

RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION

- WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and authority under said Act; and
- WHEREAS, An integral part of the Child Welfare Program is the placement of children in foster homes; and
- WHEREAS, Moneys are needed to reimburse foster parents for the expenses in caring for foster children; and
- WHEREAS, There is a federal foster care aid program which pays for the expenses incurred by foster parents; and
- WHEREAS, The federal foster care aid monies are paid through the state; and
- WHEREAS, Federal regulations require the state either to enter into an agreement with the Three Affiliated Tribes turning over all placement responsibilities to the Three Affiliated Tribes or in the Tribal Court orders there must be a sharing of placement responsibilities and authority between the Three Affiliated Tribes and the County Social Service Boards; and
- WHEREAS, An agreement pursuant to 45 CFR Section 233.110 will give the Three Affiliated Tribes control over the placement of their children.

NOW THEREFORE, BE IT RESOLVED that the Tribal Business Council hereby agrees to enter into an agreement with the State Social Service Board for foster care benefits pursuant to 45 CFR Section 233.110.

C E R T I F I C A T I O N

The undersigned hereby certifies that the foregoing resolution was approved at a meeting of the Tribal Business Council duly noticed and convened with a proper quorum on the 27 day of March, 1980, by a vote of 7 in favor and 0 against.


Tillie Walker, Secretary

ATTEST:


Austin Gillette, Chairman

See 321-25

AGREEMENT

WHEREAS, ^{Council} the Social Service Board of North Dakota (hereinafter, Board) and the Tribal Court of the Fort Berthold Indian Reservation (hereinafter, the Court) continue to be concerned that proper supervision be exercised over children placed in foster care in which both Board and the Court have an interest and that appropriate periodic services and services on an as-needed basis be provided to such children; and

WHEREAS, in the past Board and the Court have agreed on the development of an appropriate service plan for children in foster care, the former through its county administrative units and the latter through its social services component, to assure that necessary services were provided to such foster children so as to assure that the relevant provisions of 45 CFR 233.110 (2) and (3) are met and to assure that such services were not duplicated when placement and care responsibility for such children was given to the Court and its social services component; and

WHEREAS, Board and the Court are desirous of formalizing such arrangements so as to assure that such legally mandated services and other necessary services are provided to such children pursuant to a child care plan in each instance which assures that the best interests of such children remain of paramount importance;

WHEREFORE, Board and the Court agree as follows:

1. That the Court will continue to exercise its jurisdiction of its placement and care responsibilities for all appropriate children and will designate the services provider which, by order of the court and in accordance with this agreement, will undertake and continue to provide services in compliance with 45 CFR Section 220.19 and 233.110 for such children; including, but not limited to, the development of a plan for each child so that; a) he will be placed in a foster family home, group home, or child care institution in accordance with his needs; b) his need for and the appropriateness of his care and services in such placement will be reviewed not less frequently than every six months; c) services will be provided to improve the conditions in the home from which he was removed or to make possible his placement in the home of another relative;
2. That the Court agrees to continue to permit Board to monitor the placement of such children, the services plan developed for such children and the provision of services for such children to assure the best interests of the child are served thereby;
3. That Board and the Court agree to continue to cooperate to the utmost in carrying out the intent and purport of this agreement.

Dated this _____ day of _____, 19_____.

 (Signature)

NAME _____

TITLE _____

AGENCY _____

 (Signature)

T. N. Tangedahl

Executive Director

Social Service Board of North Dakota

§ 233.110 AFDC foster care.

(a) *State plan requirements.* A State plan under title IV-A of the Social Security Act must:

(1) Provide that aid will be given in the form of foster care for each otherwise eligible child:

(i) Who was removed after April 30, 1961, from the home of a relative specified in the AFDC plan, as a result of a judicial determination that continuance in the home of the relative would be contrary to his welfare, for any reason, and who has been placed in foster care as a result of such determination; and

(ii) (a) Who, in or for the month in which that court action was initiated, was receiving AFDC, or would have received AFDC if application had been made, or

(b) Who lived with a relative specified in the AFDC plan within 6 months prior to the month in which that court action was initiated, and who would have received AFDC in or for such month if in such month he had been living with (and removed from the home of) such a relative and application had been made for him; and

(iii) Whose placement and care are the responsibility of the State agency administering or supervising the administration of the AFDC plan, or, if the State so elects, are the responsibility of any other public agency, or type or types of public agencies specified in the plan, with whom the State agency has a currently effective agreement that provides for development of a plan satisfactory to the State agency for AFDC-FC children in accordance with subparagraph (2) of this paragraph and that contains other provisions necessary to achieve the objectives of the State's AFDC plan.

(2) Provide for development of a plan for each child described in subparagraph (1) of this paragraph, so that:

(i) He will be placed in a foster family home or a child care institution in accordance with his needs;

(ii) His need for and the appropriateness of his care and services in such placement will be reviewed not less frequently than every 6 months;

(iii) Services will be provided to improve the conditions in the home from which he was removed or to make possible his placement in the home of another relative under the State's AFDC plan. (See § 220.19 of this chapter.)

(3) Provide that maximum use will be made of the services of employees of the State public welfare agency responsible for the plan for child-welfare services under title IV-B of the Act or of any local agency participating in the administration of such plan.

(4) Specify:

(i) In what types of child care institutions (private nonprofit, or public, or both), in addition to foster family homes, placement will be made; and

(ii) Whether payments will be made to foster homes and institutions only or also to other agencies.

(5) Provide that there will be specific criteria for determining the amount of payment for foster care in foster family homes and in child care institutions. In establishing rates of payment to institutions, only those items included for care in foster family homes will be included, and overhead costs of the institution will be excluded.

Under the requirements of this paragraph, provision must be made for both foster family care and institutional care in accordance with the individual child's needs; public institutions may be used, without Federal financial participation, to discharge the institutional obligation in whole or in part; and the use of institutions outside the State will also meet the requirement for the provision of institutional care.

(b) *Federal financial participation.*

(1) Federal financial participation is available, effective January 1, 1968, in AFDC-FC payments not to exceed an average of \$100 per month per recipient, made on behalf of children as specified in section 408 of the Social Security Act, who are included in the approved State AFDC plan and who are placed in a foster family home, or nonprofit private child-care institution, licensed or approved by the agency which is responsible for licensing or approval of such facilities in the State where it is situated. The maximum of \$100 average per month per recipient may be disregarded when the State claims Federal funds under the provisions of section 1118 of the Act.

(2) Federal financial participation is available in AFDC-FC payments made to an individual providing care in a foster family home, to a private nonprofit child care institution, or to a cooperating public or nonprofit private child placement or child-care agency.