- If there is abuse or neglect resulting in severe physical injury to the child which requires medical treatment or hospitalization;
- If law enforcement intervention is necessary for the protection of the child, the child protection worker, or another person involved in the investigation.

Law Enforcement officials shall cooperate with social services personnel to remove child from the custody of his parent(s), guardian, or custodian when necessary. Law enforcement officials shall cooperate with the child protection workers and the tribal and state welfare and foster placement agencies in conducting child protection service investigations pursuant to tribal law.

Under no circumstances shall the Child Protection Worker be required to perform the duties of the tribal prosecutor or law enforcement officer.

Procedures for Removing a Child. Upon the decision that children will be removed from the home:

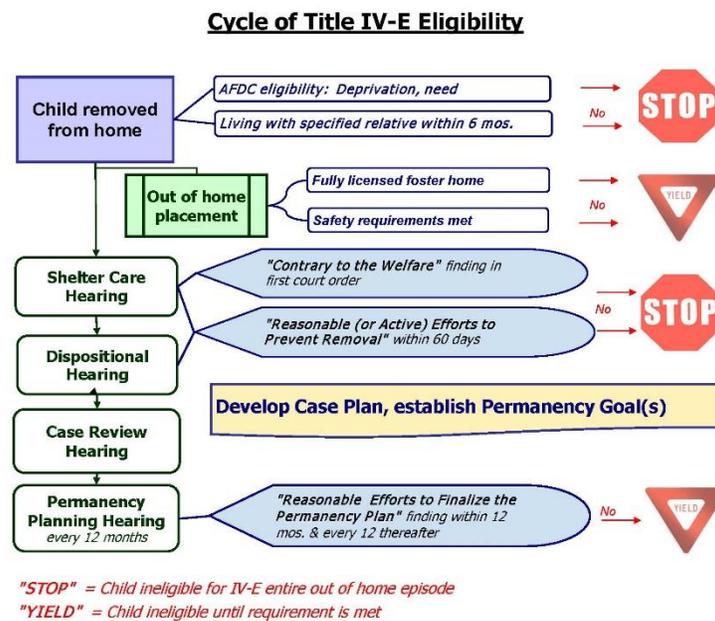
- A Temporary Custody Notice will be explained and given to the parents, a copy of the TCN will be kept in the case file and filed with the court by the end of the day. If carbon is not available, take a picture of the TCN and print it out at the office.
- Parents should also be given a Confidentiality Release of Information form
- If possible, utilize the SDM Family Strengths and Needs Assessment to evaluate whether the family and community's strengths can be used to form action plans that will enable children to immediately return home with appropriate services and to Identify the risks to the child and the family's strengths
- Get medical records from parents if possible. Ask for and note child's medical needs, allergies and medications. If parents will not provide information, get it from the ER, Hospital or IHS. Temporary custody of child gives Social Services the right to certain information from medical facilities. PL 101-630 allows for access to that information.
- Children need to be taken to the emergency room to get medically cleared before place in foster care.
- Collect the documentation needed for IV-E assistance. (See the Case Files Checklist for Case Workers and the IV-E Case file checklist.)

Liability. Anyone investigating or reporting any incident of child abuse or neglect, participating in resulting judicial proceedings, or furnishing hospital or medical records as required is immune from any liability, civil or criminal or termination of employment that might otherwise be incurred or imposed unless the person acted in bad faith or with malicious purpose.

Foster Care Placement – Title IV-E Program. Title IV-E of the Social Security Act authorizes Tribes and States to enter into Title IV-E Agreements for funding under Title IV-E for the following:

- Foster Care Assistance
- Kinship Guardianship Assistance
- Adoption Assistance
- John H. Chafee Foster Care Independence Program
- Administrative reimbursement associated with staffing and training of staff and foster and adoptive parents

Child Protective Services fills out the paperwork and provides the documentation to apply to the state to determine if the child is eligible for IV-E, which will allow the state to pay for the foster care. The diagram below offers a brief overview of eligibility. Refer to the IV-E Handbook and IV-E Eligibility Casefile Checklist in the appendix.



IV-E case managers are able to conduct any type of child abuse investigation.

If the return of the child to the child's parents or custodian or the placement of the child with the child's non-custodial parent is impossible or would involve continued risk to the child, then the child shall be placed in the physical custody of a responsible adult member of the child's maternal or paternal extended family who is willing and able to care for the child if such a person is available and if placement can be accomplished without risk of harm to the child. If temporary protective care as described above is not available, then the child shall be placed on the Fort Belknap Reservation with a secure home, family, or foster parent or shelter care facility having been approved for such placement by social services. Every effort should be made to see that children remain in the community.

If at any time there is a change to the child's placement outside the home, the case worker must notify the parents/guardian and note the change in the case file, and if it's a IV-E placement it must be document in that file and the CAPS system.

8.6 Court Appearances and Documentation

Temporary Investigative Authority (TIA). TIA is granted by the court. Within 36-72 hours of removing a child from the home, there must be a court hearing. The investigating social services worker **MUST** submit a notarized affidavit and documentation to the court in order for this to happen. This affidavit should be submitted as soon as possible. It is highly recommended that the affidavit be submitted no later than the next business day. In no case shall protective temporary care extend beyond 72 hours, exclusive of weekends and holidays, without a petition filed by the presenting officer and the court issuing a written order continuing the placement. At the expiration of the 72 hours period, if no petition is filed social services shall cause the child to be returned to the child's parents or custodian.

The affidavit must contain the following information:

- Information about the children, including name, date of birth, enrollment number, mailing and physical address, grade in school, sex
- Information about both parents, whether the child resides with them or not, including names, enrollment number, mailing and physical address.
- Information about the alleged offender, including name, mailing and physical address
- A factual description of what was observed on the investigation:
 - Who accompanied you on the investigation – a police officer or another social worker
 - Observations, including how the home looks, children's appearance and behavior, availability of food.
 - Tests administered and the results of the tests.
- A history of the family (going back 3 to 5 years) with social services:
 - Previous referrals and the outcomes
 - Whether preventative services were offered and whether the parents accepted it.
 - Results of preventative services. Did they complete it? Were they non-compliant?
- Active Efforts (ICWA). Describe services that have been offered to the family and parents' response. Show your efforts to keep the family together. Or explain that there was no prior contact with the family and that the family's needs were unknown.
- Additional documentation including but not limited to police reports, drug testing records, photographs and medical reports.
- The social worker shall continue the investigation for 30-days until the Show-Cause Review.
- Case planning for reunification and permanency begins as soon as the child taken from the home.

30-day Formal Show-Cause Review. At the 30-day court review the court will determine if Social Services should continue to be responsible for the care and placement of the children. You should present any information that you could not gather in time for the initial review, including results of medical examination of the children, results of drug testing, referrals for service, police reports, and follow-up contact with parents.

- A summary of the problem(s)
- What steps, if any, have the parent(s), guardian, custodian, or social services personnel already taken to correct the problem(s)
- What services could be of benefit to the parent(s), guardian or custodian, but are not available in the community
- A report on how the child is doing in his or her current placement(s) since the last hearing
- If there have been any moves, the report will contain the reason for such moves
- Dates of contacts with parent(s), guardian or custodian and the child since the first hearing was held, method of contact, duration and subjects discussed
- If there have been no contacts with the parent(s), guardian, custodian or social worker, what efforts have been made to contact such parties
- An assessment of when the child is expected to return home
- A list of who the extended family members are and a list of contacts, or attempted contacts, of such family members regarding placement of the child
- The social services personnel shall develop a case plan and shall make recommendations that include, but are not limited to:
 - A treatment plan for the parents
 - Future placement of the child

6-month Review Hearing. At this hearing the court will review the efforts of the parents or guardian in meeting the goals of the treatment/case plan. The court will make a determination on whether to continue the child's care, placement and supervision with FBSS. A permanency plan should be considered at this hearing.

8.7 Reunifying Families and Preventative Services

Social workers will continue to supervise and assist children placed outside the home, while working to unify the family. During the time the child is placed outside the home, the parents shall have no contact with the children, except through Social Services and will be allowed only supervised visits arranged through Social Service. When parents provide proof that they have completed all tasks and requirements of the case plan, a plan for a 90-day trial home visit and safety plan will be submitted to the tribal court. Following a successful trial period, social services will request a hearing with the court to vacate the case.

Every effort should be made to reunify the family. The social worker will use the SDM Family Strength and Needs Assessment to create a case plan with the parents with the goal of reunifying the family. The case plan may include Intervention services as described in Section 7 of this manual, tasks for parents to complete, recommendations to address parenting skills, mental health issues or drug abuse issues, random drug tests and weekly check-ins with the social worker.

Chapter 9

Elders and Vulnerable Adults in Need of Protective Services

Policy

- The Gros Ventre and Assiniboine Elders are among the Fort Belknap Indian Reservation's most valuable resource. They are the keepers of the Tribes' history, language, culture and traditions. Vested in them, is the hope of the Tribes' to retain their history, language, culture and traditions. The Elders provide stability by being role models for their children, and grandchildren. It is in the best interest of the Tribes to protect the Gros Ventre and Assiniboine elders from abuse, neglect, abandonment, exploitation and other mistreatment.
- The Department of Social Services shall provide the necessary services to protect and assist an elder or disabled adult who has been subjected to abuse or neglect or who is in need of assistance. Any service provided shall be the least restrictive alternative available. When possible the individual's family and caretakers shall be consulted in determining what services are needed.
- No elder or vulnerable adult shall be found to be abused, neglected or exploited solely on the grounds of environmental factors which are beyond the elder's, vulnerable adult's, or caretaker's control. Such factors include but are not limited to inadequate housing, furnishings, income, clothing, and medical care.
- An elder or vulnerable adult and/or caretaker shall be informed about an investigation of elder or vulnerable adult abuse, neglect or exploitation before it begins unless an emergency situation exists, in which case the elder or vulnerable adult and/or caretaker shall be informed as soon as possible, but no later than 72 hours after the investigation begins.
- The elder or vulnerable adult's caretaker may refuse adult protective services for himself or herself, but not for the elder or vulnerable adult.
- An elder, vulnerable adult, caretaker, or home occupant may refuse to allow the Designated Tribal Authority, Social Services or the Tribal Police into their home and the Designated Tribal Authority, Social Services or the Tribal Police shall so inform the elder, vulnerable adult caretaker, or home occupant of this right and the right of the

Designated Tribal Authority, Social Services or the Tribal Police to seek a warrant before seeking entry.

- The elder or vulnerable adult in whose name any petition is filed shall be personally served with a copy of the petition pursuant to Tribal code.
- An alleged at-risk or abused elder or vulnerable adult whose capacity is not in question shall have the right to defer civil court proceedings and have access to the Multi-Disciplinary Team – a team consisting of representatives of appropriate agencies that can provide needed services. The Multi-Disciplinary Team may be utilized by an elder or vulnerable adult as an alternative to a civil court proceeding.

Guiding Laws, Regulations and Documents

- Title V of The Laws of the Gros Ventre and Assiniboine Tribes of Fort Belknap, Family Court Act (Tribes' Website)
- BIA 638 Contract – (Tribal Document-Check with Social Services Director)
- 25 CFR Part 20 (Up-to-date Code of Federal Regulations can be found at this site <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>)
- Bureau of Indian Affairs, Tiwahe Initiative (<https://www.bia.gov/sites/bia.gov/files/assets/as-ia/ocfo/pdf/idc1-032110.pdf>)
- State of Montana Social Services Procedures Manual (<https://dphhs.mt.gov/cfsd/cfsdmanual>)
- BIA Adult Protective Services Handbook (<https://www.cms.gov/Outreach-and-Education/American-Indian-Alaska-Native/AIAN/Downloads/Adult-Protective-Services-Handbook.pdf>)
- Confederated Salish Kootenai Tribe Adult Protection Code (<https://csktribes.org/title-iii-chapter-5>)

Procedures

9.1 Eligibility

Any member of the Gros Ventre or Assiniboine Tribes who is over the age of 18 and disabled or who is over age 55 is eligible to receive protective services from the Fort Belknap Social Services Department.

Adult protective services are provided for eligible tribal members under the following circumstances:

- They are deprived temporarily or permanently of needed supervision by responsible adults
- They are neglected, abused, or exploited
- They are in need of services when they are mentally or physically handicapped or otherwise disabled
- They are under the supervision of the Bureau in regard to the use disbursement of funds in the adult's Individual Indian Money (IIM) account

9.2 Included Services

The FBSS will provide the following services:

- Coordinate with the court of competent jurisdiction to provide services, which may include, but are not limited to the following:
 - Investigating and reporting on allegations of abuse and neglect, abandonment, and conditions that may require referrals (such as mental or physical handicaps)
 - Providing information related to the disposition of a case, including recommendation of alternative resources for treatment
 - Providing possible placement services by the court order before and after adjudication
 - Coordinating with other community services, including groups, agencies, and facilities in the community
 - Evaluating social conditions that affect community well-being
 - Working with other community agencies to identify and help clients to use services available for assistance in solving the social problems of individuals, families, and elderly
 - Coordinating with law enforcement and tribal courts, PHN or IHS to place the victim of an alleged and/or substantiated incident of abuse, neglect or exploitation out of the home to assure safety while the allegations are being investigated

9.3 Reports of Elder/Vulnerable Adult Abuse

Mandatory Reporters. Below is a list of professionals or officials who know or have reasonable cause to suspect as a result of information they receive in their professional or official capacity, that a child, elder or vulnerable adult is abused or neglected shall report the matter promptly to the tribal prosecutor presenting officer, social worker, or law enforcement officer. In addition,

under federal law anyone who supervises a mandatory reporter is also considered a mandatory reporter.

- Medical professionals - physicians, residents, interns, dentists, nurses, optometrists, community health representatives, any official or employee who is employed by the Indian Health Service or the Tribal Health Department
- School teachers, school officials and employees who work for the school during regular hours
- Social worker
- Operator or employee of any registered or licensed day-care facility; foster care or residential worker
- Law enforcement officer or official
- Clergy
- Any member of the local Indian Child welfare committee
- Members of the child protection team
- All tribal court staff

Contents of Reports. Those persons mandated to report shall include the following information in a written report. (See Adult Protective Services Intake Form)

- Name and address of the elder/vulnerable adult and caretaker (if any)
- Tribal affiliation
- To the extent known, the nature and extent of the injuries, including any previous injuries
- The facts that led the person reporting to believe that the elder/vulnerable adult has suffered abuse, injuries or neglect
- The name address of the person or agency making the report

Confidentiality. The name of the reporter shall remain confidential and will not be released to anyone unless the reporter consents to the release or the court orders it.

Any record of an investigation shall be kept confidential. Such records may be available to the elder and the elder's family or caretaker.

Any hearing held pursuant to the Tribes' Elder Protection Code shall be closed and confidential and shall include only those essential to the matter before the court. No person who attends or testifies at such a hearing shall reveal information about the hearing unless ordered by the Court.

9.4 Initial Assessment

Upon receipt of any report or information that an elder or vulnerable adult is or has been abused or neglected or that the individual is in need of assistance, a social worker shall promptly conduct a thorough investigation and create a case file, which will include a case plan for providing necessary services.

Social Services shall investigate reports of elder or vulnerable adult abuse, neglect or exploitation, immediately referring criminal investigation matters as defined in Tribal Code, to the Tribal Prosecutor. Matters not referred to the Tribal Prosecutor shall be completely investigated by Social Services. Criminal matters appearing after the complete investigation shall be formally referred to the Tribal Prosecutor.

The investigation must within 48 hours develop independent, corroborative, and attributable information. Without the development of independent, corroborative, and attributable information, no one may be removed from the home. The investigation will include the following steps:

- Check the Montana's Child and Adult Protect Services (CAPS) registry to see if there have been any other referrals related to the individual
- A visit to the home or other places where the individual is present to assess the safety of the individual
- An inquiry into the circumstances surrounding any injuries to the individual
- An inquiry with the individual into the individual's financial matters that are in the discretion of the investigator that are relevant to the investigation
- Coordination with Tribal Health for appropriate referrals to assess the individual's mental and physical capacity

Investigative Report. Every investigative report shall be in writing and contain the following information:

- The elder/vulnerable adult's name, address or location, and telephone number
- The name, address or location, telephone number of the person(s) or agency who is suspected of abusing, neglecting, or exploiting the elder or vulnerable adult

- The nature and degree of capacity of the elder or vulnerable adult based on the Designated Tribal Authority's professional opinion and observation
- The name, address or location, and telephone numbers of witnesses
- The name, address or location, and telephone of a caretaker
- A description of the acts which are complained of
- Any other information that the Social Worker believes might be helpful in establishing abuse, neglect, or exploitation.

Clients Rights. Clients receiving services from Social Services must be informed of their rights. The Clients Rights form should be presented and explained to adults. The form must be signed by the client. A copy of the signed form should be included in the client's file. The original should be given to the client.

Assessing Abuse or Neglect. A social services worker will contact the elder to assess the situation and the level of services needed. It is important to recognize that vulnerable elders suffering from mental illness, cognitive deficits, or functional impairment are not necessarily incapable of making decisions. They may still be able to direct their own medical care and manage their finances. Informal or formal supports are sometimes all that is necessary to keep the individual in the community. An interview should be conducted in a private setting, away from others. Factors to consider include:

- Increasing age
- Female gender
- Medical comorbidities
- Substance abuse
- Mental illness
- Cognitive impairment
- Sensory impairment
- Impairment in activities of daily living (ADL)
- Signs of malnutrition
- Lack of social network
- Dependence on a care provider
- Living alone.
- Lack of community resources
- Inadequate housing
- Unsanitary living conditions
- Adverse life events
- Poverty

Consider an individual's strengths, resources, and willingness to accept intervention.

The presence of certain indicators should raise suspicion of abuse or neglect. These indicators include:

- Unexplained physical injuries
- Fear of caretakers, including family members
- Missing medications
- Repeated ER visits or hospital admissions.
- Neglect of medical problems.
- Lack of follow-up for appointments
- Noncompliance with medication
- Acute deterioration in ADLs or cognition
- Unexplained weight loss or failure to thrive
- Poor grooming or hygiene
- Inappropriate or soiled attire.
- Refusal of appropriate and needed assistance (e.g., home care, meal delivery)
- Threat of eviction.
- Infestations (e.g., lice, bed bugs, rodents).
- Motor vehicle accidents or moving violations.
- "Doctor shopping."
- Decline in financial status.
- Victimization, exploitation.
- Sudden appearance of new "caregiver."
- Suspected sexual abuse

9.5 Removal from Home

If it is necessary to remove an adult from the home because of imminent danger, social services workers may request assistance from Law Enforcement to remove individuals in life threatening situations. After a social services assessment, the individual must be either returned to the home from which they were removed or the social services worker must initiate other actions as provided by the tribal code; and providing social services in the home, coordinating and making referrals to other programs/services.

Court Proceedings. If Social Services determines an order of protection is necessary because the elder/vulnerable adult is abused, neglected or incapacitated they shall make an application to the tribal prosecutor in writing, to file a petition seeking such an order.

The Elder/Vulnerable Adult and the family or caregiver shall be served personally with a petition filed pursuant to the Tribes' law. The notice shall provide for a hearing within 10 days or if it is an emergency, 72 hours.

Protection Order. If the court finds after a hearing that the elder/vulnerable adult is abused, neglected or incapacitated, it may issue a protection order. Such protection may include following:

- Removing the person from the situation until the matter is corrected or until the person is no longer at risk
- Removing the person who has abused or neglected the elder/vulnerable adult
- Restraining the person who has abused or neglected the elder/vulnerable adult
- Requiring the family of the elder/vulnerable adult or any other person with a fiduciary duty to the elder/vulnerable adult to account for the elder/vulnerable adult's funds and property
- Requiring any person who has abused or neglected an elder/vulnerable adult to pay restitution
- Appoint a representative or guardian to assist the elder/vulnerable adult in managing his finances or property
- Order the social services agency to prepare a plan to deliver elder protection services, which provides the least restrictive alternatives for services, care, treatment, or placement consistent with the elder's/vulnerable adult's needs.
- Placement with services and reasonable parties which include agencies that provide financial support

9.6 Coordinating Care

If from the report or investigation it appears that the elder or vulnerable adult is in need of essential services only and is not at risk of abuse, neglect and/or exploitation, Social Services shall deliver a referral to the appropriate services agency for further action, the social worker will coordinate care with appropriate tribal and state agencies as described in Chapter 7 of this manual, including the state and tribal Public Health Services. Such services may include, but are not limited to:

- Assistance with daily living tasks, such as bathing, meal preparation, and exercise.
- Instrumental Activities of Daily Living, such as shopping for essential items and household tasks
- Medical escort, which includes accompanying the individual and personally assisting the individual on trips for medical care and in obtaining reimbursement.

- Personal Emergency Response System which is a device that allows the individual to summon assistance in an emergency situation.

Case Plan. An initial Case Plan, for the client, case manager and others, shall be completed within 10 calendar days of the date of the Initial Determination of need for ongoing Adult Protective Services.

- The client shall be actively involved in the planning process to the greatest extent possible.
- The client must sign (or make his/her mark) the Case Plan as written documentation of his/her commitment to the plan.
- If the person in need of protection does not sign and does not appear to be an incapacitated adult in need of a guardian or conservator, the Case Plan cannot be implemented and the person should sign a note on the plan that says he/she refused services.

9.7 Guardianship and Conservatorship Proceedings

The incapacitated elder or vulnerable adult or any person alleging an elder or vulnerable adult to be incapacitated, including the Social Services, may petition for a limited or full guardianship, or a conservatorship of an incapacitated elder or vulnerable adult who is unable to manage all or some of his/her own affairs for the purpose of promoting and protecting the well-being of the elder or vulnerable adult. The guardianship or conservatorship must be designed to encourage the development of maximum self-reliance and independence in the elder or vulnerable adult, and may be ordered only to the extent that the elder's or vulnerable adult's actual or mental limitations require it.

A petition for guardianship shall state:

- The elder or vulnerable adult's name, birth date, residence, tribal affiliation, and enrollment number. If the elder or vulnerable adult is not living in his or her own home, then petitioner shall state the location where the elder or vulnerable adult has resided since leaving his or her own home, and the name and address of the person(s) or institution where the elder or vulnerable adult is presently located
- Petitioner's name, birth date, residence, tribal affiliation, and the relationship to the elder or vulnerable adult
- A description of the physical and/or mental limitations that incapacitates the elder or vulnerable adult

- If a limited guardianship over the elder's or vulnerable adult's person is requested, then a description of the particular powers that the limited guardian is proposed to exercise and the particular areas of protection and assistance required
- If a guardianship or conservatorship of any or all property is requested, then a general description of the personal or non-trust property of the elder or vulnerable adult
- If a guardianship or conservatorship over any or all of the financial affairs is requested, then a general description of the income or other financial resources or personal property of the elder or vulnerable adult
- The names, addresses and relationship of the elder's or vulnerable adult's children, so long as such information is reasonably available, and any brothers, sisters, grandchildren or other parties who have been significantly involved in the care of the elder or vulnerable adult during the past three years
- Whether a guardian has been appointed for the elder or vulnerable in any other tribal or state proceeding
- The requested length of time for which the petitioner is requesting the guardianship or conservatorship and
- List any other person(s) and relationship to the elder or vulnerable adult, if any, who may be available to share the guardianship responsibilities with the petitioner.

Service of Petition and Notice of Hearing. Before appointing a guardian or conservator, a notice of hearing and a copy of the petition shall be given personally to the elder or vulnerable adult over whom the guardianship or conservatorship is requested. A certificate of personal service shall be filed with the Tribal Court.

Notice and a copy of the petition shall be personally given to the elder or vulnerable adult's spouse residing within the exterior boundaries of the Fort Belknap Indian Reservation, if any, unless such person waives, in writing, the personal service of notice and petition.

By First-class United States mail, notice and a copy of the petition shall be given to: all children of the elder or vulnerable adult; the spouse of the elder or vulnerable adult if residing off the Fort Belknap Indian Reservation and any other person with whom the elder or vulnerable adult is living with and the Tribal Health and Human Services.

The Tribal Court, upon receipt of a petition for guardianship or conservatorship, shall appoint an advocate to represent the elder or vulnerable adult, a physician to examine the elder or vulnerable adult for the purposes of determining capacity, and a visitor.

A hearing on the petition shall be held not less than twenty and not more than forty days from the service of the notice and petition on the elder or vulnerable adult over whom the

guardianship is requested. Following the hearing, the Court may appoint a full or limited guardian if it is satisfied that the person for whom the guardianship is sought is incapacitated and that judicial intervention in his/her personal freedom of action and decision is necessary to meet the essential requirements for health and safety.

In the event of an emergency, where serious harm to the allegedly incapacitated elder's or vulnerable adult's health or property is likely to occur before a hearing can be held, the Court may appoint with or without notice a temporary guardian for the allegedly incapacitated elder or vulnerable adult for a specified period not to exceed six (6) months. The Court may not invest a temporary guardian with more powers than are required by the circumstances necessitating the appointment.

Any guardian shall advise the Court by written report at least once a year or upon request of the Court on the parties involved or the actions of the guardian on behalf of the elder's or vulnerable adult's person or estate.

No guardian may dispose of any of the elder's or vulnerable adult's property without advance approval from the Court.

9.8 Refusal of Services

Regardless of whether there is evidence of abuse or neglect, elders and disabled adults may decline services. If there is probable cause to suspect abuse or neglect, the case shall remain active and a social worker shall implement a safety plan, which includes monthly check ins, provide the individual with information on emergency services such as police protection and restraining orders for abusive caregivers, etc., educate the individual about available services and rights, develop goals for care, gently persuade the individual to seek services, and arrange for follow-up.

If the client refuse services, it should be noted on the case plan and initialed or signed by the client.

9.9 Voluntary Adult Protective Services

Adult protective services may be provided on a voluntary basis by Social Services when requested by or for any non-incapacitated abused or neglected elder or vulnerable adult and the elder or vulnerable adult is found by Social Services to be in need of such services.

Voluntary adult protective services shall include those essential and/or protective services necessary to reduce or eliminate the threat of harm and to promote continued independent living.

Voluntary adult protective services are provided subject to available appropriations, resources, and staff, and only as determined necessary by the Social Worker.

Voluntary adult protective services shall be provided on a time-limited basis and monitored by the Social Services worker. Said services shall only be provided until the risk is eliminated or reduced, or until the elder/vulnerable adult refuses to accept such services.

Voluntary services shall be based on the least restrictive alternative.

An elder/vulnerable adult in need of voluntary services shall have a choice in selecting the services.

Voluntary services include, but are not limited to:

- Identifying persons needing protective services through referrals
- Investigating referrals and identifying problems to determine extent and type of services needed
- Assisting in locating behavioral health services for the individual and family
- Assisting in locating appropriate alternative living arrangements or protective placements
- Enlisting support and services from interested persons or agencies
- Assisting in arrangement of medical health related services
- Assisting in locating legal services
- Assisting in finding a replacement guardian
- Providing advocacy
- Assisting in arranging services to preserve or enhance the current living arrangement, when desirable, in the best interest of the elder or vulnerable adult

9.10 Unsubstantiated Report

If from the investigation it appears that the elder has not suffered abuse or neglect and the initial report is determined to be unfounded, the department shall destroy all records concerning the report and the investigation.

Chapter 10

Individual Indian Money (IIM) Accounts

Policy

Tribal Social Services staff is responsible for managing and administering trust assets for the exclusive benefit of Tribal and individual Indian beneficiaries. Per 25 CFR Part 20 and Part 115, assistance includes help with completing an Application for Financial Assistance and Social Services form and a Social Services Assessment and Evaluation form, which may also lead to the development of a distribution plan.

Guiding Laws, Regulations and Documents

- 25 CFR Part 2, Appeals From Administrative Actions (Up-to-date Code of Federal Regulations can be found at this site <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>)
- 25 CFR Part 115, Trust Funds for Tribes and Individual Indians (Up-to-date Code of Federal Regulations can be found at this site <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>)
- IAM Part 70 Chapter 5 Supervised Individual Indian Money (IIM) Accounts- (<https://www.bia.gov/bia/ois/dhs/individuals-indian-money-accounts>)

Procedures

An IIM account is an interest bearing account for trust funds held by the Secretary of the Department of the Interior (DOI) that belongs to a person who has an interest in trust assets. There are three types of IIM accounts: unrestricted, restricted, and estate accounts. Supervised IIM accounts are a type of restricted account under the control and management of the Secretary, which requires disbursements to be approved by the BIA. The funds from these IIM accounts may be disbursed to individual account holders, a legal guardian, or a custodian under such conditions as the Secretary or his/her authorized representative may designate. The Secretary has designated Indian Affairs (IA) as its representative for these actions. Specifically, the BIA OIS DHS and the Office of the Special Trustee for American Indians (OST) have been assigned specific roles and responsibilities to carry out this function.

Tribal Social Services staff is responsible for managing and administering trust assets for the exclusive benefit of Tribal and individual Indian beneficiaries. Per 25 CFR Part 20 and Part 115, assistance includes help with completing an Application for Financial Assistance and Social Services form and a Social Services Assessment and Evaluation form, which may also lead to the development of a distribution plan. Other activities include: case management; coordination with the court, court appointed guardians, and representative payees; working with other resources and agencies/programs; conducting a six month review; collecting receipts and

verifying disbursements; conducting home visits; and maintaining case work records. In summary, Tribal Social Services staff is responsible for the provision of services or the direct administration, monitoring, and oversight of supervised IIM programs at the Tribe/Agency. However, the Agency Superintendent remains responsible for approving all distribution plans from supervised IIM accounts. The Central Office must review and recommend either approval or disapproval of all major purchases. In addition, the Central Office may need to approve disbursements where there is a potential conflict of interest at the Tribe/Agency or the regional office levels.

Detailed guidance on administering IIM Accounts can be found in the BIA Handbook in the Appendix and at this site: <https://www.bia.gov/bia/ois/dhs/individuals-indian-money-accounts>

Chapter 11

Safety Protocol

Policy

FBSS staff perform a critical service to the Fort Belknap Community. The safety and mental health of FBSS staff is important and FBSS staff should always adhere to safety standards. Social workers should routinely practice universal safety precautions in their work. To promote safety, social workers should practice safety assessment and risk reduction with all clients and in all settings.

Guiding Laws, Regulations and Documents

National Association of Social Workers, Guidelines for Social Work Safety
(<https://www.socialworkers.org/LinkClick.aspx?fileticket=6OEdoMjcNC0%3D&portalid=0>)

Procedures

The safety of FBSS staff is important. The following are best practices on safety from the National Association of Social Workers, Guidelines for Social Work Safety.

- Safety training should be conducted annually with all staff and prior to field work with all new hires
- Training should include recognizing signs of escalating violence, signs of active substance abuse, anger management techniques, personal safety techniques, and safety procedures for entering residences, etc.
- Social workers should work in teams in the field whenever possible
- On a referral case workers should always be assisted by law enforcement
- Cell phones and radios must be in good working condition at all times
- Supervisors and support staff should be aware of social worker location when they are conducting family visits
- Social workers should immediately alert supervisors and/or staff of problematic situations.
- Alert law enforcement of potential violence or anticipated dangerous situations.

Appendix 1

Case Files Checklist for Case Workers		
Document	Description	Notes
Section 1 of Classification Folder		
Application for Financial Assistance (1)	BIA Application for Financial Assistance	This application is MANDATORY and NEEDS to be in every file. Even if you have to fill it out yourself and have the parent(s) sign the application later.
Verification of Reservation Status (2)	Housing agreement that shows they live on the reservation	
Enrollment Information (3)	Copy of all household members enrollment information (CDIB or tribal ID)	
Birth Certificate (4)	Birth Certificate for every member of the household.	MANDATORY and NEEDS to be in the file. You do not need the originals, just a copy will be fine. If you do need to get a birth certificate, you will need to get one through Blaine County Clerk & Recorder in Chinook. You will then make a copy for the file and give the original to the parent(s). You can only get child's birth certificates from Blaine County, not the parents.
Medicaid (5)	Copy of any Medicaid cards for household members.	If cannot get a copy of cards, see if you can call Vance Bigby at IHS to help with a Medicaid number; otherwise, just wait until you submit for IV-E. ALWAYS have something in section, even if you type up a small note saying why the information is missing.
Social Security (6)	Copy of Social Security Cards for ALL household members.	MANDATORY and MUST have a copy of all household member's Social Security Cards. If a newborn baby, have to go to Social Security Office in Havre to order a card be sent to Social Services address; MUST provide a court order, so make sure you have a one when you go up there.
SSI Information (7)	Evidence that the child is getting social security benefits if applicable	If child is getting disability or social security benefits, place a copy of the

			checks and letter showing they get social security.
EA-1 (Application for IV-E) (8)	Application (not Included) and IV-E and/or Medicaid Information Sheet/Checklist (Included)		MANDATORY and NEED to have this application in all the files. Have a copy of the application you filled out and submitted; also this is where you will put the APPROVAL or DENIED notice for IV-E that will come via fax or email.
Medical Information (9)			In this section, this is where you will place any immunization records and if the child and/or parent(s) have any medical conditions.
Parent Consent (10)	BIA Release of Information Form authorizing information sharing among tribal, state and federal agencies.		MANDATORY AND NEEDS to be in the file. This is where you will place the SIGNED release of information by the parent(s).
Privacy Act Statement (11)	BIA notice to clients that their information will be kept confidential and will not be shared without their consent.		MANDATORY and NEEDS to be in the file. This is the two pages that come with the Release of Information. Keep a copy in every file and ALWAYS give the parent(s) a copy of their home for them to keep
Section 2 of Classification Folder			
Case Notes (1)	See IV-E case file checklist.		ANY and ALL notes you have taken during the investigation and ANY/ ALL home, office, or telephone call visits will need to go in the file.
Narratives (Document Monthly Contacts) (2)	FBSS Narrative Report Form		MANDATORY and NEEDS to be in the file. This is where your home visit forms will go. ALL home visits NEED to be conducted EVERY MONTH!!!
School Information (3)			Any/all school records will go in this section. If you are able to get a copy of their report cards, attendance records, etc.
Medical Report (4)			MANDATORY and NEEDS to be in the file. This is where your medical clearance will go; this will happen when you remove the child and take to get medical clearance at the E.R. or other healthcare facility. Also you will add to this file any other medical reports/records (i.e. any doctor appointments or slips)

Therapeutic Placements, Residential Treatment (5)	Any documents pertaining to any treatment facilities the child may be in or any therapeutic homes. (i.e. admissions applications)	
Parents Documentation (6)	Parental documentations. Such as any drug test results, CDC evaluation, mental health evaluation, etc.	
Service Treatment Agreement (7)	Any treatment paperwork for the parent(s); whether it is treatment for CDC or mental health. Also you will put here the DR/Home Base referral and case plan, if they were enrolled in the program or not.	
Picture Of Child(ren) (8)		MANDATORY and NEEDS to be in the file. If you get a copy of a school picture or take a picture of the child yourself.
Section 3 of Classification Folder		
Court Orders (1)	See IV-E Case File Checklist	MANDATORY and NEEDS to be in the file. The most current court order must be on top.
Reports to Court (With Orders) (2)	See IV-E Case File Checklist	MANDATORY and NEEDS to be in the file. ALWAYS make sure CURRENT report to court is on top.
Legal Documents (3)	Including affidavit for TIA (FBSS Form) and petition that comes from prosecution/courts	MANDATORY and NEEDS to be in the file. This is where you will put your affidavit for a TIA and your petition that comes from prosecution/courts.
Police Reports (4)	Any police reports, if any.	ALWAYS organize, from oldest to newest with the current on top.
Child Abuse and Neglect Referral (5)	COPY of the referrals that you have on file within the last 5 years on the family with the CURRENT on top.	MANDATORY and NEEDS to be in the file.
Section 4 of Classification Folder		
Case Plan (1)	FBSS Form that details tasks for parents and social worker. Case plan is for six months.	MANDATORY and NEEDS to be in the file. You MUST have all parties sign the case plan, especially the judge. You will give the original to courts but keep a copy for the file.
Initial Plans (2)		This is taken care of by IV-E if the case goes IV-E

Regular Plan (Including Permanency) (3)		This is taken care of by IV-E if the case goes IV-E or 638 will take care of this part.
Assessments (4)	FBSS Risk Assessment Form	
Independent Living Plan (5)		
Supervisory Reviews (Every 90 Days) (6)		Supervisors should be reviewing all files every 90 days and this is where they will put their report. This will entail if anything else needs to be put in the file or if the file looks complete and up-to-date.
Section 5 of Classification Folder		
Correspondence (1)	Any letters/mail that you receive pertaining this child/parent(s).	Organize them by dates, oldest to most recent, with most recent on top.
Current Foster Care License (2)		MANDATORY and NEEDS to be in the file. You will get a copy from Lois; this is only if the child is placed in a licensed foster home.
Foster Parent Agreement (3)	FBSS Forms	MANDATORY and NEEDS to be in the file. This is where you will also put the kinship placement agreement.
Placement Detail Checklist (4)	FBSS Form regarding foster care	MANDATORY and NEEDS to be in the file.
Annual Evaluation Of Foster Home (5)	Any/all foster care payments will go. This also includes any client services requests that you do for the child.	
Training Documentation (6)		
Section 6 of Classification Folder		
Current Payment Information (1)	Any/all foster care payments. This also includes any client services requests that you do for the child. Or if FBSS is paying for any residential treatment	
IIM Payment Information and Requests (2)		
Subsidized Adoption/Guardian Info (3)		
Residential Agreement (4)	Any acceptance or denial letters for any residential treatment facilities for the child, if they are in need of any.	

Case File Checklist for Family Intervention Specialist		
Document	Description	Notes
Referral Form	Tiwahe Form Referral to FIS	
Referral Form	Tiwahe Form from FIS to Service Agency	
Record of Contact	Form Tracking Nature and Form of Contact with Client	
Case Notes	Form Noting Date and Notes	
Referral Tracking	Form Noting Referrals	
Intake Form	Detailed Tiwahe Application for Wrap-Around Services	
Personalized Case Plan	Tiwahe Personalized Case Plan for client	
6 Week Checklist	Tiwahe Form – Checklist of additional information	
Incentives Point System	Tiwahe Form showing incentives for completing tasks	
Authorization for Release of Information	Tiwahe form authorizing release of information to tribal, state and federal agencies.	Simplified version of BIA form.
Enrollment Verification	Copy of CIB or Tribal ID	
Identification	Copy of Tribal ID, State ID or Driver's License	
Birth Certificates		
Wrap Around Team Meeting Minutes	Form for meeting minutes	
List of Team Members	Tiwahe Form Showing Wrap Around Team Members for each Client.	
Home Visit Form	Tiwahe Form for FIS Home visits.	
Confidentiality Agreement	Tiwahe Form	
Police Reports		
Court Reports		
Record of Client Services	Tiwahe Form noting services requested on behalf of client	Include receipts and purchase orders, etc.
FBSS Case Plan	FBSS form	
Contract for Foster Care Services	FBSS Form	
Contract for Relative Placement	FBSS Form	
Report to Court	Report to Court Regarding placement and removal of child(ren)	
Social Services Safety Plan (A-68)	Form for Safety Plan	
Notice of Clients Rights and Responsibilities		

Notice of Clients Rights to Confidentiality		
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IV-E Case File Checklist

The eligibility case (compliance) files are required to contain all of the financial, legal and licensing information used to conclude that the child is either IV-E eligible or not IV-E eligible. The files will be managed and located in the IV-E eligibility unit and must also contain the ongoing court orders and other documents used to determine ongoing eligibility and to substantiate any IV-E payments.

The file must contain:

- Income verification from the source of the income. This includes verification of deemer's income, and any unearned income such as child support. TEAMS or MISTIC screens may be copied for verification.
- Resource information verifying parent's statement that countable resources do not exceed \$10,000.00. Verification can include print copies from PJUSTICE, stock certificates, safety deposit boxes etc. If there is no parent statement or information on PJUSTICE it is assumed there are no resources.
- Social Security Number (SSN) is not required for IV-E eligibility but is required to access Medicaid. TEAMS verified SSN may be copied from SSDO screen and placed in the child's file.
- School attendance must be verified if the youth is 18 and is still in school.
 - A Youth Agreement for continued foster care must be signed prior to the child's 18th birthday and placed in the file.
- A letter from the school stating that the child will graduate or complete their course of study prior to their 19th birth day must be in the file SSI eligibility can be verified with a copy of SDI1 TEAMS screen or documentation from the SOLQ screen.
- Copies of the DETL screens (IV-E determinations screen which calculate the NMI and GMI), statements supporting payments to dependent members out of the household, copies of child support/alimony orders for members out of the household, copies of income taxes claiming dependents and any other verification used to explain the calculations.
- All subsequent redeterminations on and their DETL screens as well as all financial documentation to back up the calculations.
- All of the legal requirements of Section 200 described below.

Legal Requirements for Section 200

Montana requires that case files also contain the following legal documents and case information.

PETITIONS FOR COURT ORDERS

- Petition for Immediate Protection and Emergency Protective Services** – filed when the child protection specialist must make an emergency removal of the child from the parent’s home. The order is given based on the child protection specialist statement and is issued upon filing the petition. This protective order must contain the contrary to welfare language and must give placement and care authority to the department or designee. An affidavit must be presented to the county attorney as soon as possible following the removal. The county attorney will then file the petition. The affidavit and the petition must all be completed within 48 hours (excluding weekends and holidays) of the physical removal.
- Tribal protective orders may have different time limits, for instance it may be 72 hours. The time frames specified above are in state statute and do not apply to the reservations.
- Petition for Temporary Investigative Authority** – specifically limited to investigation. If the court grants this petition, it gives judicial authority to conduct an in-depth investigation into the child’s situation.
- Petition for Temporary Legal Custody** – filed when the child protection specialist determines the child is or has been abused, neglected or abandoned. This petition may be the initial petition in the case.
- Petition for Termination of the Parent-Child Legal Relationship**- filed when continuation of the parent-child relationship is not in the child’s best interests and the statutory requirements are met.
- Petition for Appointment of a Guardian**- filed for a court appointed guardian which is one option for permanency. Parental rights do not need to be terminated prior to filing for a guardian.
- Petition for a Determination that Preservation and Reunification Services Need not be Provided** – is filed when the child protection specialist determines one of the statutorily required conditions exist and that services to prevent the removal or services to reunite the child will not be successful. This will require evidence that one of the required conditions is present in the case. This cannot be filed if the child, who is the subject of the proceedings, is an Indian child defined by ICWA.

- **Petition on Behalf of an Abandoned Infant** – The county attorney may file a petition for immediate protection and emergency protective service combined with either TIA, TLC based on abandonment or TPR. The court cannot terminate the parents' rights prior to 60 days after surrender of the infant because the parent(s) have 60 days to petition for custody of the newborn. The infant is presumed to have been born in Montana and a US citizen.

COURT ORDERS

- **Temporary Investigative Authority (TIA)** – Judicial authority to conduct an intensive investigation into suspected child abuse and neglect under which the court grants specific relief. This order does not customarily give authority to remove.
- Problems arise when a TIA is issued for an investigation but the order also allows the placing worker to remove if the situation is unsafe for the child. Example: A TIA is granted allowing the worker to investigate and if circumstances warrant the child may also be removed for their protection. Since this order allows for a removal, it contains the “contrary to the welfare” language and gives placement and care authority to the department. If the child is left in the home, the placing worker violates the court order because the order states it is contrary to the welfare of the child to remain in the home. If the child is removed under an investigative order, it must be followed with a removal order whereby the placing worker has convinced the court that the investigation warrants a removal of the child and the court concurs. If the subsequent order sanctioning the removal is not received, this child does not meet the legal requirements for IV-E eligibility.
- **Temporary Legal Custody (TLC)** – legal status created by an order of the court that gives a person or agency the right and responsibility for the care, custody and control of a child on a temporary basis. Can only be granted for six months with one six-month extension.
- This is a state statute and does not apply to tribal orders.
- **Termination of Parental Rights (TPR)** – The legal rights of legal parents are terminated by a court of competent jurisdiction.
- **Permanent Legal Custody (PLC)** – an order that grants permanent responsibility for care, custody and control of the child to a person or agency. This would be requested for a child who cannot return home and who the department expects to place for adoption.
- **Voluntary Relinquishment** – is a written document by which the parent voluntarily surrenders his or her rights to and responsibilities for a child who has not been the subject of allegations of abuse and neglect. Within 6

months of relinquishment, this action must be followed by a judicial determination that it is in the best interests of the child not to remain in the home. If the latter determination was not made, this child is ineligible for a Title IV-E subsidy unless the child is SSI eligible at the time of the adoption.

LEGAL REQUIREMENTS

The following documents must be copied and placed in the child's IV-E eligibility file:

- Copy of the petition leading to the removal of the child; or
- Copy of the parental agreement between the custodial specified relative and the department. This must be followed within **30 days** by a court order described below.
- Copy of the court order, sanctioning the removal of the child, giving placement and care authority to the department or other public agency, which has a current agreement with the department. This order must contain the language that it is contrary to the welfare of the child to remain in the home or that it is in the best interests of the child to **not** remain in the home; it may also include the specific services provided to prevent or why no services could be provided to prevent the removal; or services provided to reunite; or circumstances to justify that no reasonable efforts are required. If this information is contained in the initial order, skip the next step; or
- Copy of the **judicial determination** that reasonable efforts were made or could not be made to prevent the removal; or if it is an emergency removal, that reasonable efforts to reunite the family; or because of the circumstances, reasonable efforts were not required. This order must be specific as to services provided to prevent or why no services could be provided to prevent the removal; or services provided to reunite; or circumstances to justify that no reasonable efforts are required. This order **must be within 60 days of the placement into foster care.**
- Copies of the judicial determination that the agency is making reasonable efforts to finalize the child's permanency plan. In cases where the events for removal are such that reasonable efforts to prevent or reunite are not required, the permanency plan must be held **within 30 days of this determination.** Preservation and reunification efforts are not required with a caretaker relative who:
 - subjected a child to aggravated circumstances, including but not limited to; abandonment, torture, chronic abuse or sexual abuse or chronic, severe neglect; or

- committed, aided, abetted, attempted, conspired, or solicited deliberate or mitigated deliberate homicide of a child; or
- committed aggravated assault against a child; or
- committed neglect of a child that resulted in serious bodily injury or death; or
- had parental rights to the child's sibling or other child of the parent involuntarily terminated, and the circumstances related to the termination of parental rights are relevant to the parent's ability to adequately care for the child at issue; or
- if the putative father failed to contribute to the support of the child for an aggregate period of 1 year or to establish a substantial relationship with the child or register with the putative father registry and he has not been adjudicated to the father of the child for child support and he is not recorded on the child's birth certificate as the child's father.
- Copies of the judicial determination that the agency is making reasonable efforts to finalize the child's permanency plan. Except in cases as described in the previous paragraph, these determinations must be made **within 12 months of the child's entry into foster care and in 12 month increments thereafter for the duration of the placement.**

The entry into foster care or placement date, for **permanency hearing purposes only**, is either the date of the first judicial finding that the child was subjected to child abuse or neglect or the date that is 60 calendar days after the date on which the child is removed from the home. Whichever date comes first is the date from which all permanency hearings and termination proceedings are calculated. If a hearing is scheduled within the time frames allowed but subsequently continued until a later date, this does not count as a "held permanency hearing". No IV-E funds can be used from the time the judicial determination is due until the determination is actually made.

Unless all of the financial, legal and licensing criteria are met, the child is not considered to be IV-E eligible.

Appendix 2



Fort Belknap Social Services

656 Agency Main Street
Fort Belknap Agency, MT 59526
Phone: (406) 353-8370 | Fax: (406) 353-4634



90 Day Trial Home Visit Case Plan

Background Information

Child(ren): **Date of Birth** **Tribal Enrollment No.** **Social Security #**

Parent's Names: *Name - Birth Mother*
 Name - Birth Father

Case Worker: *Name - Job Title*

I. GOAL

1. **Parent(s) Name** will work toward understanding her own strengths, needs, problems, and recognize how everything as a whole is affecting her parenting and behavior at home.
2. **Parent(s) Name** will improve her understanding of her children's needs (emotional and physical) in order for her to provide for her children the following;
 - Parental Structure
 - Direction
 - Necessary Community Services
 - Protection
 - Support
3. **Parent(s) Name** will make changes in her parenting practices to develop and maintain a stable and secure environment in order for her children to be returned home.
4. **Parent(s) Name** will focus on the needs of her children putting their needs before her own.

II: TASKS

1. **Parent(s) Name** will continue to work on her Outpatient Treatment with Fort Belknap CDC until it is successfully **COMPLETED**.
2. **Parent(s) Name** will continue to work on her Mental Health Recommendations of attending therapy sessions with a mental health provider; Social Worker is recommending that she complete grief counseling as well.
3. **Parent(s) Name** will make **weekly contact** with her social worker by letter, phone, or office visit to report the progress of her treatment plan.
4. **Parent(s) Name** will undergo **RANDOM** drug testing and home visits.
5. **Parent(s) Name** will ensure that her safety plan will be followed and that she will not put her children at risk.
6. **Parent(s) Name** will seek financial stability in order to adequately provide and care for her children and to meet their needs; she is to apply for Child Support with Fort Belknap Child Support Program.
7. **Parent(s) Name** will continue to keep her suitable housing stability in order for her children to remain in the home.

III. SOCIAL WORKER'S TASKS

1. The Social Worker will monitor the placement of **Parent(s) Name** children and inform them of any changes regarding the children.
2. The Social Worker will be available for crisis intervention and resource referral as necessary.
3. The Social Worker will monitor the progress of **Parent(s) Name** treatment plan.

This treatment plan will be in effect for ninety (90) days, providing that assigned tasks are successfully completed. The ninety (90) day period will start on _____ and end _____.

Failure to comply with the terms of this treatment plan may result in further court action for the welfare and the safety of the children and IMMEDIATE removal of the children.

Name of Parent #1

Date

Name of Parent #2 (*if possible*)

Date

Social Worker

Date

Supervisor

Date

Honorable Judge

Date

Fort Belknap Indian Community

* * *

In the Matter of) Cause No.

DOB:

DOB:

DOB:

DOB:

Youth(s) in Need of Care.)

* * *

Fort Belknap Indian Community Gros :ss TRIBAL SOCIAL SERVICES
Ventre and Assiniboine Tribes)

[], being first duly sworn, states as follows:

1. I am over the age of 18 years, am a citizen of the United States and the State of Montana, and have knowledge of the facts set forth herein.

2. I am currently employed by the Tribal Social Services.

3. I am employed as a Social Service Representative, I have been educated or trained in a program of Social work or a related field that includes cognitive and family systems treatment or have equivalent verified experience or training in the investigation of Child Abuse, Neglect, and Endangerment. My duties include investigating allegations of child abuse by: interviewing witnesses and parents of the children alleged to be abused or neglected; and conducting reviews of records from other state and law enforcement agencies and health care professionals.

4. Tribal Social Services received a report that the above named youth(s) has been neglected.

a) The pertinent information regarding the above-named youth(s) follows:

() [DOB:]
[– Home Location:]

() [DOB:]
[– Home Location:]

() [DOB:]
[– Home Location:]

([]) [DOB: []]
[] – Home Location: []

b) The pertinent information regarding the parent(s), having physical and legal custody of the youth(s) follows:

c) ([]) []
[] ([]) []

d) ([]) []
[] ([]) []

5. I have conducted a thorough investigation into the circumstances surrounding the basis for the allegations of neglect of the child(ren). The circumstances are as follows:

On [] Social Services received a referral on []
for exposing the child(ren) to unreasonable physical and/or psychological risk of harm by exposing them to _____.

On []

—

WHEREFORE, the affiant has made a thorough investigation of all the facts and circumstances surrounding the allegations of abuse or neglect of said youth(s), while in the care of (_____), so far as he/she is known or ascertainable; that affiant believes it is a proper case for the filing of a Petition for Temporary Investigative Authority or Temporary Legal Custody because the youth(s) appears to have been abused or neglected or [is] in danger of being Emotionally Abused or neglected; and that for this reason and none other, the foregoing affidavit is made.

DATED this _____ :

Social Services Representative

On this _____ day of _____, before me personally appeared _____, known to me personally, who did declare under oath that the information stated above is true and correct to the best of his/her information and belief, and now acknowledges that s/he signed of his/her own free will.

(NOTARIES SEAL)

My commission expires:

Notary Public State Of Montana
Residing at:

Fort Belknap
Tiwahe Initiative
Family Intervention Specialist

Section I

Referral
Record of Contact
Case Notes
Referral Tracking



Fort Belknap Tiwahe Initiative
500 Newtown Drive
Harlem MT 59526
Telephone: (406) 353-8418/8361
Fax: (406) 353-4997

*****CONFIDENTIAL*****

Referral Form

Referral to: FIS Date: 7/4/20

Referred from: Social Services

Adult or Juvenile (Please Circle one)

Client Name: Jane Doe

Purpose:
Jane Tested positive for meth.
She needs family strengthening to
keep her family together.



Fort Belknap Tiwahe
148 Arena Ave. Trailer #2
Harlem, MT 59526
406-353-8393

*****CONFIDENTIAL*****

Referral Form

Referral to: CDC Date: 8/12/20

From: *Family Intervention Specialist* Client: Jane Doe

Purpose:

Please consider Ms Doe as she is
struggling with her addiction but
also trying hard to keep her family
together.

The following client is referred to your program by the Family Intervention Specialist Office. Should you have any questions or need additional information you may contact my office.

Fort Belknap
Tiwahe Initiative
Family Intervention Specialist

Section II

Intake Form
Personalized Case Plan
6 Week Check List
Incentives Point System



Fort Belknap Family Intervention Specialist
TIWAHE Initiative
 148 Arena Ave Trailer #2 Rodeo Dr.
 Fort Belknap Agency, MT 59526
 Phone: (406) 353-8393 | Fax: (406) 353-2956



APPLICATION FOR WRAPAROUND PROGRAM SERVICES

PLEASE COMPLETE AS MUCH AS POSSIBLE

By completing this application I understand that its contents may be shared with agencies involved in services. I have completed & attached the Wraparound Program release of information for this purpose.

Client: _____
 (Signature) Date

Client: _____
 (Signature) Date

ADDRESS: _____

CONTACT NO: _____

Members of Household Information:

Full Name	Relationship	Date of Birth	Social Security No.	Education Level
	SELF			

✓ **Referral Reasons (Please check up to TWO primary reasons per family unit)**

- Referred by Child Protection for Wraparound Process
- Early Intervention
- Services Required
- Services Recommended
- Reunification
- Juvenile Court/DJS
- Prevent Adoption Disruption
- Social Service Case Management
- 477 Employment & Training
- Other: _____

Referral Reason Narrative (Option):

REFERRAL CONCERNS/RISK FACTORS (Please check up to TWO primary risks per family)

- Child Abuse/Neglect
- Substance Abuse
- Serious Mental Health Issues
- Law Violations/Domestic Violence/Incarcerations (*Adults*)
- Rule Violations/Status Offense/Delinquency (*Youth*)
- Prior Placement History of Child(ren)
- Physical/Developmental Disability (*Child or Adult*)
- Parent/Child Conflict/Family Discord
- Joblessness/Financial/Housing
- Educational
- On TANF/GA for more than two (2) years
- Other: _____

Explanation of above checked areas:

The Risk of Placement without Services:

- Imminent
- High
- Moderate
- Low

Immediate Safety Concerns:

Please indicate N/A or UNKNOWN throughout this form as applicable.

FAMILY ORIGIN

Father's Name: _____
Address: _____
Telephone No: Home _____ Cell _____

Employed: YES NO Occupation: _____
Race: _____ Age: _____ DOB: _____
Religion: _____ Marital Status: _____
Level of Education: Some High School High School Diploma Some College
 Associate's Degree Bachelor's Degree GED
Level of Contact with Child: Active Inactive UNKNOWN
Explain: _____

Mother's Name: _____
Address: _____
Telephone No: Home _____ Cell _____

Employed: YES NO Occupation: _____
Race: _____ Age: _____ DOB: _____
Religion: _____ Marital Status: _____
Level of Education: Some High School High School Diploma Some College
 Associate's Degree Bachelor's Degree GED
Level of Contact with Child: Active Inactive UNKNOWN
Explain: _____

Description of Family Strengths (*accomplishments, spiritual, coping skills, etc.*)

Description of Youth Strengths (*spiritual, special interests, hobbies, talents, work, recreation, leisure, vocation, etc.*)

Description of Parents Strengths (*spiritual, special interests, coping skills, etc.*)

Family History (*divorce, domestic violence, family dynamics, etc.*)

Youth's Name: _____ DOB: _____ Age: _____
Place of Birth: _____ Height: _____ Weight: _____
Gender: _____ Social Security No: _____
Race: _____ Religion: _____

Culture (*customs, traditions, heritage, ancestry, etc.*)

Youth's Name: _____ DOB: _____ Age: _____
Place of Birth: _____ Height: _____ Weight: _____
Gender: _____ Social Security No: _____
Race: _____ Religion: _____

Culture (*customs, traditions, heritage, ancestry, etc.*)

Youth's Name: _____ DOB: _____ Age: _____
Place of Birth: _____ Height: _____ Weight: _____
Gender: _____ Social Security No: _____
Race: _____ Religion: _____

Culture (*customs, traditions, heritage, ancestry, etc.*)

Youth's Name: _____ DOB: _____ Age: _____
Place of Birth: _____ Height: _____ Weight: _____
Gender: _____ Social Security No: _____
Race: _____ Religion: _____

Culture (*customs, traditions, heritage, ancestry, etc.*)

Youth's Name: _____ DOB: _____ Age: _____
Place of Birth: _____ Height: _____ Weight: _____
Gender: _____ Social Security No: _____
Race: _____ Religion: _____

Culture (*customs, traditions, heritage, ancestry, etc.*)

CURRENT RESIDENCE OR PLACEMENT OF YOUTH: (*i.e. Foster Home, Parental Home*)

Name of Foster Parent(s)/Facility:

Address:

Telephone Number: _____ Fax Number: _____

Medicaid Eligible: YES NO UNKNOWN

Medicaid No: _____ County Issuing Medicaid No: _____

Description of Present Treatment Issues (*including current symptoms/behaviors, severity and nature of all preceding treatment issues*):

Brief Description of Child Abuse/Neglect History (If applicable):

Current contact, if any, with known perpetrator(s) of abuse/neglect: YES NO UNKNOWN
Explain:

Child Probation Officer: _____
Address: _____
Telephone No: _____ Fax No: _____

Reason for Probation: _____

Date Probation Expires: _____

Guardian Ad Litem: _____
Address: _____
Telephone No: _____ Fax No: _____

Adult Probation Officer: _____
Address: _____
Telephone No: _____ Fax No: _____

Reason for Probation: _____

Date Probation Expires: _____

Adult Probation Officer: _____
Address: _____
Telephone No: _____ Fax No: _____

Reason for Probation: _____

Date Probation Expires: _____

SERVICES

PLEASE PROVIDE A BRIEF DESCRIPTION OF CURRENT AND/OR PAST SERVICES

	Start/End Dates	Frequency	Facility	Outcome
Individual Therapy				
Family Therapy				
Group Therapy				
Intensive In-Home				
Parent Aide				
Case Aide				
Respite				
Prior Inpatient Treatment				
Prior Outpatient Treatment				
Chemical Dependency Treatment				
Other				

Has the family agreed to participate in Wraparound Program? YES NO

What is the GOAL/PURPOSE of Wraparound Program?

Has the family agreed to the GOAL/PURPOSE of the program? YES NO

Does the family have any cultural or language needs? YES NO

If yes, please explain: _____

Persons to be invited to the meeting (Family, Service Providers, etc.)

Name: _____
Address: _____
Telephone No. _____ Relationship to Adult(s): _____

Name: _____
Address: _____
Telephone No. _____ Relationship to Adult(s): _____

Name: _____
Address: _____
Telephone No. _____ Relationship to Adult(s): _____

Name: _____
Address: _____
Telephone No. _____ Relationship to Adult(s): _____

Name: _____
Address: _____
Telephone No. _____ Relationship to Adult(s): _____

Name: _____
Address: _____
Telephone No. _____ Relationship to Adult(s): _____

Name: _____
Address: _____
Telephone No. _____ Relationship to Adult(s): _____

Name: _____

Address: _____

Telephone No. _____ Relationship to Adult(s): _____

****Attach another Sheet of Paper if needed for more Names****

CONSENT FOR WRAPAROUND PROGRAM:

I, _____ consent that the other people invited to participate in the **Wraparound Program Meeting(s)** may hear information about me and my child(ren). I specifically authorize *the Fort Belknap Tiwahe Programs, Fort Belknap Social Services Department, Fort Belknap Chemical Dependency Program, Fort Belknap Tribal Courts, Fort Belknap Behavioral Health Department*, other service providers, family members, and other meeting participants to share information about me with the meeting facilitator (*Family Intervention Specialist*); so that the *Family Intervention Specialist* can be fully informed. I also consent to the *Social Services Department* and *Family Intervention Specialist* sharing and exchanging information with the other Wraparound Meeting participants.

Name (*Please Print*): _____

Address: _____

Telephone No.: _____

Client Signature

Date

Client Signature

Date

Family Intervention Specialist Signature

Date

******PLEASE RETAIN A COPY OF THIS APPLICATION FOR YOUR RECORDS******



Fort Belknap Tiwahe

Family Intervention Specialist

148 Arena Ave. Trailer #2

Harlem, MT 59526 353/8393

Case Plan for: Jane Doe

Start Date: 08/12/2020

Objectives:

1. To reunify (CHILD(REN)) with Ms. Doe
2. To improve parenting skills and other necessary skills to provide for children's safety, permanency and well-being.
3. To be able to provide for children, whether it is with TANF or employment.
4. To instill long term changes and to provide lasting stability so that further intervention is no longer needed.
5. Provide a drug and alcohol free environment.
6. Provide a stable home for child(ren).

Tasks for mother:

1. Maintain contact with General Assistance and/or seek out other appropriate financial assistance resources or employment opportunities to J. Doe to care for (CHILD(REN)), as needed
2. Jane Doe will sign all necessary releases of information.
3. Jane Doe will learn all medically related information necessary for the care of (CHILD(REN)).
4. Jane Doe will work on the six week check-list given to her.
5. Keep appointment with Behavioral Health and follow recommendations; traditional and spiritual options if available
6. Get FIS a copy of Treatment Certificate, if applicable.
7. Submit to scheduled and random home visits by Family Intervention Specialist and/or Social Services.
8. Attend community classes that are focused on family (parenting), safety (anger management), budgeting, etc. when available.
9. Maintain a minimum of once a week contact with caseworker to update on progress of tasks, via phone, in person, requesting FIS to do a home visit, etc.



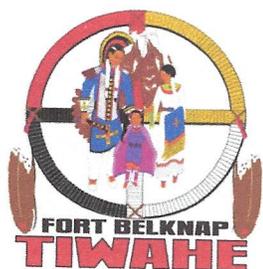
Fort Belknap Tiwahe
 Family Intervention Specialist
 148 Arena Ave. Trailer #2
 Harlem, MT 59526 353/8393

Intake Date _____

Name _____ DOB _____ Age: _____
 Race _____ Enrolled Y/N _____ Tribe _____
 Name _____ DOB _____ Age: _____
 Race _____ Enrolled Y/N _____ Tribe _____
 Address _____ Phone: _____

Date/Initial	6 Week Check List
--------------	-------------------

	Tribal I.D.
	Birth Certificate
	Social Security Card
	Driver's License
If you do not have driver's License, why not?	
	Revoked/Suspended Failed Test Other: _____
	Enrollment (Enroll if needed)
	Degree of Indian Blood _____ Family Tree
	High School Diploma or College Diploma
	Hi-Set GED
	Completed Hi-Set Set up appointment for Hi-Set @477
	Child Support Owe\$ _____ Pay\$ _____ Rec\$ _____



Fort Belknap Tiwahe
 Family Intervention Specialist
 148 Arena Ave. Trailer #2
 Harlem, MT 59526
 399-3142 353-8393

A. The Family Intervention Program adopted and incorporated the following incentive point system to keep track of Participants consistency, motivation, improvements, and accomplishments. Each point system will be used case-by-case, but can be rewarded individually within the family case.

B. The Point System

Activity/Task	Points Awarded
Signing ALL documents for file	5 points
Completing 6 week check list (within time frame)	10 points
Completing 6 week check list (after 6 weeks)	5 points
Obtaining a job	10 points
Applying for jobs	2 points per app
Finding a home for the Family	10 points
Passing Required UA (if applicable)	5 points
Pass Home Visit	5 points
Obtaining a Driver's License	10 points
Weekly Check-Ins	2 points
Family Reunification	20 points

C. The Family Intervention Specialist will be updating each file weekly and will keep track of points for each Case. Once the amount of points is reached for an incentive, the FIS will contact the family and give them their incentive, incentives vary depending on the amount of points and the availability of each incentive.

D. Incentives by Points

\$20 Gas Card	Every 30 points
Item from Tour Store	75 points
\$100 Stipend	100 points

**Fort Belknap
Tiwahe Initiative
Family Intervention Specialist**

Section III

**Authorization of Release of Information
Enrollment Verification
Identification
Birth Certificates**



Fort Belknap Tiwahe
Family Intervention Specialist
148 Arena Ave. Trailer #2
Harlem, MT 59526 353/8393

Release of Information

I, _____ authorize the Family Intervention Specialist program to exchange information with the following programs/agencies:

Tribal/State Employment Offices
Tribal/State Social Services Programs
Social Security Administration
Tribal/State Education Programs
Tribal/State Courts/Federal Courts
Tribal/State Medical Services
Tribal Enterprises
Indian Health Services

Tribal/State Alcohol & Drug Programs
Tribal/State Housing Programs
Veteran's Administration
Tribal/State Probation Programs
Tribal/State Child Protection Services
Tribal/State Mental Health Services
Tribal/State Voc-Rehab Programs
Tribal/State 477 Employment/Training Program

Other (specify): _____

Other (specify) _____

Any information exchanged will pertain to your case plan with the Family Intervention Specialist or referral to other programs that would benefit you. By signing you agree and understand that any information obtained will be kept confidential and will be used only for the purposes directly connected with providing services on your behalf. You further agree that any information obtained may be released to proper governmental agency, court, or law enforcement agencies for purposes of legal and investigative action concerning fraud.

This Release of Information will remain in effect for one (1) year from date of signature or until you request to rescind authorization.

I authorize the Family Intervention Specialist Program to obtain and/or exchange information necessary for services or referrals provided.

Name of Applicant (print)

Date

Signature of Applicant

Enrollment Verification

Copy of Tribal ID or CIB

Identification

Copy of Tribal ID or State ID or
Drivers License

Birth Certificates

**Fort Belknap
Tiwahe Initiative
Family Intervention Specialist**

Section IV

**Wraparound Team Meeting Minutes
List of Team Members
Home Visits
Confidentiality Agreement Forms**



FAMILY INTERVENTION SPECIALIST
TIWAHE Initiative Program
656 Agency Main St.
Fort Belknap Agency, MT 59526
Phone: (406) 353-8370 | Fax: (406) 353-4634



Wraparound Program Client Meeting Member List:

Case # _____

Name:	Relationship to Client(s)
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	



Fort Belknap Tiwahe

Family Intervention Specialist

148 Arena Ave. Trailer #2

Harlem, MT 59526 353/8393

Family Intervention Home Visit

Date 8/12/2020 Time 3:44

Client(s) Jane Doe
Jo Doe - children
Jay Doe - child

Destination: 475 Alley Rd, Agency

Comments: Family was well. House is clean,
food in home. Children were happy.
Jane passed UA.

Jane Doe
Client Signature
[Signature]
Family Intervention Specialist

Client Signature



Fort Belknap Tiwahe
Family Intervention Specialist
148 Arena Ave. Trailer #2
Harlem, MT 59526 353/8393

Confidentiality Agreement

Agreement	This confidentiality agreement and any amendments from time to time;
Confidential Information	Any information disclosed by or on behalf of a Disclosing party to a receiving party during the term that at the time of disclosure is confidential in nature or may reasonably consider sensitive.
Reasonableness Of Restrictions	I recognize that the terms of this agreement are necessary to protect the program's confidential information and the sensitivity of such information. I also agree that its terms are fair and reasonable. I acknowledge that this agreement is supported by good and valuable consideration.

I ACKNOWLEDGE THAT MY BREACH OF ANY RESTRICTIVE INFORMATION IN THIS AGREEMENT WILL RESULT IN IRREPARABLE DAMAGE TO THE PROGRAM.

Jane Doe
Print Name

Date

Jane Doe
Signature

8/12/20
Date

[Signature]
Family Intervention Specialist

8/12/2020
Date

**Fort Belknap
Tiwahe Initiative
Family Intervention Specialist**

Section V

**Court Documents
Police Reports**

Court Documents

Court Orders

Police Reports

Fort Belknap
Tiwahe Initiative
Family Intervention Specialist

Section VI

Client Services
Other Documents



Fort Belknap Tiwahe Initiative
 500 New Town Drive, Fort Belknap Agency
 Harlem, MT 59526
 406-353-8361/8418

Request Form

Program: FIS Date: 6/24/2020

Client Number: 104

Type of Assistance Requested:

Client Services

Amount Requested: \$800

Name on Check: Blaine County Clerk + Recorder.

Justification: to purchase a copy of clients Birth Certificate so she has it for personal and business to help strengthen family.

Requestor Signature: [Signature]

Date: 6/24/2020

Account Code: _____

Invoice Attached: Yes No _____

Quotes Attached: Yes _____ No _____

Flyer Attached: Yes _____ No _____

Invoice	Invoice Date	Description	Amount to Pay,
REQ/CHK-	6/25/2020	REQ/CHK-43454-client services/Tiwahe/FIS.	\$8.00

TOTAL THIS CHECK \$8.00

ORIGINAL CHECK HAS A COLORED BACKGROUND PRINTED ON WHITE PAPER AND A MICRO PRINT BORDER



FORT BELKNAP INDIAN COMMUNITY

656 AGENCY MAIN ST.
HARLEM, MONTANA 59526

SPECIAL REVENUE - ACCOUNTS PAYABLE

INDEPENDENCE BANK OF HAVRE

P.O. BOX 2090 * HAVRE, MT 59501
(406) 265-1241

VOID 90 DAYS AFTER ISSUE

DATE
06/26/2020

AMOUNT

\$8.00

****Eight and 00/100 Dollars

PAY TO THE ORDER OF

BLAINE CO CLERK/RECORDER
P.O. BOX 278
CHINOOK, MT 59523

Rudely West

AUTHORIZED SIGNATURE

Rudely West

AUTHORIZED SIGNATURE

⑈ 586251⑈ ⑆092901340⑆ 07 206 3 ⑈

2. **Parent Name(s)** will undergo a Chemical Dependency Evaluation & complete any/all CDC recommendations.
3. **Parent Name(s)** will undergo a mental health evaluations & follow through with the recommendations of Behavioral Health.
4. **Parent Name(s)** will make **weekly contact** with his social worker by letter, phone, or office visit to report the progress of his treatment plan and undergo home visits.
5. **No contact** with the child unless through Social Services. Violation of this task may result in court action.
6. **Parent Name(s)** will seek both housing and financial stability in order for him to properly care for his children.
7. **Parent Name(s)** will also establish childcare services for his children prior to their return back into the home; whether it is a suitable family member or a childcare program/facility.
8. **Parent Name(s)** will stay compliant with any/all stipulations that he may have both on and off the reservation.

III. SOCIAL WORKER'S TASKS

1. The Social Worker will monitor the placement of **Parent Name(s)** children and inform him/her of any changes regarding the children.
2. The Social Worker will be available for crisis intervention and resource referral as necessary.
3. The Social Worker will monitor the progress of **Parent Name(s)** treatment plan.

This treatment plan will be in effect for six (6) months or less, providing that assigned tasks are successfully completed. The six (6) month period will start on _____ and end _____. Visitation will begin after the parent sign this treatment plan, providing that they are in compliance. Initial visits will be supervised, then graduate to weekend visits until reunification occurs.

Failure to comply with the terms of this treatment plan may result in further court action for the welfare and the safety of the children.

Parent Name

Date

Parent Name *(if more than one parent)*

Date

Social Worker

Date

Supervisor

Date

Honorable Judge

Date



Fort Belknap Social Services

Fort Belknap Indian Reservation
656 Agency Main St.
Harlem, MT 59526
Phone: (406) 353-8370 Fax: (406) 353-4634



Fort Belknap Social Services Fort Belknap Indian Reservation Contract for Foster Care Services

This agreement is between _____ and Fort Belknap Social Services, effective this _____ day of _____, 20___. The parties agree to the following responsibilities and duties in regards to the care and supervision of the child(ren) _____, born on _____, and placed in the home.

AGENCY RESPONSIBILITY

1. Fort Belknap Social Services is responsible for planning for the child and will inform the Foster Parent(s) of the case plan. The agency will provide care and supervision with the understanding that the alternative placement maybe made at the discretion of the placing agency. A child placed in temporary care may be removed by case worker in the best interest of the child.
2. Social Services will inform the Foster Parent(s) at the time of placement, about issues affecting the child regarding health, safety, and welfare.
3. Social Services will actively involve the Foster Parent Placement in planning for the child in placement.
4. Social Services will provide home visitations and assistance to the Foster Parent(s) in meeting the child's needs, the consultation services and referral to other agencies for services not provided by Fort Belknap Social Services. (Social Services will visit the placement at a minimum, once a month.)
5. Social Services will make arrangements for parent/child visitations. Visitations are encouraged, unless otherwise indicated by court order. Visits must be arranged through the case worker.
6. Social Services will make arrangements for medical and psychological services for the child, if needed; referrals will be made for intensive case management.
7. Social Services will establish supervised IIM account for the child and will be the disbursement agent for these funds.

8. The agency superintendent will become the designate payee and disbursement agent for the child in the event SSI Disability or Social Security Survivor Benefits are issued to the child.
9. Social Services will refer relative placements to the local TANF assistance program for "Child Only" grants. If the relative is not eligible for the grant, they will need to bring documentation into Social Services. The relative placement may need to get licensed through the Tribe or State in order to receive Foster Care payments.

FOSTER PARENT(S) RESPONSIBILITIES

1. The Foster Parent(s) Placement will carry out everyday activities of maintenance and care necessary for the child's well being and keep the case worker informed about the child's progress.
 - a) The Foster Parent(s) will take the child for their medical/dental appointments.
 - b) The Foster Parent(s) will follow through with parent/teacher meetings of school age and/or educational evaluation appointments, i.e., IEP, testing.
 - c) The Foster Parent(s) will inform the caseworker if they are unable to keep the arrangements for the child to keep their appointments
2. The Foster Parent(s) will inform the caseworker within 48 hours on any changes in their family/home situation, illness in the family, accident to the foster child, intent to move to another residence or location or if a new family member joins the home (adult or child).
3. The child will be immediately taken to the emergency room/clinic/hospital for any type of accident.
4. The Foster Parent(s) will request approval to take child out of state.
5. The Foster Parent(s) will not plan any custody or placement changes, either independently or with other persons for the child; unless the relative has agreed to file guardianship of the child through Tribal Court in coordination with Fort Belknap Social Services.
6. The Foster Parent(s) understands that the caseworker will arrange all visitations between the child and natural parent(s). No unauthorized parent/child visits are to take place at the Foster Parent(s) home unless pre-arranged by the caseworker and relative.
7. The Foster Parent(s) understands that any information they receive from the caseworker is confidential and agrees to maintain this confidentiality.
8. The Foster Parent(s) will immediately notify the caseworker of suspected abuse and neglect involving the child in their placement.

9. The Foster Parent(s) will immediately notify the case worker of their Supervisory Social Worker of any issues affecting placement.
10. The Foster Parent(s) agrees to submit to a background check for the safety of the child placed in their care.
11. The Foster Parent(s) is aware that a home study of their living conditions will also be conducted.
12. The Foster Parent(s) is aware that they will need to be self-sufficient financially to care for the child(ren), as there will be no payment(s) made until foster license is approved.

If I/We cannot keep the child, I/We will notify the caseworker immediately so that they can seek alternative placement. I/We agree to allow the caseworker adequate time (minimum of 72 hours) to arrange alternative placement for the child.

Both parties agree that this agreement can be amended at anytime as deemed necessary for the well-being of children placed in this home.

SIGNATURES

Foster Parent:

Date

Foster Parent #2: (if applicable)

Date

Caseworker:

Date

Supervisor:

Date



Fort Belknap Social Services

Fort Belknap Indian Reservation
656 Agency Main St.
Harlem, MT 59526
Phone: (406) 353-8370 Fax: (406) 353-4634



Fort Belknap Social Services Fort Belknap Indian Reservation Contract for Relative Placement

This agreement is between _____ and Fort Belknap Social Services, effective this _____ day of _____, 20___. The parties agree to the following responsibilities and duties in regards to the care and supervision of the child(ren) _____, born on _____, and placed in the home.

AGENCY RESPONSIBILITY

1. Fort Belknap Social Services is responsible for planning for the child and will inform the Relative(s) of the case plan. The agency will provide care and supervision with the understanding that the alternative placement maybe made at the discretion of the placing agency. A child placed in temporary care may be removed by case worker in the best interest of the child.
2. Social Services will inform the Relative(s) at the time of placement, about issues affecting the child regarding health, safety, and welfare.
3. Social Services will actively involve the Relative Placement in planning for the child in placement.
4. Social Services will provide home visitations and assistance to the Relative(s) in meeting the child's needs, the consultation services and referral to other agencies for services not provided by Fort Belknap Social Services. (Social Services will visit the placement at a minimum, once a month.)
5. Social Services will make arrangements for parent/child visitations. Visitations are encouraged, unless otherwise indicated by court order. Visits must be arranged through the case worker.
6. Social Services will make arrangements for medical and psychological services for the child, if needed; referrals will be made for intensive case management.

7. Social Services will establish supervised IIM account for the child and will be the disbursement agent for these funds.
8. The agency superintendent will become the designate payee and disbursement agent for the child in the event SSI Disability or Social Security Survivor Benefits are issued to the child.
9. Social Services will refer relative placements to the local TANF assistance program for "Child Only" grants. If the relative is not eligible for the grant, they will need to bring documentation into Social Services. The relative placement may need to get licensed through the Tribe or State in order to receive Foster Care payments.

RELATIVE(S) RESPONSIBILITIES

1. The Relative(s) Placement will carry out everyday activities of maintenance and care necessary for the child's well being and keep the case worker informed about the child's progress.
 - a) The Relative(s) will take the child for their medical/dental appointments.
 - b) The Relative(s) will follow through with parent/teacher meetings of school age and/or educational evaluation appointments, i.e., IEP, testing.
 - c) The Relative(s) will inform the caseworker if they are unable to keep the arrangements for the child to keep their appointments
2. The Relative(s) will inform the caseworker within 48 hours on any changes in their family/home situation, illness in the family, accident to the foster child, intent to move to another residence or location or if a new family member joins the home (adult or child).
3. The child will be immediately taken to the emergency room/clinic/hospital for any type of accident.
4. The Relative(s) will request approval to take child out of state.
5. The Relative(s) will not plan any custody or placement changes, either independently or with other persons for the child; unless the relative has agreed to file guardianship of the child through Tribal Court in coordination with Fort Belknap Social Services.
6. The Relative(s) understands that the caseworker will arrange all visitations between the child and natural parent(s). No unauthorized parent/child visits are to take place at the Relative(s) home unless pre-arranged by the caseworker and relative.
7. The Relative(s) understands that any information they receive from the caseworker is confidential and agrees to maintain this confidentiality.

8. The Relative(s) will immediately notify the caseworker of suspected abuse and neglect involving the child in their placement.
9. The Relative(s) will immediately notify the case worker of their Supervisory Social Worker of any issues affecting placement.
10. The Relative(s) agrees to submit to a background check for the safety of the child placed in their care.
11. The Relative(s) is aware that a home study of their living conditions will also be conducted.
12. The Relative(s) is aware that they need to be self-sufficient financially to care for the child(ren), as they will not be paid until they are a licensed foster home.

If I/We cannot keep the child, I/We will notify the caseworker immediately so that they can seek alternative placement. I/We agree to allow the caseworker adequate time (minimum of 72 hours) to arrange alternative placement for the child.

Both parties agree that this agreement can be amended at anytime as deemed necessary for the well-being of children placed in this home.

SIGNATURES

Relative:

Date

Relative #2: (if applicable)

Date

Caseworker:

Date

Supervisor:

Date

REPORT TO THE COURT

Date:
Worker: Name of Social Worker
Title: Job Title
Agency: Fort Belknap Social Services

Cause No.: FC

Child(ren) In Need of Care

List the type of abuse and/or neglect

I. IDENTIFYING INFORMATION:

Child(ren): Name DOB: Sex:

Current Placement: **Name of Foster Parent(s) - Licensed Foster Home**
Provider #
Date Placed:
Address:
Phone:

Biological Father: Name
Address
Enrollment Information
Phone Number:

Biological Mother: Name
Address
Enrollment Information
Phone Number

II. FACTS:

A. Here you are going to list the facts about the recent referral and your reason for why the child(ren) were removed.

B. You will talk about any recent preventative services offered or if they were part of any preventative services prior to removal of children.

III. HISTORY AND BACKGROUND INFORMATION:

A. You are going to talk about any history with the family and the background of the family.

B. You will talk about any preventative services offered.

IV. PARENTS' FUNCTIONING AND CAPACITY TO PARENT AS ASSESSED BY WORKER:

V. CHILDS IDENTIFIED NEEDS

A. List any needs the children have.

VI. CURRENT SITUATION

A. You will discuss the current situation of the case. (progress the parents are making, children doing well, their current placement, any current issues kids or parents are facing, etc.)

VII. EFFORTS TO PREVENT REMOVAL

You will talk more about the prevention that was offered. (when was it offered, which program they were a part of, were they compliant or non-compliant, etc).

VIII. SUMMARY

You will discuss the case and history in summary form.

IX. RECOMMENDATIONS:

1. You will make your recommendations to the court.
2. examples: CDC evaluation, Mental Health Evaluation, parenting classes, anger management, random drug testing, etc.
3. Your recommendations are going to depend on the type of referral and reasons for removal.

Placement History & Contact Information:

Name of Foster Parent(s) - Licensed Foster Home

Child(ren)'s Name(s)

Provider #

Dates of Placement

Address:

Phone:

If Child(ren) were placed in more than one home, you will need to list the names as shown above. This is for IV-E workers to enter all placements in the computer.

Educational History:

You will discuss the child(ren)'s educational history. What grade are they in? Were they missing a lot of school? Were they enrolled in school? etc.

Psychological Concerns:

You will discuss if the child(ren) have any concerns here. is the child(ren) suicidal or homicidal? etc.

Social Concerns:

You will discuss if the child(ren) have any social concerns. Do they get along with peers? their siblings? Do they have friends? Are they self-conscious? etc.

Medical Concerns:

You will discuss any medical concerns. Does the child have asthma? Does the child have any birth defects (heart murmur, Fetal Alcohol Syndrome, etc). Also you will discuss if the child has any allergies and if they are taking any medications and what those medications are for. Also if the child is behind on immunization shots or has not received them since birth? Be careful because most parents do not believe in vaccinating their children but on the reservation, almost all the children are vaccinated.

Correspondence:

Here you will list any correspondence with the parents. You will list the dates, times, and type of visit. Phone Calls, office visits, home visits, etc.

Issues of Safety and Protection:

You will discuss any safety issues for the child(ren) with their parents or even foster parents. You will discuss if the parents are protecting their child or putting them at risk for harm.

Financial and Material Needs:

You will discuss any financial needs for the child and the parent(s) as well.

IV-E/Non IV-E Case:

IV-E foster care eligibility will be established based on income guidelines. If the IV-E is approved the case will go to a IV-E case worker. If IV-E is denied it will go to a non-IV-E case worker (**638 Case Worker's Name**). IV-E Should be established no later than 4-5 days after the 30 day hearing. Court Orders must be received in a timely manner to make this type of establishment.

- **You will list if the case is pending IV-E, denied IV-E, or approved IV-E. If approved, you will list the name of the IV-E Case Worker the case will be transferred to.**

The information contained herein is true and correct to the best of my knowledge

Respectfully submitted,

Name of Social Worker Date
Job Title

Fort Belknap Social Services Safety Plan

I, _____, will follow this safety plan that will be effective starting _____ until further notice.

I, _____, refuse to sign this safety plan and do understand that resulting in refusal of said safety plan will not allow my/our children to be returned to the home.

Safety Plan Goals:

1. I/We will ensure the safety of ***Name(s) of Child(ren)*** in order for them to stay in my/our home.
2. I/We will remain alcohol/drug free while caring for ***Name(s) of Child(ren)***
3. I/We understand that **ABSOLUTELY NO** drugs and/or alcohol will be allowed in my/our home or around my children.
4. I/We understand that **ANY** visitors that pose a risk to my/our children will **NOT** be allowed in or around my/our home.
5. Anyone who is **NOT** on the housing lease will **NOT** be allowed to stay in the home.
6. I/We will be subjected to random home visits until further notice.
7. I/We will be subjected to random drug tests.
8. I/We will understand that any violations of this safety plan will result in an **IMMEDIATE** removal of ***Name(s) of Child(ren)***

Parent #1 Signature

Date

Parent #2 Signature *(if possible)*

Date

Social Worker's Signature

Date

Director's Signature

Date

Judge's Signature

Date

Appendix 3



Fort Belknap Social Services

656 Agency Main Street
Fort Belknap Agency, MT 59526
Phone: (406) 353-8370 | Fax: (406) 353-4634



Client Rights and Responsibilities

Client Rights & Responsibilities were established with the expectation that observance of these rights will contribute to more effective outcomes for the client and his/her family. You have the following rights without regard to age, race, color, sexual orientation, national origin, religion, culture, physical handicap, personal values or belief systems.

You have the right to:

- Receive the professional care needed to regain or maintain your maximum potential.
- Expect Fort Belknap Social Services staff who provide service to be friendly, considerate, respectful and qualified through education and experience and perform the services for which they are responsible with the highest quality.
- Expect full recognition of individuality, including privacy in services, with confidentiality kept in regards to all communications and records.
- Complete information, to extent known, regarding your case.
- Be fully informed of the scope of services available at the agency, emergency resources, and related fees for services rendered.
- Be a participant in decisions regarding the intensity and scope of treatment. In the case of a minor, or individual unable to participate in those decisions, the rights shall be exercised by a legal guardian.
- Refuse treatment to the extent permitted by law and be informed of the consequences of such a refusal. You accept responsibility for your actions should you refuse services or not follow the case plan agreed on.
- Approve or refuse the release of records to any individual outside the agency, except as required by law or third-party payment contract.
- Be informed of research/educational projects affecting your services and can refuse participation in such research without compromise to usual service.
- Express and / or file grievances/complaints and suggestions at any time, without interference or retaliation.
- Change case worker if other qualified case workers are available.
- Be fully informed and involved before any transfer to any other service provider or organization.

You have the responsibility to:

- Affirm that you clearly understand the case plan and what is expected of you.
- Keep appointments and, when unable to do so for any reason, notifying the appropriate party 24 hours in advance.
- Recognize that the given appointment time is dedicated to you, and arrive on time for that appointment.
- Provide your case worker with the most accurate and complete information regarding present concerns, past history, changes to your circumstances, such as work, school or family.

CLIENT GRIEVANCE PROCEDURES

The Fort Belknap Indian Community has established a uniform grievance and appeal procedure applicable to all participants. The procedure insures due process and establishes a series of levels starting with informal resolution at the staff level. The second level of grievance is to the program director. The final level is to the grievance committee. The levels are as follows:

Level 1: Informal/verbal complaint – Resolve informally at the staff level.

Level 2: Written complaint – If unable to resolve or participant is not satisfied with staff determination, a written request for a grievance hearing with the program director may be made by the participant within 10 working days of the incident/action being appealed. Time and date staff received, staff ascertains the program director receives the complaint. Program director investigates/reviews complaint and hold a grievance hearing with the participant. Participant will be advised of determination(s) within 10 working days of the date of this grievance hearing.

Level 3: Final formal complaint – if unable to resolve or participant is not satisfied with the program director’s determination, a written request for final grievance committee review may be made by the participant within 10 working days of the date participant was advised of determination(s) made by the program director. Time and date stamp received, program director will relay all pertinent written documentation to the committee as applicable. The committee shall hear the grievance within 10 working days of receipt of participant’s request. The committee shall have 10 working days to render a decision. The ruling of the Grievance Committee is final and the results of the hearing will be provided in writing.

I have received and understand this notice of my rights and responsibilities.

Client Signature _____ Date _____

I have explained this notice to the client.

Case Worker Signature _____ Date _____



Fort Belknap Social Services

656 Agency Main Street
Fort Belknap Agency, MT 59526
Phone: (406) 353-8370 | Fax: (406) 353-4634



Clients Rights to Confidentiality

As a client of Fort Belknap Social Services, you have the following rights regarding the confidentiality of your personal information and communications with Fort Belknap Social Services staff and volunteers:

1. The information that you provide to Fort Belknap Social Services will be kept confidential to the greatest extent allowed by law.
2. You may choose what information you want to provide to Fort Belknap Social Services. You will not be denied access to services if you choose to not provide certain identifying information.
3. The information that you provide Fort Belknap Social Services, including your name, address, phone number, and other personal information will not be shared with other individuals or agencies without your permission.
4. Fort Belknap Social Services staff may be required by law to report certain situations even if you don't give them permission to share or report the situations, such as suspected child abuse or neglect, elder abuse or neglect, intentions to harm oneself or others, or intent to commit a crime. Staff and advocates will inform you of any reporting requirements prior to having conversations with you and will tell you when they must make a report and what information will be shared. Even when these reports are made, Fort Belknap Social Services should not share information beyond what is required by law.
5. Some general information about the types of services provided and overall demographics (e.g., age and income ranges, average number of children, ethnicities) of people that use Fort Belknap Social Services must be shared with the agencies that fund Fort Belknap Social Services. However, information that specifically could identify **you** as someone who used Fort Belknap Social Services will never be shared unless specifically authorized in writing by you.
6. After your intake with Fort Belknap Social Services, you may choose to be referred to other agencies for additional help and support. Working with other tribal agencies we can refer you for the following services.
 - Mental Health Services administered through the Fort Belknap Health Department.
 - Educational Services which include the following programs:
 - Boarding school program
 - Child Care Program
 - Early Head Start (Pre-School)
 - Language Preservation
 - Upward Bound (College Prep)
 - Programs Administered by the Tribal Health Department, including:
 - Chemical Dependency Treatment Program
 - Chemical Dependency Center
 - Community Health Representative Program

- Diabetes Program
- Family Planning Program
- Domestic Violence Program
- FAS/FAE Program
- Health Education & HIV Prevention Program
- Healthy Heart Program
- Nutrition
- Personal Care Attendants
- Public Health Nursing Program
- Sanitation/Environmental Program
- Women, Infant and Children Nutrition Program – WIC
- Vocational Rehabilitation Services.
- Spirituality/Cultural/Religious Assistance.
- TANF/477 Employment Services.

7. You can decide how much or how little of your personal information Fort Belknap Social Services will or will not be shared with each partner agency. You will be told, in general, what each partner’s obligations are to keep your information confidential. If you choose to have Fort Belknap Social Services] share some of your personal information with an agency we partner with, you will be told exactly *how* and *what* information will be shared. If you later decide that you don’t want the information you have provided to be shared with any of Fort Belknap Social Services partners, let us know and we won’t share any more information with those partners.
8. If you have any questions or concerns about this notice or your rights, or if you have a concern that your confidential information was not treated appropriately, please contact (*name and number of confidentiality monitor*).

I have received notice of my rights to confidentiality.

Client Signature

Date

I have explained this notice to the client.

Case Worker Signature

Date

Appendix 4

IV-E Handbook

CHAPTER 1: AUTHORITY / OVERVIEW

I. Purpose

This Title IV-E Handbook and Guidelines (hereinafter “Handbook”) shall assist Fort Belknap Social Services’ (hereinafter “Department”) employees working with children in out-of-home care and the families to begin receiving Title IV-E assistance. This Handbook will serve as a training booklet for Child Care workers, Social Workers, Prosecutors, Probation Officers, Judges and other court personnel as necessary. The Handbook explains the mandatory process for making Title IV-E eligibility and reimbursability determinations and redeterminations.

II. Overview of Title IV-E for Foster Care and Adoption Assistance

A. Public Law 110-351 (H.R. 6893), passed and enacted in 2008 is an Act that amends parts B and E of Title IV of the Social Security Act to connect and support relative caregivers; improve outcomes for children in foster care; provide for tribal foster care and adoption access; improve incentives for adoption; and for other purposes. This Act also provides an opportunity for Indian Tribes to receive and administer IV-E payments directly from the Federal Government.

B. The purpose of the Title IV-E Foster Care Program's is to provide financial subsidies for families taking eligible children who need out of home placement; and to provide ongoing assistance to eligible children with special needs receiving Guardianship/Adoption subsidies.

C. Title IV-E remains an open-ended entitlement program, which allows the Department to administer and provide assistance to an unlimited number of eligible children while in out of home care.

III. Definitions/Descriptions

The following are terms specifically applicable to this Handbook.

A. “Aggravated Circumstances” means any factor involved in the commission of an act of abuse or neglect that increases its enormity or adds to its injurious consequences, included, but not limited to, abandonment, torture, chronic abuse, or sexual abuse. Aggravated circumstances shall include, but not be limited to, that the parent has:

1. committed murder of another child of the parent; or
2. committed voluntary manslaughter of another child of the parent; or

3. aided or abetted , attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or
 4. committed a felony assault that results in serious bodily injury to the child or another child of the parent; or
 5. had his/her parental rights terminated involuntarily to a sibling of the subject child.
- B. “Child Care Institution” means a private child care institution, or a public child care institution which accommodates no more than twenty-five (25) children, and is licensed by the licensing authority responsible for licensing or approval of institutions of this type as meeting the standards established for such licensing. The licensing authority must be the Department or another Tribal authority for a foster family home in the Department’s or other Tribal authority’s service delivery area; or, a State authority in the State in which the foster family home is located. In the case of a child who has attained eighteen (18) years of age, the term includes a supervised independent living setting in which the individual is living independently. This excludes detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.
- C. “Constructive Removal” means the non-physical removal of a child. A constructive removal occurs when the child:
1. Resides with a non-parent interim caretaker who is not the legal guardian or custodian of the child; and
 2. Is court-ordered into the custody of the Department or placed through a voluntary placement agreement.
- D. “Foster Care” means substitute care for children placed away from their parents or guardians and for whom the Department has been legally identified as having legal & physical custody.
- E. “Foster Care Provider” means a Foster Family Home or Child Care Institution.
- F. “Foster Family Home” means the home of an individual or family licensed or approved as meeting the standards established by the licensing or approval authority, that provides twenty-four (24) hour out of home care for children. The licensing authority must be the Department or another Tribal authority for a foster family home in the Department’s or other Tribal authority’s service delivery area; or, a State authority in the State in which the foster family home is located. The term may include group homes, agency-operated boarding homes or other facilities licensed or approved for the

purpose of providing foster care by the Department, Tribal agency or State responsible for approval or licensing of such facilities

- G. "Kinship Care" means any living arrangement in which a relative or someone else emotionally close to the child takes primary responsibility for rearing a child.
- H. "Legal Removal" means when the Department obtains responsibility for placement and care of a child through a court order or a voluntary placement agreement.
- I. "Physical Removal" means that the child is physically removed by the Department from the child's current living arrangement and placed into out-of-home care.
- J. "Specified Relative" means:
 - 1. Father, mother, brother, sister, uncle, aunt, first cousin, child of a first cousin, nephew, or niece, or
 - 2. Relationships to persons listed above of preceding generations denoted by prefixes of grand, great or great, great are within this definition, or
 - 3. The parental relationship can be biological, adoptive or step. The sibling and grand, great, great, great relationships can also be biological, adoptive, step, or half, or
 - 4. Spouses of any persons named in the above groups are within the scope of these provisions, even though the marriage is terminated by death or divorce.
- K. "Special Needs Child" means a child who the Department has determined is difficult to place permanently because of one or more of the following conditions:
 - 1. Physical or mental disability;
 - 2. Serious emotional maladjustment;
 - 3. A recognized high risk of physical or mental disability;
 - 4. Over the age of eight (8), which presents a barrier to permanency;
 - 5. Over the age of two (2) and has racial or ethnic factors which present a barrier to permanency;
 - 6. Is a member of a sibling group that should be placed together; or

IV. Eligibility and Claimability for Foster Care: The Department can receive Federal reimbursement for eligible children in two ways:

- A. Claimability: For foster care maintenance costs, such as room, board and clothing, when there is a determination of eligible AND claimable.
- B. Eligibility: For administrative and training costs when a child is determined to be Title IV-E eligible.

V. Medicaid

- A. Any child eligible for Title IV-E foster care maintenance payments, adoption assistance or kinship guardianship assistance shall be deemed eligible for medical insurance (Title XIX) and Title XX from whatever state they reside.
- B. For purposes of titles XIX and XX, any child with respect to whom foster care maintenance payments are made under this section will be deemed a dependent child as defined in section 406 of the Act (as so in effect 7/16/1996) and shall be deemed to be a recipient of aid to families with dependent children under Part A of this title (as so in effect 7/16/1996). Title XIX and XX services will be available to such child in the State in which the child resides.
- C. For the purpose of guardianship assistance payment being made under section 473(d) is deemed to be a dependent child as defined in 406 of the Act and is deemed to be a recipient of AFDC under part A of title IV of the Act (as in effect 7/16/96) in the State in which such child resides.
- D. The Department will apply and maintain health insurance coverage, through one or more State medical assistance programs, with the same type and kind of benefits as those which would be provided for children under title XIX or a comparable medical plan any child who has been determined to be a child with special needs, for whom there is in effect a guardianship/adoption assistance agreement (whether funded by Title IV-E or not) between the Department and an adoptive parent(s), and who the

Department has determined cannot be placed with an adoptive parent(s) without medical assistance due to special needs for medical, mental health or rehabilitative care.

- E. In the event that the Department provides such coverage through a tribal medical assistance program other than the program under title XIX, and the tribe exceeds its funding for services under such other program, any such child is deemed to be receiving aid or assistance under the tribal plan; and in determining cost-sharing requirements, the tribe will take into consideration the circumstances of the adopting parent(s) and the needs of the child being adopted to the extent coverage is provided through a tribal medical assistance program, consistent with the rules under such program.

VI. Foster Care Goal – To be established by FBSS

The Department established a baseline of (Number to be established by FBSS) children in foster care over twenty-four months. This baseline shall be reduced by (Number) child annually until not more than (Number) children are in foster care over 24 months. FBSS shall do the following to reach these goals

- A. Provide services to the family towards reunification;
- B. Identify and actively recruit relatives for permanent kinship guardianships;
- C. Establish a concurrent case plan;
- D. Conduct court/administrative reviews every six (6) months;
- E. Conduct case plan reviews every six (6) months;
- F. Establish the concurrent case plan as the primary case plan after month twelve (12).

VII. Fair Hearing

The Department has a system for granting an opportunity for a fair hearing (before the Department) to any individual whose claim for benefits under this plan is denied or not acted upon with reasonable promptness. See the FBSS established appeal procedures.

VIII. Kinship Placement

- A. The Department considers giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all of the Department's relevant child protection standards.
- B. Within thirty (30) days after the removal of a child from the custody of the parent(s) of the child, the Department, through the Office of the Prosecutor and the Courts, shall exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child (including any other adult relatives suggested by the parent(s)), subject to exceptions due to family violence, that:
 - 1. Specifies that the child has been or is being removed from the custody of his/her parent(s);
 - 2. Explains the options the relative has under applicable law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;

3. Describes the Department's requirements to become a foster family home and the additional services and supports that are available for the children placed in such a home; and
 4. Describes how the relative guardian of the child may subsequently enter into a guardianship agreement with the Department to receive subsidy payments.
- C. The legal guardianship means a judicially created relationship between the child and relative which is intended to be permanent and self-sustaining as evidenced by the transfer to the relative of the following parental rights with respect to the child:
1. Protection;
 2. Education;
 3. Care and control of the person;
 4. Custody of the person; and
 5. Decision making.

IX. Sibling Placement

The Department shall make reasonable efforts to:

- A. Place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the Department documents that such a joint placement would be contrary to the safety or well-being of any of the siblings; and
- B. Provide for frequent visitation or other ongoing interaction between the siblings that are removed from their home and not placed together, unless the Department documents that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.

XI. Interjurisdictional Adoptions

The Department will not:

- A. Deny or delay the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child; or
- B. Fail to grant an opportunity for a fair hearing pursuant to the Department's established appeal procedures, to an individual whose allegation of a violation of (A) above is denied by the Department or is not acted upon by the Department with reasonable promptness.

XII. Annual Credit Reports

Each child in foster care under the responsibility of the Department who has attained the age of fourteen (14) must receive, without cost, a copy of any consumer report (as defined in Section

603(d) of the Fair Credit Reporting Act) pertaining to the child each year until he/she is discharged from care, and receives assistance (including, when feasible, from any court-appointed advocate for the child) in interpreting and resolving any inaccuracies in the report.

XIII. Compulsory School Attendance

- C. The Department will assure that each child who has attained the minimum age for compulsory school attendance under applicable law and with respect to whom there is eligibility for a payment, is a full-time elementary or secondary school student or has completed secondary school, and for purposes of this paragraph, the term 'elementary or secondary school student' means, with respect to a child, that the child is:
1. Enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of the jurisdiction in which the institution is located;
 2. Instructed in elementary or secondary education at home in accordance with a home school law of the jurisdiction in which the home is located;
 3. In an independent study elementary or secondary education program in accordance with the law of the jurisdiction in which the program is located, which is administered by the local school or school district; or
 4. Incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is supported by regularly updated information in the case plan of the child

CHAPTER 2: PERMANENCY FINDINGS AND REVIEW HEARINGS

I. Permanency Options

The Department shall place a child in a stable long term family environment that is in the child's best interest. In order of preference:

- A. Reunify the child with the parent(s), guardian(s) or custodian(s);
- B. Create a permanent guardianship with a qualified relative;
- C. Adoption with a person(s) enrolled or eligible for enrollment with the Gros Ventre or Assiniboine ;
- D. Adoption by a qualified Native American;
- E. Adoption by a non-Native American.
- F. Another Planned Permanent Living Arrangement

II. Title IV-E requires that a judicial determination must be made that **"reasonable efforts were made to finalize the permanency plan"** for the child on a case-by-case basis and explicitly documented in the court order.

- A. The judicial determination must be made:
1. Within twelve (12) months of the date the child enters foster care, and
 2. Every six (6) months thereafter while the child remains in foster care.
 3. For purposes of this Section, a child shall be considered to have entered foster care

on the earlier of:

- a. The date of the adjudicatory order finding that the child has been abused or neglected; or
- b. Sixty (60) days after the date on which the child was removed from the home.

III. If the “reasonable efforts were made to finalize the permanency plan” determination is not made within twelve (12) months, as required, the child becomes temporarily ineligible for Title IV-E foster care.

A. Eligibility is interrupted as the last day of the twelfth (12th) month.

B. Eligibility can resume on the first (1st) day of the month in which the determination is later made.

C. Example: A child enters foster care on March 20, 2010. The permanency finding is required to be made no later than March 31, 2011. The determination is not made until June 15, 2011. The child’s IV-E eligibility is interrupted and the child is temporarily ineligible from April 1, 2011 through May 31, 2011. The child IV-E eligibility resumes on June 1, 2011 (the first day of the month in which the finding is made.) The finding is due for a second time by June 30, 2012.

IV. A case plan shall be developed pursuant to Chapter 9.

V. The Department through the Prosecutor shall provide the foster parent(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 Department to make the caregiver a party to the proceeding.

VI. The Permanency Hearing shall determine:

A. 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 Department will file a petition for termination of parental rights, or referred to legal guardianship, or (in cases where the Department 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;

B. 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;

C. 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;

D. In the case of a child who has attained age fourteen (14), the services needed to assist the child to make the transition from foster care to independent living; and

- E. 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.
 - F. Procedural Safeguards: Procedural safeguards are 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. 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, the Tribe will document to the court the compelling reason for the alternate plan.
- VII. The only other means for determining that the judicial determinations were made if not included in the court order is to provide a transcript of the hearing which demonstrates that the judicial determination was made.

CHAPTER 3: DETERMINATION OF KINSHIP/GUARDIANSHIP ASSISTANCE ELIGIBILITY

- I. "Child" means:
 - A. An individual who has not attained eighteen (18) years of age; or
 - B. An individual who:
 - 1. At the time before the guardianship assistance agreement became effective had attained age sixteen (16); and
 - 2. Meets the following conditions, that the child is:
 - i. Completing secondary education or a program leading to an equivalent credential;
 - ii. Enrolled in an institution that provides post-secondary or vocational education;
 - iii. Participating in a program or activity designed to promote, or remove barriers to employment;
 - iv. Employed for at least eighty (80) hours per month; or
 - v. Incapable of doing any of the above described activities due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child.
- II. A child is eligible for Title IV-E kinship guardianship assistance and can receive guardianship subsidies, if the following criteria are met:
 - A. The child has been removed from his/her parent pursuant to a voluntary placement agreement or as a result of a judicial determination, pursuant to Fort Belknap Tribal

Law; that allowing the child to remain in the home would be contrary to the child's welfare; and the child is eligible for federal foster care maintenance payments under Title IV-E of the Social Security Act while residing in the home of the prospective relative guardian for at least six (6) consecutive months;

- B. Returning home or adoption are not appropriate permanency options for the child.
- C. The child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child; and
- D. If the child is age fourteen (14) or older, he/she has been consulted regarding the guardianship arrangement.
- E. The guardianship has been finalized after a guardianship assistance agreement is completed.

III. Siblings

- A. The child and any sibling of the eligible child may be placed in the same kinship guardianship arrangement, in accordance with Chapter 1(XIII) herein, if the Department and the relative agree on the appropriateness of the arrangement for the siblings; and
- B. Kinship guardianship assistance payments may be paid on behalf of each sibling so placed regardless of whether such sibling meets all of the IV-E GAP eligibility requirements of described previously.

IV. Agreements

- A. The Department must:
 - 1. Negotiate and enter into a written, binding kinship guardianship assistance agreement with the prospective relative guardian on or prior to finalizing the guardianship; and
 - 2. Provide the prospective relative guardian with a copy of the agreement.
- B. The agreement must specify, at a minimum:
 - 1. The amount of, and manner in which, each kinship guardianship assistance payment will be provided under the agreement, and the manner in which the payment may be adjusted periodically, in consultation with the relative guardian, based on the circumstances of the relative guardian and the needs of the child;
 - 2. The additional services and assistance that the child and relative guardian will be eligible for under the agreement;
 - 3. The procedure by which the relative guardian may apply for additional services as needed;
 - 4. That the Department will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child, to the extent the total cost does not exceed \$2,000; and
 - 5. That the agreement shall remain in effect without regard to the residency of the relative guardian.

V. Safety

The Department provides procedures for criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), on any relative guardian, and for child abuse and neglect registry checks described in the Department's Foster Care Placement Standards and any other adult living in the home of any relative guardian(s), before the relative guardian(s) may receive kinship guardianship assistance payments on behalf of the child.

CHAPTER 4: DETERMINATION OF ADOPTION ASSISTANCE ELIGIBILITY

I. "Child" means:

- A. An individual who has not attained eighteen (18) years of age; or
- B. An individual who:
 - 1. At the time before the adoption assistance agreement became effective had attained age sixteen (16); and
 - 2. Meets the following conditions, that the child is:
 - i. Completing secondary education or a program leading to an equivalent credential;
 - ii. Enrolled in an institution that provides post-secondary or vocational education;
 - iii. Participating in a program or activity designed to promote, or remove barriers to employment;
 - iv. Employed for at least eighty (80) hours per month; or
 - v. Incapable of doing any of the above described activities due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child.

II. Philosophy

Termination of parental rights is not the custom or tradition of the Gros Ventre and Assiniboine people. At times it is necessary to sever that parent-child relationship when it is in the child's and families' best interest. Therefore, severance of the parent-child relationship can be sought as a last resort and after all other options, including customary adoptions, are considered by the party requesting the termination of the parent/child relationship.

A. Child placement preferences shall be as follows:

- 1. With immediate family members, grandparents, aunts, uncles and siblings;
- 2. Extended qualified relative to include clan relatives;
- 3. Person(s) enrolled or eligible for enrollment with the Gros Ventre or Assiniboine Tribes;
- 4. Other qualified Native American;
- 5. Non-Native American.

III. Termination of Parental Rights Procedures [Pursuant to 9 N.N.C. § 1401, et. seq.]

- A. The Office of the Prosecutor will file a petition (or, if such a petition has been filed by another party, seek to be joined as a party to the petition) to terminate the parental rights of a parent(s):
 - 1. Whose child has been in foster care for fifteen (15) of the most recent twenty-two (22) months. The petition must be filed by the end of the child's fifteenth (15th) month in foster care.
 - 2. Whose child has been determined by a court of competent jurisdiction to be an abandoned infant. The petition to terminate parental rights is filed within sixty (60) calendar days of the judicial determination that the child is an abandoned infant; or
 - 3. Within sixty (60) calendar days of a judicial determination that reasonable efforts to prevent removal or reunify the child and parent are not required.
- B. In calculating when to file a petition for termination of parental rights, the Prosecutor will:
 - 1. calculate the fifteen (15) out of the most recent twenty-two (22) month period from the date the child entered foster care as defined above at Chapter 6(II)(A)(3);
 - 2. use a cumulative method of calculation when a child experiences multiple exits from and entries into foster care during the twenty-two (22) month period;
 - 3. not include trial home visits or runaway episodes in calculating fifteen (15) months in foster care; and
 - 4. only apply subsection A above to a child once if the State/Tribe does not file a petition because one the exceptions under subsection C below applies.
- C. The Fort Belknap tribes may elect not to file or join a petition to terminate the parentalrights of a parent if:
 - 1. The child is being cared for by a relative pursuant to a Court order;
 - 2. The Department has documented in the case plan and presented to the Court a compelling reason for determining that filing such a petition would not be in the best interests of the individual child; or
 - 3. The Department has not provided to the family, consistent with the time period in the case plan, services that the Department deems necessary for the safe return of the child to the home, when reasonable efforts to reunify the family are required.

CHAPTER 5: ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT (APPLA)

- I. Another Planned Permanent Living Arrangement (APPLA)
 - A. APPLA Policy: When FBSS 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, FBSS must document to the court the compelling reason for the alternate plan. The court must approve the placement and the alternative plan.

- B. “APPLA” means Another Planned Permanent Living Arrangement, a permanency plan for a stable secure living arrangement for a child that includes building relationships with significant people in the child’s life that may continue after foster care. APPLA is the least preferred permanency plan of permanency plans for a child or young adult and is appropriate only after the permanency plans of reunification, adoption, guardianship, and placement with a fit and willing relative have been determined not in the best interests of a child or young adult.
 - C. FBSS considers one of the following types of APPLA arrangements when considering APPLA as a permanency plan for a child:
 - 1. Permanent foster care (APPLA): permanent foster care is a plan in which the child or young adult remains in a foster care placement with a foster caregiver who has:
 - i. Committed to the care and well-being of the child or young adult; and
 - ii. Entered into a permanent foster care agreement with FBSS and is approved by Tribal Court
 - 2. Permanent connections and support: An APPLA permanent connections and support plan is a plan in which:
 - i. A child or young adult is in foster care living with a foster caregiver or living independently and receiving an independent living housing subsidy and the plan focus is not only on the educational, vocational, health, and treatment needs of the child or young adult, but also on the needs of the child or young adult to develop or maintain relationships with adults, including relatives and persons with a caregiver relationship, who can play a significant role in the life of the child or young adult after the child or young adult leaves foster care; or
 - ii. A child or young adult is in a psychiatric residential facility, developmental disabilities placement, or residential treatment facility and is not going to be discharged from the facility while FBSS maintains legal custody of the child or young adult.
- II. Consideration of APPLA as a Permanency Plan
- A. FBSS consideration of APPLA as a permanency plan must be based on the individual safety, permanency, and well-being needs of a child
 - B. FBSS may only consider APPLA as a permanency plan for a child only if the FBSS has determined it is not in the best interests of the child or young adult to implement one of the following preferred permanency plans
 - 1. Placement with a parent
 - 2. Placement in an adoptive home

3. Placement with a legal guardian; or
 4. Placement with a fit and willing relative
- C. Prior to consideration of a foster parent as the APPLA resource, the caseworker and his or her supervisor must:
1. Review the reasonable efforts of FBSS to place a child or young adult with relatives and to place siblings together
 2. Confirm there are no current FBSS actions to identify or assess a relative of a child or young adult who has expressed an interest in being a permanency resource.
- III. Ongoing FBSS Responsibilities When APPLA is the Permanency Plan
- A. When APPLA is the Tribal Court-approved permanency plan for a child or young adult in the FBSS care, custody and control, the FBSS Social Worker must do all of the following:
1. Discuss the needs of the child or young adult with the substitute caregiver and the child or young adult during face-to-face and other contacts, and routinely discuss needs, benefits, barriers, and solutions towards achieving a more preferred permanency option
 2. Have contact with the child or young adult, with the substitute caregiver, and monitor child or young adult safety
 3. Provide timely assessment and services for identified needs of the child or young adult and the substitute caregiver or the parents of the child or young adult.
 4. As soon as possible after the child reaches 14 years of age initiate comprehensive transition planning.
 5. Ensure an annual review of Department efforts to identify and contact relatives of a child or young adult and efforts to place with or develop and maintain a child or young adult's connection and support with relatives is completed.
 6. Monitor the case plan and complete the required case plan review
 7. Submit to the court the case plan updates required.
- B. In addition to the requirements of the previous subsection, when the child or young adult has an approved APPLA permanent foster care plan:
1. FBSS must continue to assess requirements for certification of a foster home
 2. The substitute caregiver must:
 - i. Maintain a current FBSS Foster parent License and follow the requirements of FBSS
 - ii. Follow the requirements of FBSS regarding education, medical care, mental health care, and other services requested by FBSS to meet the needs of the child or young adult
- IV. Termination of APPLA
- A. The APPLA permanent connections and support must be terminated when:

1. Court jurisdiction is terminated
 2. The court relieves FBSS of legal custody of the child or young adult; or
 3. The court determines that APPLA Permanent Connections and Support is no longer the appropriate permanency plan for the child or young adult.
- B. APPLA permanent foster care plan and agreement must be terminated when:
1. The child reaches the age of majority
 2. Court jurisdiction is terminated
 3. The court determines that APPLA permanent foster care is no longer the appropriate permanency plan for the child
 4. One of the more preferred permanency plans described is achieved
 5. The FBSS and the substitute caregiver mutually consent to termination
 6. The foster parent or relative caregiver fails to maintain a current license, including when the certificate has been revoked or denied
 7. The child or young adult is removed from the substitute caregiver by FBSS; or
 8. The child or young adult requests, and a Child Welfare Program Manager approve termination of the agreement because of serious or extraordinary circumstances.
 9. FBSS must provide written notification to the court of any change in the placement of the child or young adult.
 10. If a child or young adult is removed from court-approved APPLA — permanent foster care, the caseworker must request a permanency hearing within 30 days after the date of the change in placement to review the permanency plan for the child or young adult
- V. APPLA Permanency Plan Reviews
- A. The FBSS Social Worker must review the APPLA case plan at least every six months and the review must occur prior to a review by the court.
 1. The review must take place in a face-to-face meeting with the child or young adult, and may include persons significant to the child or young adult.
 2. When appropriate, the meeting may include a parent or guardian, unless the parent or guardian is not available for the review. When a parent or guardian is unavailable, the caseworker must document the reason the parent or guardian was unavailable and the efforts made to involve the parent or guardian.
 - B. During the meeting the caseworker must consider input received from the child or young adult and, at the option of the child or young adult, up to two members of the case planning team who are chosen by the child or young adult a), other participants in the meeting, and other information received from service providers, substitute caregivers, persons with significant attachments to the child or young adult, and relatives of the child or young adult.
 - C. After the meeting described in subsection (a) of this section, the caseworker must

document in the case record:

1. Whether the current placement continues to be the least restrictive setting available to meet the safety and permanency needs of the child or young adult; or
 2. Whether a more permanent permanency plan, such as reunification, adoption, guardianship, or placement with a fit and willing relative is more appropriate for the child or young adult.
- D. When an APPLA has been approved by the court as the permanency plan for a child or young adult in the legal custody of FBSS, FBSS must notify the court and request a review or permanency hearing:
1. No less frequently than once every 12 months while the child or young adult remains in substitute care
 2. Within 30 days of a change of substitute care placement.

CHAPTER 6: FINANCIAL PARTICIPATION

- I. Federal financial participation is available for the following expenditures:
 - A. Foster Care Maintenance: Maintenance costs are payments made for the care of children in foster care for such expenses as room/board and supervision costs for fully licensed or certified foster care providers to include foster homes, shelter care, group homes and other residential care centers. The Department shall review the amount of payment made for foster care on an annual basis.
 1. Foster care maintenance payments are made only on behalf of an eligible child who is in:
 - a. The foster family home of an individual, whether the payments are made to such individual or to a public or private child placement or child care agency; or
 - b. A child care institution, whether the payments are made to such institution or to a public or private child placement or child-care agency. Such payments are limited to include only those items that are included in the term "foster care maintenance payments."
 2. Foster care maintenance payments for a child in foster care may cover the cost of (and the cost of providing):
 - a. 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 placement. Local travel associated with providing the items listed above is also an allowable expense.
 - b. In the case of child care institutions, such term must include the reasonable cost of administration and operation of such institutions as are necessarily required to provide the items described in the preceding sentences.

CHAPTER 7: HUMAN TRAFFICKING

A. Human Trafficking

- A. Introduction-** It is often difficult to determine whether a minor is a victim of labor or sex trafficking. The widespread lack of awareness and understanding of human trafficking means that victims are often not recognized by the people who encounter them and are treated as criminals rather than as victims of crimes.

This policy was developed in conjunction with the Fort Belknap Tribes that included State and local law enforcement, juvenile justice, health care providers, education agencies, and organizations with experience in dealing with at-risk youth.

B. Definitions

1. "Child" means a person who has not attained the age of eighteen (18) and who is unmarried or has not been emancipated.
2. "Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of the debtor's personal services or those of a person under the debtors control as a security for a debt, if the value of those services as a reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.
3. "Forced labor or services" means labor or services that are performed or provided by another individual and may be obtained or maintained but not limited to one or more of the following:
 - a. Threat, either implicit or explicit, scheme, plan, or pattern, or other action intended to cause the victim to believe that if they did not perform or provide the labor or services, that the victim or another individual would suffer bodily harm or physical restraint; that any fact tending or alleged fact tending to cause shame or to subject any person to hatred, contempt, or ridicule would be exposed.
 - b. Physically restraining or threatening to physically restrain a person;
 - c. Abuse or threatened abuse of the legal process;
 - d. Knowingly destroying, concealing, confiscating, removing, or possessing any actual or purported domestic documents such as driver's license, social security card, birth certificate, or legal documents proving identity or citizenship;
 - e. Use of blackmail.
4. "Human trafficking" is a form of modern day slavery involving the exploitation of persons for commercial sex or forced labor. It could involve crossing an international border but does not require moving a victim and is different than

- smuggling. Traffickers use force, fraud, or coercion to control their victims.
5. "Prostitution" means the performance for hire, or offering or agreeing to perform for hire, where there is an exchange of anything of value, or an offer to exchange anything of value for sexual intercourse and/or sexual contact.
 6. "Sex Trafficking Victim" means a victim of:
 - a. "sex trafficking" which is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, or
 - b. A severe form of trafficking in persons, which is sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.
 7. "Sexual intercourse" means vaginal intercourse, anal intercourse, oral (fellatio or cunnilingus) between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the perpetrator into the genital or anal opening of the victim's body.
 8. "Sexual contact" is the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
 9. "Slavery" means controlling a person through force, fraud, or coercion to exploit said person.

C. Indicators of Trafficking

1. Certain populations are especially vulnerable to trafficking, which can include but not limited to the following: children in foster care; runaway and homeless youth; victims of abuse and neglect; undocumented immigrants; and impoverished groups and individuals. Even when intervention initially separates victims from traffickers, it is common for traffickers to attempt to find their victims and regain control of them.
2. Professionals who deal with children should be aware of a wide variety of facts about the situations of minors that might indicate the minors have been trafficked for sexual purposes or for their labor. When aware of such facts, investigators should, at least initially, treat the case as an investigation of possible trafficking. The following factors may hinder determinations that minors are being trafficked:
 - a. The victims may not identify themselves as victims.
 - b. The victims may exhibit extreme distrust of and animosity toward authority figures.
 - c. Victims may form a trauma-bond with their traffickers or pimps.

- d. Victims and perpetrators are often skilled at concealing their situations.
 - e. The victims may use false identification documents or may not be in control of personal identification documents.
 - f. Victims who are foreign nationals may fear deportation.
 - g. Victims may fear harm or retribution because of debt-bondage.
 - h. There is a general lack of understanding of trafficking.
3. First responders should be aware that it can be difficult to distinguish traffickers from victims because some victims “collaborate” to survive. When this happens, it further diminishes the child’s willingness to cooperate with CPS and law enforcement and may result in the victim protecting the trafficker.

D. Reporting

1. Once a report/case is identified as a trafficking situation the worker (Intake, CPS, Case Manager, Supervisor, etc.), in addition to the standard child welfare established requirements, shall immediately:
 - a. Classify as a priority one case; and
 - b. Notify appropriate law enforcement officials (State or County where child resides), and local FBI; and
 - c. Refer to human trafficking specialist.
2. Complete the FBSS Intake form and Referral form
 - a. For missing or abducted children, FBSS’s notification to Law Enforcement, and local FBI should include a request to have this report entered into the National Crime Information Center (NCIC) and to the National Center for Missing and Exploited Children.
 1. The FBSS Social Worker shall immediately notified when Law Enforcement/FBI receives a report regarding human trafficking.
3. Investigation- A successful investigation of a human trafficking allegation and a child protection proceeding must always center on the victim with the goal of a successful prosecution. This requires a joint investigation between law enforcement and CPS, but it also requires lending support to traumatized and confused victims to gain their confidence and lead them to safety from their trafficker.
 - a. The FBSS Social Worker must coordinate to minimize the number of times a victim is interviewed regarding the allegations.
 - b. FBSS and Law Enforcement agencies must collaborate as appropriate and in accordance with law. Sharing of reports, investigatory tools and information is strongly encouraged to assist the investigation of the criminal matter and the child protection proceeding.

E. Medical and Mental Health Needs

1. The medical examination should be completed by a medical practitioner who

specializes in medical examinations of child sexual abuse or a sexual assault nurse examiner.

2. All efforts should be made to find a specialized medical practitioner to perform the examination.
3. In all cases, a victim should receive a comprehensive medical examination as soon as possible, and no later than seven (7) days of entry into care.
4. The behavioral/mental health screening, which may reveal evidence of post-traumatic stress, including memory impairment, anxiety, depression, addictions, panic attacks, or phobias should be completed no later than thirty (30) days of entry into care.

F. Protection and Safety- Once victims of human trafficking are removed from their traffickers, they often feel isolated in their new situations and need support. Law Enforcement and CPS can assist victims by using an organized and joint investigation

G. Case Management

1. If not already done, the Case Manager should make efforts to coordinate with a Victim Advocate/Specialist for appropriate services, including but not limited to trauma informed counseling.
2. When the case is identified as a trafficking situation the services identified should include services for potential trauma issues.

H. Absence from Foster Care

1. When a report is received notifying FBSS that a child is absent from foster care the Case Manager shall report this immediately to the appropriate Law Enforcement agencies.
2. To assist Law Enforcement with locating the child the report should include, at a minimum, the following:
 - a. Date of birth, social security number;
 - b. Names/addresses of biological parents, legal guardians, and caretakers;
 - c. If known, information regarding last known address and most recent person whom they have been residing;
 - d. If available, a recent photograph.
3. The Case Manager shall as soon as possible determine the factors that lead to the child's absence from foster care and to the extent possible address those factors in subsequent placements.
4. When child is back in FBSS custody the Case Manager should determine the child's experiences while absent from care, including whether the child is a sex trafficking victim.

CHAPTER 8: INDEPENDENT LIVING FOR YOUTH OVER 14 YEARS OF AGE

- I. **Policy:** Pursuant to section 475 of the Social Security Act, the Tribe is required to develop and implement a case plan that, for children age 16 and older, identifies those programs and services that will be provided to assist the youth in transitioning from foster care to independence. The law requires each Tribe/State to coordinate its Independent Living Program and services with other agencies and providers that serve youth. The Tribe has not elected to directly operate a Chafee program but must coordinate with agencies that provide these services.
- II. **Policy Intent:** The intent of this policy is to make services available to assist in the transition of youth from foster care to independent adulthood. The goals of these programs and services are to assist youth with:
 - A. Transitioning to independent living and adulthood without reliance on public assistance programs.
 - B. Receiving the education, training and services necessary to obtain employment.
 - C. Preparing for and entering post-secondary training and education institutions.
 - D. Gaining experience in taking responsibility.
 - E. Gaining experience exercising decision-making control.
 - F. Obtaining personal and emotional support to youth during the process.
 - G. Developing the personal life management skills necessary to function independently.
- II. **Coordination with ILP Agencies**
 - A. Coordinate with agencies that provide Independent Living Program services where the youth resides.
 - B. These programs may include transitional living programs, abstinence education programs, and local housing programs, programs for disabled youth and school-to-work programs and must be included in the coordination effort including coordinating with youth-oriented agencies and programs such as health-related programs, local job training and employment programs, community colleges and youth shelters.
- III. **Eligibility**
 - A. Youth age 14 or older currently in foster care or a former foster child who left

foster care placement at age 16 or older with at least 180 days (6 months) of placement services after age 14

IV. Case Planning for Youth Transitioning from Foster Care

- A. An **Independent Living Plan (ILP)** is a written plan addressing several domains (education, housing, supportive relationships/community connections, employment, mental and physical health, transportation and life skills) that outlines the transition goals, action steps, services and supports a youth needs to successfully transition to adulthood and independent living independently.
- B. **For Youth Turning 18 in Foster Care:** At a minimum the case plan requires Independent Living Case Plan for transitioning youth from foster care at age 18. The standard requires:
 - 1. During the 90-day period immediately prior to the date on which the child will reach 18 years of age (or 21 if services are extended), whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under section 477 of the Social Security Act, the Department, 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, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the child may elect.
 - 2. The Case Manager shall work with the appropriate ILP service to provide services to youth transitioning to Independent Living.

V. Youth Age 16-18 in Foster Care

- A. A Comprehensive Transition Plan (CTP) must begin with a youth at age 14 or any child 14 years of age or older that has ILP as a permanency plan.
- B. The youth must be involved during all phases of the planning process.
 - 1. During the 90-day period immediately prior to the date on which the child will attain 16 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 under section 477, a assigned Social Worker on the staff of FBSS, 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, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the child may elect.

- C. The Case Manager shall work with the appropriate ILP service to provide services to youth transitioning to Independent Living.

VI. Youth Age 14 and Over

- A. Where appropriate for a child 14 or over the case plan must include:
 - 1. A written description of the programs and services which will help such child prepare for the transition from foster care to successful adulthood.
 - 2. With respect to a child who has attained 14 years of age, 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.
 - 3. FBSS may reject an individual selected by a child to be a member of the case planning team at any time if the agency has good cause to believe that the individual would not act in the best interests of the child.
 - 4. 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.

VII. Annual Consumer Report

- A. Each child in foster care under the responsibility of the Tribe who has attained 16 years of age receives without cost a copy of any consumer report (as defined in section 603(d) of the Fair Credit Reporting Act) pertaining to the child each year until the child is discharged from care, and receives assistance (including, when feasible, from any court-appointed advocate for the child) in interpreting and resolving any inaccuracies in the report.
- B. FBSS staff may use the annual credit report system found at www.annualcreditreport.com.

VIII. Medical and Health Proxy Designation for Youth over Age 18

- A. Ninety (90) days before the youth turns at age 18, the youth has the legal right to designate another trusted individual to make health care treatment decisions on their behalf should the youth become unable to participate in such decisions. The youth can choose a health care proxy or healthcare power of attorney by completing an advance directive form.
- A. The Case Manager shall work with the youth and determine if the youth needs to identify and designate another trusted individual to make health care treatment decisions on their behalf.

IX. Official Documents for Youth over Age 18

- A. Each child leaving foster care by reason of having attained 18 years of age or such greater age (unless the child has been in foster care for less than 6 months) must be discharged from care with an official or certified copy of the United States birth certificate of the child, a social security card issued by the Commissioner of Social Security, health insurance information, a copy of the child's medical records and a driver's license or identification card issued in accordance with the requirements of section 202 of the REAL ID Act of 2005.

CHAPTER 9: CASE PLANNING

The case plan is strength based and must emphasize client strengths and safety, to minimize risk. The case plan is developed in the following (SMART) format: Specific, Measurable, Attainable, Realistic and Time Limited. The Department worker shall develop a case plan with the client or the client's legal guardian within thirty (30) days of removal from the home, but in no event later than sixty (60) days from removal from the home. Family members must participate in the case planning process. The roles and responsibilities of providers will be specified in the case plan. I.e. foster parents, relative care providers and other providers where appropriate.

I. CASE PLANNING PROCESS

- A. The case plan may be developed in a Multi-Disciplinary Team or other appropriate venue.
 - 1. The assigned worker shall utilize the FBSS Case Planning documents as proper documentation in developing the family case plan. The related forms and Health may be completed at a separate time as information becomes available.
 - 2. The original signed case plan is provided to the client, a copy is retained in the client case file.
 - 3. The case plan shall be revised at a minimum once every (6) months or sooner upon the client's progress.

4. The assigned worker shall make reasonable efforts to (a) maintain the family unit and prevent the unnecessary removal of a child from his/her home, as long as the child's safety is assured; (b) effect the safe reunification of the child and family (if temporary out of home placement is necessary to ensure the immediate safety of the child); and (c) make and finalize alternate permanency plans in a timely manner when reunification is not appropriate or possible including, if appropriate, through an interstate placement. In determining reasonable efforts to be made with respect to a child and in making such reasonable efforts, the child's health and safety is the Department's paramount concern.

B. Case Plans shall include:

1. Permanency planning begins as soon as the case is assigned, especially when a child is in out of home care. Reasonable efforts to finalize an alternate permanency plan, including identifying an appropriate placement with an adoptive or legal guardian who resides within or outside of the territorial boundaries of the Fort Belknap Tribes, may be made concurrently with reasonable efforts to reunify the child and family.
2. Documentation will describe the services that have been offered and provided to prevent removal.
3. Documentation in the case plan must include a description of the type of home, institution in which a child is placed and the safety and appropriateness of the placement; and the appropriateness of services that have been provided to the child. Documentation must also include reunification efforts, as appropriate, and ensure the child receives safe and proper care. Parents can assist in the decision on alternative permanent placement by developing a concurrent case plan with the assigned worker.
4. A plan for assuring that service is provided to the child and foster parents in order to address the needs of the child while in substitute care.
5. Placement preference must be documented when any child is placed outside the primary home, or in permanency placement plans. The Department is to adhere to the following placement criteria:
 - a. Immediate Family
 - b. Extended Relative
 - c. Non relative, member of the Gros Ventre or Assiniboine Tribes
 - d. Non relative, other Native American
 - e. Non relative, non-member of the Gros Ventre or Assiniboine Tribes, Non-Native American
6. When appropriate, for a minor age sixteen (14) and over in substitute care, the case plan shall include a written description of the programs and services which will help such a child prepare for the transition from substitute care into independent living.
7. If the permanency plan is adoption or placement in another permanent home, documentation of steps the Department is taking to find an adoptive family or permanent living arrangements for the child in accordance with the placement preference, including child-specific recruitment efforts and use of adoption publications, is to be on file.
8. Documentation of the placement setting in the safe and least restrictive (most family

- like); and appropriate setting available; and in close proximity to the parent's home consistent with the best interest and special needs of the child.
9. The worker shall seek outpatient treatment services for the child as the first alternative prior to considering any out of home placement in residential treatment facility.
 10. If the child has been placed in a residential treatment facility, foster home or child care institution a substantial distance from his/her home, documentation shall be on file justifying the reasons why the placement is in the best interest of the child.
 11. When a child is placed in out of home care, the worker is to make face-to-face contact with the child on a minimum one time per month. The case plan is to outline the visitation plan for the parent and caretaker.
 12. To the extent available and accessible, incorporate the health and education records of the child in both the CP-1 and related forms (CP-1 ED and CP-1 Health) including:
 - a. The names and addresses of the child's health and educational providers;
 - b. The child's grade level, performance level and school record;
 - c. Assurances that each of the child's placements takes into account the proximity to the school in which the child is enrolled at the time, that the Department has coordinated with the appropriate local education agencies to ensure that the child remains in the school in which the child is enrolled at the time of each placement; or if remaining in such school is not in the best interests of the child, the child is immediately and appropriately enrolled in a new school, with all the educational records of the child provided to the school.
 - d. A record of the child's immunization;
 - e. The child's known medical problems and medications.
 - f. Any other relevant health and education information concerning the child deemed to be appropriate.
 13. Unless the permanency plan is for termination of parental rights, the parent or legal guardian is to be involved in the child's case plan and shall consent to all services for the child.
- C. Specific case plan requirements for children fourteen (14) years and older:
1. Identify the services needed to assist the child for independent living.
 2. During the ninety (90) day period immediately prior to the date on which the child exits foster care, provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child and should include:
 - a. Specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services;
 - b. 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 applicable 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 applicable law, and is as detailed as the child may elect.

- D. For a child with respect to whom the permanency plan is placement with a relative the case plan shall include:
1. The steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;
 2. The reasons for any separation of siblings during placement;
 3. 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;
 4. The ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;
 5. The efforts the Department 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
 6. The efforts made by the Department to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.
- E. Case Plan for Voluntary Placement – Pursuant to tribal law; a child may be placed voluntarily in out of home care:
1. A case plan shall be completed at by the time the agreement for voluntary placement is signed.
 2. At the minimum, a monthly case staffing of client's progress and placement of the child will be made.
- F. Notification of Change of Placement
- The Department worker shall submit a request for change in placement in memorandum format to the Prosecutor prior to the actual change in the physical placement of the child. The memorandum is to document the reason for the change in placement, support the placement preference and the least disruption for the child.
- G. 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 applicable law.
 3. Each child leaving foster care by reason of having attained 18 years of age or such greater age as the Department has elected under 475(8) must be discharged from care with an official or certified copy of the United States birth certificate of the child, a social security card issued by the Commissioner of Social Security, health insurance information, a copy of the child's medical records and a driver's license or identification card issued in accordance with the requirements of section 202 of the

REAL ID Act of 2005. The only exception is if the child has been in foster care for less than 6 months.

Appendix 5

INDIAN AFFAIRS MANUAL

1.1 Purpose. This chapter establishes Bureau of Indian Affairs (BIA) policy and procedures for the Office of Indian Services (OIS) Division of Human Services' (DHS) management of supervised Individual Indian Money (IIM) accounts.

An IIM account is an interest bearing account for trust funds held by the Secretary of the Department of the Interior (DOI) that belongs to a person who has an interest in trust assets. There are three types of IIM accounts: unrestricted, restricted, and estate accounts. Supervised IIM accounts are a type of restricted account under the control and management of the Secretary, which requires disbursements to be approved by the BIA. The funds from these IIM accounts may be disbursed to individual account holders, a legal guardian, or a custodian under such conditions as the Secretary or his/her authorized representative may designate. The Secretary has designated Indian Affairs (IA) as its representative for these actions. Specifically, the BIA OIS DHS and the Office of the Special Trustee for American Indians (OST) have been assigned specific roles and responsibilities to carry out this function.

1.2 Scope. This policy applies to all BIA Agencies that provide case management services to supervised IIM account holders, as well as to Tribes that are authorized under an Indian Self-Determination and Education Assistance Act (ISDEAA) contract or self-governance funding agreement to provide such services.

1.3 Policy. It is the policy of IA to supervise IIM accounts for minors, emancipated minors, adults in need of financial assistance, adults under a legal disability, and adults determined to be non compos mentis by a court of competent jurisdiction.

1.4 Authority.

A. Statutes and Regulations.

- 1) 25 CFR 2, Appeals From Administrative Actions
- 2) 25 CFR 20, Financial Assistance and Social Services Programs
- 3) 25 CFR 87.10, Per Capita Payment Aspects of Plans and Protection of Funds Accruing to Minors, Legal Incompetents and Deceased Beneficiaries
- 4) 25 CFR 115, Trust Funds for Tribes and Individual Indians
- 5) 25 CFR 117, Deposit and Expenditure of Individual Funds of Members of the Osage Tribe of Indians Who Do Not Have Certificates of Competency

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- 6) 43 CFR 2, Subpart H, Legal Process: Testimony by Employees and Production of Records

B. Guidance and Handbooks.

- 1) OST's Service Manager for BIA Social Services Offices Guidelines, V.4, February 2017
- 2) Interagency Procedures Handbook between the BIA and the OST for American Indians, July 8, 2002
- 3) Policy Memorandum Compilation: KPMG Audit, Sept. 10, 2004-Section 4 Audit Findings: Supervised Accounts, January 28, 2005
- 4) Financial Assistance and Social Services Case Management System (FASS-CMS) End User Manual, November 15, 2012, Version 3.0
- 5) BIA Memorandum, Responsibilities Related to the Management of Individual Indian Monies (IIM) Accounts and Account Holders, September 28, 2011
- 6) Director, BIA Memorandum, Letter of Administrative Restriction for Individual Indian Money (IIM) Accounts, March 17, 2016
- 7) Director, BIA Memorandum, Notification of Administrative Restriction - Individual Indian Monies Account for Non-Responsiveness (Code 19NR), April 26, 2016

1.5 Responsibilities.

- A. Deputy Bureau Director and Associate Deputy Bureau Director, OIS, BIA** are responsible for ensuring that IA processes and resources are in place to facilitate the provision of IIM case management services to eligible Indians.
- B. Chief, DHS, OIS** is responsible for program oversight and the development of IA processes and procedures for the supervision of IIM accounts. This includes coordination of programming with other federal agencies.
- C. Central Office DHS staff** is responsible for providing policy oversight, technical assistance, and training on supervised IIM procedures. Staff also assist in the development of supervised IIM program standards; completing Office of Management and Budget (OMB) A-123 reviews; providing a review and recommendation to approve/disapprove all major purchases from supervised IIM accounts; approving

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disbursements where there is a potential conflict of interest at the Tribe/Agency or the regional office; and responding to inquiries concerning supervised IIM account holders.

- D. **Regional Directors (RDs)** are responsible for the administration, monitoring, and oversight of supervised IIM programs by the Tribe/Agency. They are the Officer in Charge (OIC) or Bureau Line Officer (BLO) for supervised IIM accounts handled by the region. Their duties include: issuing notices to restrict accounts, such as Kennerly Letters, Administrative Restriction (AR) letters, and Code 19 letters; and reviewing and approving assessments, distribution plans, and corrective action plans as needed.
- E. **Regional DHS staff** is responsible for oversight of Tribal/Agency programs and off reservation IIM account holders residing within their region. This includes providing technical assistance and training to Tribes and BIA Agencies, conducting annual reviews of Tribe/Agency programs, and conducting an annual review of active supervised IIM accounts within the region. Related responsibilities include: case management; coordination with the court, court appointed guardians, and representative payees; conducting a six month case review; working with other resources and state and federal agencies; collecting receipts and verifying disbursements; conducting home visits; and maintaining case work records.
- F. **BIA Agency Superintendents** are responsible for the administration and management of the BIA Agency Human Services staff. They are the OIC or BLO for supervised IIM accounts handled by the Agency. Their duties include: issuing notices to restrict accounts, such as Kennerly Letters, AR letters, and Code 19 letters; and approving social services assessment and evaluations, distribution plans, and corrective action plans as needed.
- G. **BIA Agency Human Services staff** is responsible for the provision of services or the direct administration, monitoring, and oversight of supervised IIM programs at the Tribe/Agency. Services are provided by BIA staff or through a contract with the Tribe. Per 25 CFR Part 20 and Part 115, assistance includes help with completing an Application for Financial Assistance and Social Services form and a Social Services Assessment and Evaluation form, which may also lead to the development of a distribution plan. Other activities include: case management; coordination with the court, court appointed guardians, and representative payees; working with other resources and Agencies/programs; conducting a six month review; collecting receipts and verifying disbursements; conducting home visits; and maintaining case work records.
- H. **Tribal Human Services staff** authorized under an ISDEAA contract or self-governance funding agreement to carry out the duties previously administered by the

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Secretary under 25 CFR Parts 20 and 115, is responsible for managing and administering trust assets for the exclusive benefit of Tribal and individual Indian beneficiaries. Per 25 CFR Part 20 and Part 115, assistance includes help with completing an Application for Financial Assistance and Social Services form and a

Social Services Assessment and Evaluation form, which may also lead to the development of a distribution plan. Other activities include: case management; coordination with the court, court appointed guardians, and representative payees; working with other resources and agencies/programs; conducting a six month review; collecting receipts and verifying disbursements; conducting home visits; and maintaining case work records.

In summary, Tribal Human Services staff is responsible for the provision of services or the direct administration, monitoring, and oversight of supervised IIM programs at the Tribe/Agency. However, the Agency Superintendent remains responsible for **approving** all distribution plans from supervised IIM accounts. The Central Office must review and recommend either approval or disapproval of all major purchases. In addition, the Central Office may need to approve disbursements where there is a potential conflict of interest at the Tribe/Agency or the regional office levels.

1.6 Standards, Requirements, and Procedures. The following explanation of services is in accordance with 25 CFR Part 20.403 and Part 115 where the service population includes IIM account holders.

A. Standards and Requirements.

- 1) The RDs will identify Tribes (contracted and compacted) having supervised IIM accounts in their respective regions. 25 CFR Parts 20 and 115, BIA and OST Interagency Procedures Handbook, IAM reference materials, and BIA IIM policy memoranda are to be used in order to administer supervised IIM accounts and ensure that prompt payments are made to account holders. All contracted and compacted Tribes that manage supervised IIM accounts should be included in training sessions at the BIA Agency and regional levels.
- 2) 25 CFR Part 115 does not include a specific subpart that addresses adult supervised IIM accounts. 25 CFR 115 Subpart A contains definitions to assist in determining the status of an account holder. 25 CFR 115 Subpart B does contain provisions concerning restrictions of IIM accounts. 25 CFR 115 Subpart C will also apply to adult supervised IIM accounts.
- 3) Tribal courts should be informed of the provisions contained within 25 CFR Part 115 for compliance with appropriate regulations. The courts should be instructed through

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memoranda, training sessions, technical assistance, and other guidance from their respective regions on the procedures for handling IIM supervised accounts and the role of BIA as trustee for IIM account holders.

- 4) Guardianship orders for all account holders (including guardian appointments and/or changes) must be forwarded for review and guidance to the Office of the Solicitor, with copies to the designated personnel at Central Office, prior to granting access to a supervised IIM account. Central Office must respond within 15 days from the receipt of the guardianship order. **The BIA will not recognize a guardianship order for access to an IIM account if the order is for the person only.**
- 5) Social Service providers managing a supervised IIM account must not be appointed as guardians for account holders. In certain limited circumstances, a BIA Superintendent may need to be appointed as a guardian and/or representative payee for an IIM account holder. A BIA Superintendent who is asked to take on either role must have prior approval from the BIA Director. The Social Service providers, Superintendent, and RD should work together to create a memo, signed by all three parties, documenting why the Superintendent should be appointed to the role. This memo should be submitted to the BIA Director (through Central Office). Upon review of the memo, the BIA Director will provide written approval or disapproval. Absent explicit authority and approval from the BIA Director, a BIA Superintendent may not serve in this role. **Social Service providers, supervisors, or OICs/BLOs must not work with IIM clients and/or guardians they are related to or with whom they have a close personal relationship. This is a conflict of interest.**
- 6) There is no specific authority to pay or reimburse guardianship fees, expenses, or legal fees related to the appointment of guardians. Requests for these types of payments will be considered on a case by case basis. These requests should be approved only after all other resources have been considered.
- 7) The BIA Superintendent must notify the court of a guardian's failure to carry out his/her responsibilities, and petition a court of competent jurisdiction for the appointment of, or change in, a legal guardian (20 CFR 20.403(b)(2)(vi)) if a guardian is non-responsive to requests from the Social Service provider to schedule an assessment or to address the needs of the account holder.
- 8) If the Social Service provider has reason to believe a guardian is misusing a supervised account holder's funds, the provider must develop a report and submit it to the OIC. The OIC will determine if there is sufficient information to petition for the removal of the guardian, and if further action should be taken for recovery of the account holder's funds (25 CFR 115.425).

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- 9) No BIA employee, contractor employee, BIA Social Services employee, or Tribal Social Services employee may be named 'payee' for IIM funds of an account holder.
- 10) A minor's immediate needs are the responsibility of his/her parents/guardians. Disbursement requests on behalf of minors must be considered in the context of their health, education, and welfare needs, and be based on their available resources.
- 11) Funds requested for cultural and traditional events must be considered on a case by case basis.
- 12) Disbursements of per capita judgment funds belonging to supervised account holders must be for the health and welfare needs of the individual and any additional requirements specified in the judgment. Withdrawals may only be made upon BIA OIC/BLO approval of an Application for Financial Assistance and Social Services made under P.L. 97-458, 25 CFR 115.418. The BIA OIC/BLO must separately certify each disbursement of per capita judgment funds belonging to minors or non compos mentis adults (adults in need of financial assistance) as being in strict conformance with the approved use and distribution plan governing the judgment award. The guardian will be required to account fully for each such disbursement separately from other disbursements from the non-judgment supervised account.
- 13) Disbursement of Tribal per capita funds belonging to supervised account holders may only be made under a BIA approved distribution plan and in accordance with the terms of the Tribe's per capita resolution/document. See Attachment 4 for an example of a Tribal resolution.
- 14) Funds must be accepted from another federal agency pursuant to 25 USC §14b, and are disbursed only in accordance with federal regulations as explained in 25 CFR 115, et seq. Examples include Social Security, Supplemental Security Income (SSI), and Veteran's Affairs (VA) benefit payments.
- 15) SSI payments are made monthly for the basic needs of the account holder and should routinely be paid out to meet identified and approved needs during the month as part of an approved distribution plan. The office managing restricted and supervised IIM funds must budget the use of these funds to make sure that all essential monthly needs are met and are reasonable for the account holder. When a monthly budget is developed for the account holder and the initial distribution plan is approved, these disbursements will be processed according to the approved or modified plan. Receipts are to be collected as required by 25 CFR Part 115. If payment is made to a third party vendor, a statement or invoice showing payment was made is sufficient.

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- 16) The OIC will terminate supervision of an IIM account based upon the assessment and recommendation of the Social Service provider:
 - A. When a court of competent jurisdiction or a duly authorized administrative agency determines that an adult is no longer under a legal disability, or in need of financial management assistance.
 - B. When the social services program is in receipt of a new order from a court of competent jurisdiction for a non compos mentis adult.
 - C. When a minor reaches the age of majority as established by the state in which the minor lives for non-judgment accounts.
 - D. As determined by criteria stipulated in the Judgment Award use and distribution plan for a minor's judgment per capita account.
- 17) Once a minor has reached the age of majority, or fulfilled the requirements of the judgment award use and distribution plan, the BIA may not administratively decide to continue supervising the account. If conditions are deemed to warrant continued supervision, it is necessary that the same process be followed as is required to supervise the account of an adult, including a court decision and extension of all appeal rights to the account holder. Such a process may be initiated prior to the time that the minor reaches the age of majority in order to prevent a break in supervision.
- 18) Active IIM accounts will be monitored by the assigned Social Service provider at least every six months in accordance with 25 CFR 20.403(b)(2)(iv). A BIA social worker with a Master's Degree in Social Work, who is not the servicing worker, will review all active cases annually (25 CFR 115. 427).
- 19) All BIA and Tribal records, including court orders, receipts, and historical account documents will be maintained in the BIA Social Services or Superintendent's office in locked cabinets which follow IA Records Management procedures for safeguarding all active and inactive trust records. This includes all hard copies, electronic records, and all OST Service Manager and FASS-CMS files. Each file should contain a current photo of the account holder.

B. Procedures.

- 1) A Social Service provider and account holder (or their representative) must complete an Application for Financial Assistance and Social Services form upon a request for BIA services.

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- 2) A social services assessment as required by 25 CFR 20.404 is conducted upon the request of the adult or other interested party to evaluate the account holder's circumstances, abilities, and need for assistance to manage his/her financial affairs. The Social Services Assessment and Evaluation form - Part 1 is used for this purpose.

If there is an emergency situation where an IIM account holder lacks basic needs, is at immediate risk for exploitation, or is in a situation which may require immediate protective services on behalf of the IIM account holder, then the Social Service provider will take no longer than three (3) working days to make an appointment with the client and/or make a home visit to begin the assessment and evaluation process.

A social services assessment must be completed in person at the account holder's place of residence with the account holder and/or representative. The assessment must contain information and documentation to support the need for assistance. The summary of findings and proposed services to meet the identified needs of the account holder are presented in the assessment.

- 3) If it is necessary to safeguard an IIM account until a Social Services Assessment and Evaluation form - Part 1 is completed, the Notice of Intent to Administratively Supervise Your Individual Indian Money Account Pending an Assessment and Evaluation by Social Services (Code 19) letter should be used to place a hold on the IIM account for up to 90 days or until an assessment is complete, and the appropriate account restriction status can be assigned. The BIA home Agency will issue the Code 19 letter to the account holder (or responsible person) by United States certified mail or personal delivery. The account holder will not have unrestricted access to the account funds while the Code 19 letter is in effect. The BIA home Agency will notify OST to change the code to identify the account as a Code 19. All future disbursement requests or inquiries will be referred to BIA Human Services. BIA will work with OST to track the progress of assessment completion. See Attachment 1 for an example of a Code 19 letter.
- 4) If a IIM account is restricted administratively and the family or guardian remains unresponsive to the Social Service provider's repeated requests (at least three documented attempts) to conduct an assessment, the BIA home Agency will issue the Notification of Administrative Restriction-Individual Indian Monies Account for Non-Responsiveness (Code 19NR) to the account holder or representative by United States certified mail or personal delivery. The BIA home Agency will notify OST to change the code to identify the account as a Code 19NR. All future disbursement requests or inquiries will be referred to the appropriate Social Service program. BIA will inform OST of the circumstances preventing an assessment of the client and work together to overcome the barriers identified. See Attachment 2 for an example of a Code 19NR AR letter.

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BIA supervision of an IIM account restriction occurs when a Social Services Assessment and Evaluation – Part 1 is completed as part of an administrative process that is based on findings by a licensed mental health or medical professional, judgment by a court of competent jurisdiction, or the determination of another federal agency

(25 CFR 115.601), and concludes there is a need for account supervision. The recommendation is then forwarded to the OIC at the account holder's BIA home Agency for review and approval. Only the OIC at the account holder's home Agency has the authority to make a decision to restrict and supervise an IIM account. Social

Service providers should follow the Assessment Request: Outside of Service Area protocol for completing this process when an account holder resides outside of the provider's region and service area.

If the OIC determines the IIM account should be restricted through supervision, a Notice of Intent to Restrict an IIM Account letter (i.e., Kennerly Letter) is issued by the BIA home Agency and sent to the account holder or representative by United States certified mail or personal delivery. See Attachment 3 for a Kennerly Letter example. The Kennerly Letter or a letter of notification concerning a disbursement starts the timeline for the appeal process, which must be specified in the letter. The Kennerly Letter process and appeal procedures are detailed in 25 CFR 115, Subpart E—IIM Accounts: Hearing Process for Restricting an IIM Account. A copy of this Subpart of the regulations should be included with the decision letter. See Attachment 3 for Subpart E.

- 5) A disbursement request from the account holder and/or representative will initiate the evaluation portion of the process, using the Social Services Assessment and Evaluation form - Part 2. A request for a disbursement should be signed and dated by the account holder or guardian as appropriate (25 CFR 115.410-411).

A Social Service provider must complete an evaluation of the client's unmet needs with the account holder and/or representative, to include the information noted in 25 CFR 115.420. A distribution plan may be developed based on unmet needs justified by information in the Social Services Assessment and Evaluation form - Part 2.

- 6) Disbursement requests from a supervised IIM account, including periodic allowances, must be supported by an itemized list or invoice/bill. The itemized list can be based on an estimate, which in turn is based on past experience or previously submitted receipts. The allowance must also be considered in the assessment as to whether it would impact the account holder's eligibility for other resources and/or funds that may be available. All disbursements must be for the direct benefit of the account holder.

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If a disbursement is made, receipts are required to be submitted by the account holder and/or representative to the Social Services provider. The exception to this requirement is a request for a monthly allowance up to \$300 for adult supervised account holders for which receipts may not be required. The exception should be justified and noted in the IIM case record.

Failure of the client and/or guardian to provide required receipts may result in an immediate modification of the distribution plan. A modification may include (but is not limited to) suspension of the individual's authority to receive further disbursements (up to 60 days) or a decision to arrange for and require third party payments for future disbursements. Social Service providers may also work with the account holder or responsible party to provide alternative documentation for the expenditures in question. If there is any indication of misuse of funds it should be referred to law enforcement for criminal investigation.

- 7) Third party payments from supervised IIM accounts are to be used for all medical or health related services, rent, rental deposits, utilities, telephone, cable TV, household repairs, air travel, household furniture, appliances, nursing care, foster care, and any other high cost items made on behalf of the account holder (i.e., wheelchair, computers). Third party payment means that funds are sent to the vendor or service provider directly from the IIM account. Prior verification should be completed to ensure the vendor will accept a third party payment before recommending this method of disbursement on the distribution plan. The Social Service provider should work with the vendor by telephone to ensure they are aware that the account holder's funds are managed by the BIA and that the vendor will honor third party payments received on behalf of the account holder.

When disbursement requests are medical or health related specifically, the Social Services Assessment and Evaluation form must include documentation that the medical or health related items are not available through the Indian Health Services (IHS) or a private family insurance policy.

- 8) Requests for the withdrawal of large amounts, such as the purchase of a house, vehicle, vacations, gift(s), and/or the withdrawal of the entire account balance requires a review by the IIM Central Office Administrative Team (COAT). The IIM COAT consists of the IIM Specialist, an Office of the Solicitor representative, and the Chief, Division of Human Services. A memorandum concurring with the approved request and requesting the administrative review will be issued by the RD within 10 working days. A complete package of information (i.e., fully developed assessment, distribution plan, and all supporting documents) should be forwarded to Central Office with the memorandum from the RD. The IIM COAT will issue a final recommendation within 30 days from receipt of the complete package.

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See section 1.8 for more information on form(s) related to this process.

1.7 Definitions. Other definitions applicable to this section are included in 25 CFR 115.002.

A. Adult in Need of Financial Assistance means an individual who has been determined to be “incapable of managing or administering his or her property, including his or her

financial affairs” either (a) through a BIA administrative process that is based on a finding by a licensed medical professional or licensed mental health professional, or (b) by an order or judgment of a court of competent jurisdiction.

B. BIA OIC/BLO means the Officer in Charge or Bureau Line Officer who provides program oversight at regional and BIA Agency offices. They are the approving official for distribution plans from supervised IIM accounts.

C. Case file means a written record and/or electronic documentation. This includes an enrollment document, an application including identifying client information, applicable court orders, an assessment/evaluation of needs, a case plan, case notes/narrative, case file reviews/corrective actions, and distribution documentation (including receipts) if applicable. BIA documentation must be entered into the FASS-CMS.

D. Code 19 means the administrative restriction used to safeguard an IIM account until a Social Services Assessment and Evaluation form – Part 1 has been completed.

E. Code 19NR means the non-responsive administrative restriction used when a Social Service provider has documented three unsuccessful attempted contacts with the guardian, conservator, representative payee, or client. The Social Service provider must make an annual attempt to contact the account holder and the guardian.

F. Conflict of interest means Social Service providers, supervisors, or OICs must not work with IIM clients and/or guardians *they are related to or with whom they have/had a close personal relationship*. As stated in 18 U.S.C. § 208, “...prohibits a Government employee from participating personally and substantially, on behalf of the Federal Government, in any particular matter in which he or she has a financial interest.”

G. Distribution plan means a written plan for expenditures for a supervised IIM account, including payees, amounts of payments, and frequency of payments, as recommended by the Social Service provider and authorized by the OIC/BLO.

H. Estate account means an account for a deceased IIM account holder.

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- I. Emancipated minor** means a person less than 18 years of age who is married or who is determined by a court of competent jurisdiction to be legally able to care for himself or herself.
- J. Financial Assistance and Social Services Case Management System (FASS-CMS)** is the database system utilized for case management and payment of welfare assistance.
- K. Fiduciary Trust Officer (FTO)** means the FTO, along with field operations personnel, who serves as the primary point of contact for Tribal, individual Indian, and Alaskan Native beneficiaries seeking information and services regarding their trust assets.
- L. Guardian** means a person who is legally responsible for the care and management of an individual and his or her estate. This definition includes, but is not limited to, conservator or guardian of the property. However, this definition does not apply to property subject to 25 CFR 115.106.
- M. Home Agency** means the BIA Agency where the account holder is enrolled or the account originated.
- N. IIM account** means an interest bearing account for trust funds held by the Secretary of the Interior that belongs to a person who has an interest in trust assets. These accounts are under the control and management of the Secretary. There are three types of IIM accounts: unrestricted, restricted, and estate accounts.
- O. Kennerly Letter** is the notification to the account holder that a decision has been made by the OIC to supervise the IIM account. This ensures due process, including notification of the right to appeal the decision.
- P. Kennerly Process** is the notification that must be provided to the account holder *prior* to the placement of a restriction on an IIM account or the involuntary disbursement of funds. Account holders cannot waive notification of a decision to restrict an IIM account.
- Q. Legal disability** means the lack of legal capability to perform an act which includes the ability to manage or administer his or her financial affairs as determined by a court of competent jurisdiction or another federal agency where the federal agency has determined that the adult requires a representative payee and there is no legal guardian to receive federal benefits on his or her behalf.
- R. Minor** means an individual who is not an adult as defined in 25 CFR 115.002.

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- S. Non compos mentis** is a person who has been determined by a court of competent jurisdiction to be of unsound mind or incapable of managing his or her own affairs.
- T. Power of Attorney** is an instrument authorizing a person to act as the agent of another. The power may be general or specific.
- U. Secretary** means the Secretary of the Interior or an authorized representative; it also means a Tribe or Tribal organization if that entity is administering programs, functions, services or activities, previously administered by the Secretary of the Interior, but now authorized under an ISDEAA Title I self-determination contract (pursuant to 25 U.S.C. §450f) or a Title IV self-governance funding agreement (pursuant to 25 U.S.C. §558cc).
- V. Servicing Agency** means the agency geographically closest to where the account holder resides.
- W. Social services assessment and evaluation** means the documentation explained in detail in 25 CFR 20.404 and 25 CFR 115.420.
- X. Social Service provider** means any BIA or Tribal staff providing Social Services. Also referred to as Human Services staff.
- Y. Supervised account** means a restricted IIM account, from which all disbursements must be approved by the BIA, that is maintained for minors, emancipated minors, adults who are in need of assistance, adults who under legal disability, or adults who are non compos mentis.
- Z. Unrestricted account** means an IIM account in which an Indian account holder may determine the timing and amount of disbursements from the account.

1.8 Reports and Forms.

- 1) There is an OMB-approved form that applies to this area: Application for Financial Assistance and Social Services (OMB 1076-0017). It can be found online here: <https://www.bia.gov/policy-forms/online-forms> (click on the tab labeled “IA Paperwork Reduction Act (PRA) Forms”).
- 2) The IIM Social Services Assessment and Evaluation form, the Assessment Request: Outside of Service Area Protocol, the Six-Month Case File Review Form, the IIM Major Purchase Request Worksheet, and the IIM Distribution Plan form are found online here: <https://www.bia.gov/policy-forms/online-forms> (click on the tab labeled “Indian Affairs Specific Forms and Guidance”).

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- 3) BIA Human Social Service programs utilizing FASS-CMS also have access to the IIM Social Services Assessment and Evaluation form and the IIM Distribution Plan through the system.
- 4) Government Performance and Results Act (GPRA) reporting identifies both the number of active supervised IIM cases and the IIM cases reviewed on an annual basis. This reporting is submitted quarterly to the Central Office.
- 5) The Financial Assistance and Social Service Report (FASSR) identifies information on the number of clients served annually, including supervised IIM account holders. See 70 IAM 3 for more information on this report.
- 6) If this is a contracted or compacted program, the requirements specified in this section must be included in the scope of work or program description, and the required ISDEAA reporting requirements also apply.

Approval



6-17-19

Darryl LaCounte

Date

Director, Bureau of Indian Affairs

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Attachment 1 – Administrative Restriction (AR) Letter Sample



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

[AGENCY NAME]

[ADDRESS]

[Name of Account Holder]

[Insert Address]

Subject: Notice of Intent to Administratively Supervise Your Individual Indian Money (IIM) Account(s) Pending an Assessment and Evaluation by Social Services.

Dear [First Name of Account Holder],

It has recently come to the attention of this office that you have one or more Individual Indian Money (IIM) Account(s) and certain circumstances may exist requiring this office to provide protective services to you as defined under federal regulations at 25 C.F.R. Part 20. In order to protect your trust assets, this office has instructed the Office of the Special Trustee for American Indians (OST) to place an immediate administrative restriction on all existing and future IIM account(s) assigned to you. Access to your IIM account(s) will be restricted pending completion of an assessment and evaluation as outlined below. This notification is in compliance with authority provided in the Indian Affairs Manual Part 70, Chapter 5 and 25 C.F.R. Part 20 and Part 115.

Within 20 days from the date of this letter, our office will contact you to schedule an assessment to evaluate the extent to which you may need assistance with your financial affairs, see 25 C.F.R. §20.403(b). The assessment will review various aspects of your life including but not limited to: identifying certain documents regarding your living situation, current resources available to you, household composition, special circumstances, and any other information deemed necessary to complete the assessment, see 25 C.F.R. §20.404. We will meet with you, your family members, and any other interested parties you may wish to include.

Upon completion of the assessment and evaluation, the Social Service provider will recommend whether or not to restrict your IIM account(s). If the Superintendent decides your account does not require further services to safeguard your trust assets, the administrative restriction will be removed and you will have unrestricted access to your IIM account. If the Superintendent decides that you do require further services to safeguard your trust assets, BIA will send you a “Notice of Intent to Supervise Your Individual Indian Money Account” which will contain

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information regarding the Bureau's intent to supervise your IIM account and an opportunity for you to request a hearing to challenge the Bureau's decision to supervise your IIM account(s).

If our office does not complete the assessment and evaluation within 90 days from the date of this notice, the administrative restriction will be removed and you will have immediate and unrestricted access to your IIM account(s).

Should circumstances warrant emergency access to your IIM funds prior to a final account decision, an emergency request for disbursement should be made to the Superintendent.

If you do not agree with the proposed administrative supervision of the IIM account(s), you have the right to a fair hearing as provided for in 25 C.F.R. §115.607 (enclosed). Your request for a hearing must be in writing and received by the Superintendent within 40 days of the mail notice date. You may use the enclosed *Request for a Hearing form* and mail it to the address on the letterhead. The Superintendent will conduct a fair hearing within 10 days of receipt of your request for a hearing.

If you have any questions, please contact [*insert social worker name and title*], [*insert phone number*] or via email [*insert email address*].

Sincerely,

[Superintendent]

Enclosures

Cc: Office of the Special Trustee for American Indians, Fiduciary Trust Officer
Branch of Human Services

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Attachment 2 – Code 19 Non-Responsiveness AR Letter Sample



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

[AGENCY NAME]

[ADDRESS]

[Name of Account Holder]

[Insert Address]

Subject: Notification of Administrative Restriction- Individual Indian Monies (IIM) Account(s) for Non-Responsiveness (Code 19NR).

Dear [First Name of Account Holder],

The Bureau of Indian Affairs (BIA) received a request to conduct a social services assessment to determine if you require assistance managing your Individual Indian Money (IIM) account(s). Federal regulations (25 Code of Federal Regulations (CFR) Part 20 et seq.) require you to work with the Branch of Social Services to complete this assessment. The assessment will review various aspects of your life including but not limited to: identifying certain documents regarding your living situation, current resources available to you, household composition, special circumstances, and any other information deemed necessary to complete the assessment.

Social services made repeated attempts to contact you on: *[list out attempts here]*, to complete this assessment; however, each time we were unsuccessful. In order to safeguard your IIM account(s), BIA has notified the Office of Special Trustee for American Indians (OST) to restrict all existing and future IIM account(s) assigned to you as Code 19NR. The Code 19NR restriction prohibits you or anyone else from accessing the funds in your IIM account(s). BIA will remove the restriction when efforts to contact you have been successful and the social services assessment is complete. Each year, Social Services staff will make a minimum of three additional attempts to contact you prior to recommending retention of the Code 19NR restriction.

This notification is in compliance with authority provided in the Indian Affairs Manual Part 70, Chapter 5 and 25 C.F.R. Part 20 and Part 115. You have a right to request a hearing challenging this decision. Should you decide to request a hearing, your written request must be received within 40 days of the date this notice was mailed or personally delivered to you. Address your request to: Superintendent, Agency, Bureau of Indian Affairs, Address, City, State and Zip Code. The Superintendent will hold a hearing within 10 days from the receipt of the request (25 C.F.R. §115.600 et seq.).

Release #19-15, Issued: 6/17/19

Replaces #17-06, Issued: 1/23/17

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To request a hearing -

You may use the form enclosed with this letter or you may write us a separate letter. We must hear from you within 40 days from the day that you receive this notice.

If you request a hearing -

We will hold the hearing within **10 working days** from the day that we receive your request for a hearing.

At the hearing -

You are assured of a fair hearing. You may speak on your own behalf; you may call witnesses to speak for you, and you may question anyone else who testifies that the funds in your IIM account should not be returned to the community's account. If you wish, you may hire an attorney, **at your own expense**, to represent you at the hearing. We will record the hearing.

After the hearing -

We will notify you of our decision, in writing, **within 10 working days of the hearing**.

We mailed this notice United States certified mail with delivery confirmation. You are encouraged to contact our office as soon as possible to complete the required assessment.

If you have any questions, please contact [*insert social worker name and title*], [*insert phone number*] or via email [*insert email address*].

Sincerely,

Superintendent

Enclosures

cc: Office of Special Trustee, Fiduciary Trust Officer (via email)
Branch of Social Services (via email)

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Attachment 2 continued

25 CFR Parts 115.606 through 115.616

§ 115.606 What happens if you do not request a hearing to challenge BIA's decision to restrict your IIM account during the allotted time period?

If you or your guardian, as applicable, do not request a hearing to challenge BIA's decision to restrict your IIM account during the allotted time period, BIA's decision to restrict your IIM account will become final. BIA will follow the procedures outlined in §115.616 through §115.618, and §115.620, as applicable.

§ 115.607 How do you request a hearing to challenge the BIA's decision to restrict your IIM account?

You or your guardian, as applicable, must request a hearing to challenge the BIA's decision to restrict your IIM account from the BIA office that made the decision and notified you of the restriction. Your request must:

- (a) Be in writing;
- (b) Specifically request a hearing to challenge the restriction; and
- (c) Be hand delivered to the BIA office or postmarked within:
 - (i) 40 days of the date that BIA's notice was sent United States certified mail or personally delivered to the address of record, or
 - (ii) 30 days of the date of the final publication of the public notice.

§ 115.608 If you request a hearing to challenge BIA's decision to restrict your IIM account, when will BIA conduct the hearing?

BIA will conduct a hearing within ten (10) working days from its receipt of a written request from you or your guardian, as applicable, for a hearing to challenge the decision to restrict your IIM account.

§ 115.609 Will you be allowed to present testimony and/or evidence at the hearing?

Yes, you or your guardian, as applicable, will be provided the opportunity to present testimony and/or evidence as to the reasons the BIA should not restrict your IIM account, including

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information showing how an encumbrance may create an undue financial hardship, if applicable. You may not challenge a court order or judgment in this proceeding. However, if you have appealed an order or judgment from a court of competent jurisdiction, you or your guardian, as

applicable, may present evidence of your appeal and the BIA hearing will be postponed until there is a final order from the court. The restriction on your IIM account will remain in place until after the hearing is concluded.

§ 115.610 Will you be allowed to present witnesses during a hearing?

Yes, you or your guardian, as applicable, may present witnesses during a hearing. You are responsible for any and all expenses which may be associated with presenting witnesses.

§ 115.611 Will you be allowed to question opposing witnesses during a hearing?

Yes, you or your guardian, as applicable, may question all opposing witnesses testifying during your hearing. You may also present witnesses to challenge opposing witness testimony.

§ 115.612 May you be represented by an attorney during your hearing?

Yes, you may have an attorney or other person represent you during your hearing. However, you are responsible for any and all expenses associated with having an attorney or other person represent you.

§ 115.613 Will the BIA record the hearing?

Yes, the BIA will record the hearing.

§ 115.614 Why is the BIA hearing recorded?

The BIA hearing will be recorded so that it will be available for review if the hearing process is appealed under §115.107. The BIA hearing record must be preserved as a trust record.

§ 115.615 How long after the hearing will BIA make its final decision?

BIA will make its final decision within 10 business days of the end of the hearing.

§ 115.616 What information will be included in BIA's final decision?

BIA's final written decision to the parties involved in the proceeding will include:

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- (a) BIA's decision to remove or retain the restriction on the IIM account;
- (b) A detailed justification for the supervision or encumbrance of the IIM account, where applicable;
- (c) The amount(s) to be paid, the name and address of a third party to whom payment will be made, and the time period for repayment established under 617(a) of this part, where applicable;
- (d) Any provision to allow for distributions to the account holder because of an undue financial hardship created by the encumbrance, if applicable; and
- (e) Any other information the hearing officer deems necessary.

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Attachment 3 – Kennerly Letter Sample



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
[AGENCY NAME]
[ADDRESS]

IN REPLY REFER TO:
Human Services – MS 330

CERTIFIED MAIL – RETURN RECEIPT REQUEST

[Name of Account Holder]
[Insert Address]

Subject: Notice of Intent to Supervise an Individual Indian Monies (IIM) Account.

Dear **[First Name of Account Holder]**,

This letter is to inform you that in accordance with 25 CFR §115.102 and Subpart E, the Bureau of Indian Affairs (BIA) will restrict and supervise all existing and future Individual Indian Monies (IIM) Account(s) assigned to [Insert Account Name] because the account holder is found to be: (check one)

- Adult In Need of Assistance** (select at least one of the following reasons):
- We have determined through an administrative process (IIM assessment) that you are an adult in need of assistance based on a finding by a **licensed medical or mental health professional** that you are incapable of managing or administering property, including your financial affairs.
 - We received an order from a **court of competent jurisdiction** that you are an adult in need of assistance because you are incapable of managing or administering property, including your financial affairs.
 - We received information from another **federal agency** that you are under a **legal**

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disability and that the agency has appointed a representative payee to receive federal benefits on your behalf.

- Adult Non Compos Mentis:** We received an order from a court of competent jurisdiction that you are non compos mentis.

An IIM evaluation and distribution plan will be prepared in consultation with the account holder and/or legal guardian when a request for funds is made. Disbursements from the account(s) will be coordinated carefully with the account holder and/or legal guardian by the [*Insert Servicing Program Name*]. No funds may be withdrawn from the IIM account(s) without first consulting the [*Insert Servicing Program Name*] and obtaining approval from the Superintendent. The IIM account will be reviewed every six months to determine if continued supervision is warranted. This process will ensure that IIM funds are used in the best interest of the account holder.

If you do not agree with the proposed supervision of the IIM account(s), you have the right to a fair hearing as provided for in 25 CFR 115.607 (enclosed). Your request for a hearing must be in writing and received by the Superintendent within 40 days of the mail notice date. You may use the enclosed *Request for a Hearing form* (enclosed) and mail it to the address on the letterhead. The Superintendent will conduct a fair hearing within ten days of receipt of your request for a hearing. Enclosed are the requirements for a fair hearing.

The IIM account(s) will be restricted five days after the mail notice date of this correspondence (i.e., postmark by certified mail). If you have any questions, please contact [*insert social worker name and title*], [*insert phone number*] or via email [*insert email address*].

Sincerely,

Superintendent

Enclosures:

Copy of 25 CFR, Part 115, Subpart E
Request for a Hearing

cc: FTO, OST, Enter Agency
bcc: Human Services – MS 330

INDIAN AFFAIRS MANUAL

Attachment 3 continued

25 CFR Parts 115.606 through 115.616

§ 115.606 What happens if you do not request a hearing to challenge BIA's decision to restrict your IIM account during the allotted time period?

If you or your guardian, as applicable, do not request a hearing to challenge BIA's decision to restrict your IIM account during the allotted time period, BIA's decision to restrict your IIM account will become final. BIA will follow the procedures outlined in §115.616 through §115.618, and §115.620, as applicable.

§ 115.607 How do you request a hearing to challenge the BIA's decision to restrict your IIM account?

You or your guardian, as applicable, must request a hearing to challenge the BIA's decision to restrict your IIM account from the BIA office that made the decision and notified you of the restriction. Your request must:

- (a) Be in writing;
- (b) Specifically request a hearing to challenge the restriction; and
- (c) Be hand delivered to the BIA office or postmarked within:
 - (i) 40 days of the date that BIA's notice was sent United States certified mail or personally delivered to the address of record, or
 - (ii) 30 days of the date of the final publication of the public notice.

§ 115.608 If you request a hearing to challenge BIA's decision to restrict your IIM account, when will BIA conduct the hearing?

BIA will conduct a hearing within ten (10) working days from its receipt of a written request from you or your guardian, as applicable, for a hearing to challenge the decision to restrict your IIM account.

§ 115.609 Will you be allowed to present testimony and/or evidence at the hearing?

Yes, you or your guardian, as applicable, will be provided the opportunity to present testimony and/or evidence as to the reasons the BIA should not restrict your IIM account, including information showing how an encumbrance may create an undue financial hardship, if applicable.

INDIAN AFFAIRS MANUAL

Attachment 3 continued

You may not challenge a court order or judgment in this proceeding. However, if you have appealed an order or judgment from a court of competent jurisdiction, you or your guardian, as applicable, may present evidence of your appeal and the BIA hearing will be postponed until there is a final order from the court. The restriction on your IIM account will remain in place until after the hearing is concluded.

§ 115.610 Will you be allowed to present witnesses during a hearing?

Yes, you or your guardian, as applicable, may present witnesses during a hearing. You are responsible for any and all expenses which may be associated with presenting witnesses.

§ 115.611 Will you be allowed to question opposing witnesses during a hearing?

Yes, you or your guardian, as applicable, may question all opposing witnesses testifying during your hearing. You may also present witnesses to challenge opposing witness testimony.

§ 115.612 May you be represented by an attorney during your hearing?

Yes, you may have an attorney or other person represent you during your hearing. However, you are responsible for any and all expenses associated with having an attorney or other person represent you.

§ 115.613 Will the BIA record the hearing?

Yes, the BIA will record the hearing.

§ 115.614 Why is the BIA hearing recorded?

The BIA hearing will be recorded so that it will be available for review if the hearing process is appealed under §115.107. The BIA hearing record must be preserved as a trust record.

§ 115.615 How long after the hearing will BIA make its final decision?

BIA will make its final decision within 10 business days of the end of the hearing.

§ 115.616 What information will be included in BIA's final decision?

BIA's final written decision to the parties involved in the proceeding will include:

- (a) BIA's decision to remove or retain the restriction on the IIM account;

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- (b) A detailed justification for the supervision or encumbrance of the IIM account, where applicable;
- (c) The amount(s) to be paid, the name and address of a third party to whom payment will be made, and the time period for repayment established under 617(a) of this part, where applicable;
- (d) Any provision to allow for distributions to the account holder because of an undue financial hardship created by the encumbrance, if applicable; and
- (e) Any other information the hearing officer deems necessary.

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Attachment 4 – Tribal Resolution Example

SAMPLE DRAFT RESOLUTION X TRIBE

Resolution No. _____

WHEREAS, The [tribe] based on its inherent authority as a sovereign nation and based upon the [treaty] has the power and authority to make its own laws and to be governed by them; and

WHEREAS, The [tribal council] is the duly constituted governing body of the [tribe] pursuant to its Constitution and By-laws; and

WHEREAS, The [tribal office] was established for the sole purpose of maintaining and updating data as well as adding to the Membership Roll, all new enrollees approved by the Enrollment Committee and the [tribal council]; and

WHEREAS, The [tribal council] authorized the Per Capita Office to disburse per capita payments during the months of April, August, and December of every year; and

WHEREAS, The [tribal council] must submit a final Membership Roll of all enrolled members in a timely manner after the established cut-off dates before funds can be authorized; and

WHEREAS, The [tribal council] recognizes that it has a duty to protect those members of the Tribe who may be at risk including minors and adults who are in need of assistance or determined by a court of competent jurisdiction to be non compos mentis; and

WHEREAS, The [tribal council] recognizes that some of its membership may be experiencing changes in living arrangements; and

WHEREAS, The [tribal council] would like to protect individual Tribal members from risky behaviors including, but not limited to, financial exploitation; and

WHEREAS, The [tribal council] hereby authorizes per capita funds to be deposited into Individual Indian Money (IIM) accounts for minors who have been placed into the custody and control of the [tribal] court system and placed in foster care; and

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WHEREAS, The [tribal council] hereby authorizes per capita funds to be deposited into IIM accounts for adults in need of financial assistance or who have been determined to be non compos mentis by a court of competent jurisdiction; and

WHEREAS, The [tribal council] desires to set forth its policy concerning disbursements, pursuant to 25 C.F.R. §§115.100 – 115.1001, from supervised Individual Indian Money (IIM) accounts for adults and minors who are in out of home placements, including children in foster care placements; and

WHEREAS, The [tribal council] desires for tribal members to be able to access their per capita funds that have been deposited into their IIM account under certain limited circumstances where there is a demonstrated need;

NOW, THEREFORE, BE IT RESOLVED, the [tribal Council] directs that [a percentage or in whole or in part or a onetime] per capita payments may be paid to foster parents in whole or in part if there is a determination of need for health, education, or welfare, and the social workers have determined that it is in the child's best interest and the distribution will be made pursuant to the regulations at 25 CFR part 20 and 25 CFR part 115; and

THEREFORE, BE IT FURTHER RESOLVED, the [tribal council] directs that [a percentage or in whole or in part or a onetime] per capita payments may be paid to the guardian of an adult who has been determined to be non compos mentis or an adult in need of assistance if there is a determination of need for health, education, or welfare, and the social workers have determined that it is in the individual's best interest and the distribution will be made pursuant to the regulations at 25 CFR part 20 and 25 CFR part 115;

BE IT FURTHER RESOLVED, that the Chairman or Co-Chairman, as the case may be, is authorized to sign this resolution on behalf of the [tribal council].

PASSED, ADOPTED AND APPROVED by the [tribal council] on the _____ day of _____, 20__.