

TRIBAL-STATE FOSTER CARE AGREEMENT

WHEREAS, there are Indian children on the Standing Rock Sioux Reservation who are eligible for AFDC and who are in need of foster care;

WHEREAS, the state of North Dakota receives federal funds through P.L. 96-272 to make foster care maintenance payments on behalf of AFDC-eligible children;

WHEREAS, the state of North Dakota, through the North Dakota Department of Human Services (hereinafter, "the Department"), plans to make foster care payments on behalf of Indian foster children on the Standing Rock Reservation;

WHEREAS, the Standing Rock Sioux Tribe (hereinafter, "the Tribe"), through its social services component of the Tribal Court, will maintain administrative and judicial supervision over these foster children;

WHEREAS, the Department and the Tribe recognize the need to coordinate their efforts with respect to these children to ensure that the care these children receive is in accord with the federal standards set forth in P.L. 96-272 and 45 CFR Part 233;

WHEREFORE, the Department and the Tribe agree as follows:

1. The Tribal Court will continue to exercise its jurisdiction in placement of all Indian children on the Reservation who are in need of foster care;

2. The Tribe, through its designated agents, shall provide services to AFDC-eligible children in placement in foster homes on the Reservation in compliance with P.L. 96-272 and the implementing regulations, including the following:

A. CASE PLAN. The case plan shall be designed to achieve placement in the most family-like setting possible and close to the parents' home, consistent with the child's best interests and special needs.

The case plan shall be written and shall include the following:

a.) A description of the home or institution where the child is to be placed and an explanation of why the placement is appropriate;

b.) An explanation of the efforts that were made to eliminate the need for removal of the child from his or her home;

c.) A description of the care and services the child will receive in the foster home, both to meet the child's needs while in foster care and, if necessary, to provide for permanent placement of the child;

d.) A description of the services that the child and his or her parents will receive, with the objective of allowing the child to return home;

e.) A discussion of why the care and services provided to the child under the plan are appropriate.

B. CASE REVIEW. The Tribe, through its designated agents, will maintain a case review system which will ensure that:

a.) The status of each child will be reviewed no less frequently than once every six months, through either judicial or administrative review.

b.) The periodic review will determine whether the placement is still necessary and appropriate, determine whether the case plan has been complied with, determine the progress made toward

eliminating the need for foster care, and project a likely date by which the child will either be returned home or placed for adoption or legal guardianship.

c.) If the administrative review method is used, it must be open to the child's parents, and be conducted by a panel of appropriate persons, at least one of whom is not responsible for case management or services for the child or the parents.

d.) A dispositional hearing must be held in Tribal Court, or an administrative agency designated by the Court, at least every eighteen months after the original placement. At the dispositional hearing, the Tribal Court or agency will determine whether the child should:

- be returned to the parent(s) or
- be continued in foster care for a specified period; or
- be placed for adoption; or
- because of the child's special needs or circumstances, be continued in foster care on a permanent or long term basis.

3. The Tribe will apply appropriate procedural safeguards with respect to:

a.) Parental rights pertaining to removal of the child from his or her home.

b.) A change in the child's placement.

c.) Any determination affecting visitation privileges of parents.

4. The Tribe, through its designated agents, will comply with the Indian Child Welfare Act, its implementing regulations, and all laws of the Standing Rock Sioux Tribe, which are consistent with the terms of this agreement.

5. The Department will conduct periodic evaluations of the Tribe's implementation of the terms of this agreement, solely for the purpose of determining whether the federal standards pertaining to foster care are being complied with, and in a manner that does not interfere with the Tribe's orderly administration of foster care placement for Indian children on the Reservation.

6. The Department will make foster care maintenance payments to AFDC-eligible Indian foster children in placement on the Reservation in accordance with the terms of this agreement.

7. The Department will provide a fair hearing for any individual whose claim for foster care maintenance payments is denied or is not acted upon with reasonable promptness.


8. This agreement may be terminated by either party without cause by giving sixty days written notice, delivered by mail or in person to the other party to the agreement.

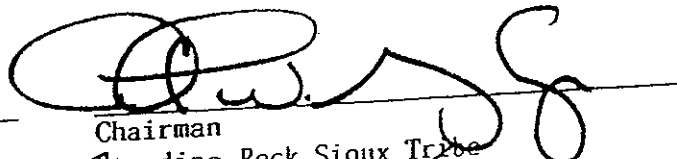
9. In the event of a substantial breach of the agreement, either party may terminate the agreement by written notice to the other party, notice to be provided in the manner specified in Paragraph 8. Such notice shall specify the breach, and the party to whom notice is given shall have 30 days from the date of receipt of the notice to cure the breach. If the breach is not cured, termination shall become effective on the 31st day following receipt of notice, or such later date specified in the notice.

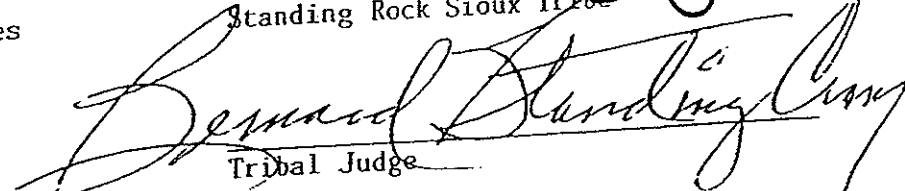
10. The Tribe and the Department agree to cooperate to the utmost in carrying out the intent and purpose of this agreement.

This agreement shall remain in effect unless terminated as set forth in Paragraphs 8 and 9 or modified by the agreement of the parties.

Dated this 25th day of October, 1983


Executive Director
ND Department of Human Services

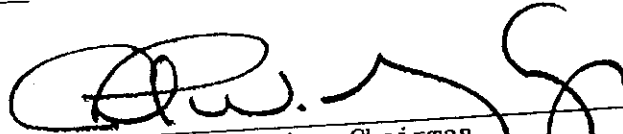

Chairman
Standing Rock Sioux Tribe


Tribal Judge

CERTIFICATION


We, the undersigned, Chairman and Secretary of the Tribal Council of the Standing Rock Sioux Tribe, hereby certify that the Tribal Council is composed of 15 members of whom 14, constituting a quorum, were present at a meeting thereof, duly and regularly called, noticed, convened, and held on the 25th day of October, 1983, that the foregoing resolution was duly adopted by the affirmative vote of 11 members, with 0 opposing, and with 3 not voting. The Chairman's vote is not required except in case of a tie.

Dated this 25th day of October, 1983.



Charles W. Murphy, Chairman
Standing Rock Sioux Tribal Council

ATTEST:


Elaine Brave Bull, Secretary
Standing Rock Sioux Tribal Council

(OFFICIAL SEAL)

ADDENDUM TO
TRIBAL - STATE FOSTER CARE AGREEMENT
BETWEEN THE
STANDING ROCK SIOUX TRIBAL COUNCIL
AND THE
NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES

WHEREAS, the Standing Rock Sioux Tribal Council and the North Dakota Department of Human Services entered into a Title IV-E Foster Care Agreement on October 25, 1983 which is still in effect; and

WHEREAS, the Agreement recognized the sovereignty of the Standing Rock Sioux Tribe to make placement and care decisions concerning children in foster care under its jurisdiction; and

WHEREAS, an agreement is necessary specifying that the Tribe will follow Federal Title IV-E law and regulations in order for the Tribe to access federal reimbursement for Title IV-E related expenditures; and

WHEREAS, federal law and regulations as specified in the current Agreement have changed since the Agreement was signed and there is a need to reflect these changes in the Agreement in order to maximize federal reimbursement to the Tribe and the Department.

THEREFORE, the Council, Court and Department agree to the following addendum to the current Agreement.

FEDERAL LAW, REGULATIONS AND POLICY

The Tribe shall follow all Title IV-E laws, regulations and policies when utilizing IV-E funding. The Department shall make Title IV-E federal reimbursement funds available to the Tribe for allowable administration and training expenditures incurred by the Tribe. These dollars shall go directly to Tribal Social Services for child welfare programming.

MAINTENANCE PAYMENTS

The Department shall be responsible for providing the non-federal share of the foster care and subsidized adoption maintenance payments for all Title IV-E eligible children.

TITLE IV-E ELIGIBILITY DETERMINATION

The Department, through the Sioux County Social Service Board shall be responsible for determining eligibility for Title IV-E. The Tribe shall provide eligibility related information to the County to assist the County in determining Title IV-E eligibility.

TRIBAL COURT ORDERS

The Tribal Court shall include all necessary language in Tribal Court orders that are required for Title IV-E eligibility purposes.

REIMBURSEMENT FOR TRIBE INCURRED ADMINISTRATION COSTS

The Department shall pass through Title IV-E reimbursement for Tribal incurred administration costs in accordance with federal regulations and the Department and State Children's Service Coordinating Committee Agreement.

The following are examples of allowable administration costs as specified in 45 CFR 1356.60 (c):

- (i) Referral to services;
- (ii) Preparation for and participation in judicial determinations;
- (iii) Placement of the child;
- (iv) Development of the case plan;
- (v) Case reviews;
- (vi) Case management and supervision;
- (vii) Recruitment and licensing studies on foster homes;
- (viii) Rate setting;
- (ix) A proportionate share of related agency overhead; and
- (x) Costs related to data collection and reporting

The Tribe's administration costs shall be cost allocated based on Tribal Random Moment Time Study in accordance with the federally approved Department Cost Allocation Plan.

The allowable administration cost will be further cost allocated based on:

- * The percentage (%) Native American children in foster care or subsidized adoption in Tribal custody on the reservation that are Title IV-E eligible times (X) 50% (Federal Financial Participation for administration) or
- * The percentage (%) of all children statewide who are in the Departments foster care or subsidized adoption universe that are Title IV-E eligible times (X) 50% (Federal Financial Participation for administration).

REIMBURSEMENT FOR TRIBE INCURRED TRAINING COSTS

The Department shall pass through Title IV-E reimbursement for Tribal incurred training costs in accordance with 45 CFR 1356.60 (b). These dollars shall be used for the delivery of child welfare training.

Title IV-E reimbursement is available for the costs of long and short term training of child welfare personnel employed by or preparing for employment by Standing Rock Sioux Tribal Social Services. In addition, current or prospective foster or adoptive parents shall be eligible for short-term training (including travel and per diem expenses).

All training activities and costs reimbursed under Title IV-E shall be included in the Department's and Tribe's Title IV-B, "Child Welfare Services Plan" and have prior approval of the Department's Children and Family Services Division.

The allowable training costs incurred by the Tribe will be cost allocated based on:

- * The percentage of Native American children in foster care or subsidized adoption in Tribal custody on the reservation that are Title IV-E eligible times (X) 75% (Federal Financial Participation for training) or
- * The percentage of all children statewide in the Department's foster care or subsidized adoption universe that are Title IV-E eligible times (X) 75% (Federal Financial Participation for training).

PROCESS FOR CLAIMING REIMBURSEMENT

Reimbursement for administration and training expenses shall be made on a monthly basis and is limited to those expenses that are made with funds that are eligible to be matched with Title IV-E.

Administration reimbursement shall be made through the Standing Rock Sioux Tribe Tribal Children's Service Coordinating Committee.

To receive the training reimbursement on a timely basis, the Tribe shall certify its

itemized expenses to the Department's Children and Family Services Division by the 15th day of the month following the quarter for which the claim is being made. The Department shall apply the appropriate federal reimbursement formula, claim the federal reimbursement and pass it through to the Tribe.

MEDICAID COVERAGE FOR CHILDREN IN FOSTER CARE OR SUBSIDIZED ADOPTION

All children who are Title IV-E eligible for foster care and all children (including IV-E and 638) receiving subsidized adoption are categorically eligible for Medicaid (Title XIX). The Tribe is responsible for assuring that application is made with the appropriate County Social Service Office.

LICENSING FOSTER CARE HOMES AND FACILITIES

Title IV-E reimbursed maintenance payments may only be made to licensed or approved foster homes or facilities. The Department does not have the jurisdiction to license such homes or facilities on the reservation.

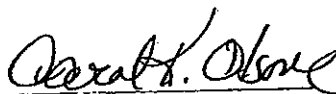
The Department shall recognize the licensure by the Tribe of any foster home or facility on the reservation. The Tribe may establish its own licensing standards by Tribal Resolution for foster homes and/or facilities. If the Tribe does not have its own licensing standards, they must follow the standards adopted by the Department in order for Title IV-E maintenance payments to be made.

Dated: Feb. 1, 2001

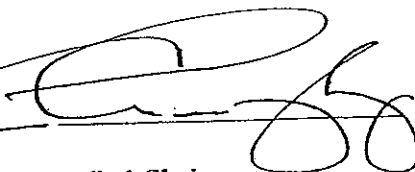
North Dakota Department
of Human Services

Standing Rock Sioux Tribe

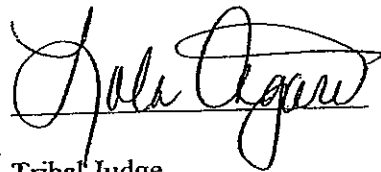
Standing Rock Sioux Tribes
Tribal Court



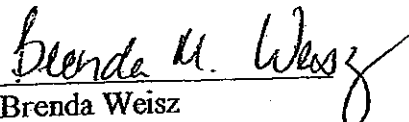
Carol K. Olson
Executive Director



Tribal Chairman



Tribal Judge



Brenda Weisz
Director of Fiscal Administration

ADDENDUM #2 TO
TRIBAL – STATE FOSTER CARE AGREEMENT
BETWEEN THE
STANDING ROCK SIOUX TRIBAL COUNCIL
AND THE
NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES

WHEREAS, the Standing Rock Sioux Tribal Council and the North Dakota Department of Human Services entered into a Title IV-E Foster Care Agreement on October 25, 1983 which is still in effect; and

WHEREAS, the Agreement recognized the sovereignty of the Standing Rock Sioux Tribe to make placement and care decisions concerning children in foster care under its jurisdiction; and

WHEREAS, an agreement is necessary specifying that the Tribe will follow Federal Title IV-E law and regulations in order for the Tribe to access federal reimbursement for Title IV-E related expenditures; and

WHEREAS, federal law and regulations as specified in the current Agreement have changed since the Agreement was signed and there is a need to reflect these changes in the Agreement in order to maximize federal reimbursement to the Tribe and the Department

THEREFORE, the Council, Court and Department agree to the following addendum to the current Agreement:

FEDERAL LAW, REGULATIONS AND POLICY

The Tribe shall follow all Title IV-E laws, regulations and policies. The Department shall make Title IV-E federal reimbursement funds available to the Tribe for allowable administration and training expenditures incurred by the Tribe.

MAINTENANCE PAYMENTS

The Department shall be responsible for providing the non-federal share of the foster care and subsidized adoption maintenance payments for all Title IV-E eligible children.

TITLE IV-E ELIGIBILITY DETERMINATION

The Department, through the Sioux County Social Service Board shall be responsible for determining eligibility for Title IV-E. The Tribe shall provide eligibility related information to the County to assist the County in determining Title IV-E eligibility.

TRIBAL COURT ORDERS

The Tribal Court shall include all necessary language in Tribal Court orders that are required for Title IV-E eligibility purposes. In addition, the Tribal Court shall order parents whose child has been removed by order of the tribal court to cooperate with all Tribal, Department and County agencies in providing requested medical and financial information.

REIMBURSEMENT FOR TRIBE INCURRED ADMINISTRATION COSTS

The Department shall pass through Title IV-E reimbursement for Tribal incurred administration costs in accordance with federal regulations and Department policies and procedures.

The following are examples of allowable administration costs as specified in 45 CFR 1356.60 (c):

- (i) Referral to services;
- (ii) Preparation for and participation in judicial determinations;
- (iii) Placement of the child;
- (iv) Development of the case plan;
- (v) Case reviews;
- (vi) Case management and supervision;
- (vii) Recruitment and licensing studies of foster homes;
- (viii) Rate setting;
- (ix) A proportionate share of related agency overhead; and
- (x) Costs related to data collection and reporting

The Tribe's administration costs shall be cost allocated based on a Tribal Social Service Time Study in accordance with the federally approved Department Cost Allocation Plan.

The allowable administration costs will be further cost allocated based on:

- The percentage (%) Native American children in foster care or subsidized adoption in Tribal custody on the reservation that are Title IV-E eligible times (X) 50% (Federal Financial Participation for administration) or

- The percentage (%) of all children statewide who are in the Departments foster care or subsidized adoption universe that are Title IV-E eligible times (X) 50% (Federal Financial Participation for administration).

REIMBURSEMENT FOR TRIBE INCURRED TRAINING COSTS

The Department shall pass through Title IV-E reimbursement for Tribal incurred training costs in accordance with 45 CFR 1356.60 (b).

Title IV-E reimbursement is available for the costs of long and short term training of child welfare personnel employed by or preparing for employment by Standing Rock Sioux Tribal Social Services. In addition, current or prospective foster or adoptive parents shall be eligible for short-term training (including travel and per diem expenses).

All training activities and costs reimbursed under Title IV-E shall be included in the Department's and Tribe's Title IV-B, "Child Welfare Services Plan" and have prior assurance from the Department's Children and Family Service Division that the training is IV-E reimbursable.

The allowable training costs incurred by the Tribe will be cost allocated based on:

- The percentage of Native American children in foster care or subsidized adoption in Tribal custody on the reservation that are Title IV-E eligible times (X) 75% (Federal Financial Participation for training) or
- The percentage of all children statewide in the Department's foster care or subsidized adoption universe that are Title IV-E eligible times (X) 75% (Federal Financial Participation for training).

PROCESS FOR CLAIMING REIMBURSEMENT

Reimbursement for administration and training expenses shall be made on a quarterly basis and is limited to those expenses that are made with funds that are eligible to be matched with Title IV-E.

To receive the training reimbursement on a timely basis, the Tribe shall certify its itemized expenses to the Department's Children and Family Services Division, on a form provided by the Division, by the 15th day of the month following the quarter for which the claim is being made. The Department shall apply the appropriate federal reimbursement formula, claim the federal reimbursement and pass it through to the Tribe.

MEDICAID COVERAGE FOR CHILDREN IN FOSTER CARE OR SUBSIDIZED ADOPTION

All children who are Title IV-E eligible for foster care and all children (including IV-E and 638) receiving subsidized adoption are categorically eligible for Medicaid (Title XIX). The Tribe is responsible for assuring that application is made with the appropriate County Social Service Office.

Children who are in foster care under a Tribal Court Order who are not eligible for Title IV-E may be eligible for Medicaid based on the child's legal status, income and resources. The Tribe is responsible for assuring that application is made with the appropriate County Social Service Office.

LICENSING FOSTER CARE HOMES AND FACILITIES

Title IV-E reimbursed maintenance payments may only be made to licensed or approved foster homes or facilities. The Department does not have the jurisdiction to license such homes or facilities on the reservation.

The Department shall recognize the licensure by the Tribe of any foster home or facility on the reservation in accordance with the Adoption and Safe Families Act. The Tribe may establish its own licensing standards by Tribal Resolution for foster homes and/or facilities. If the Tribe does not have its own licensing standards, they must follow the standards adopted by the Department in order for Title IV-E maintenance payments to be made.

Dated: May 28, 2003

North Dakota Department
of Human Services

Carol K. Olson
Carol K. Olson
Executive Director

Brenda Weisz
Brenda Weisz
Chief Financial Officer

Standing Rock Sioux Tribe

[Signature]
Tribal Chairman