

**Yurok Tribe Indian Child Welfare Services
Policies and Procedures Manual**

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CHAPTER 1- Purpose, overview, Authorities, and Administration

A. Introduction-

Yurok people, like many other Tribal people of Northwestern California are in a period recovery from the devastating effects of colonization – dispossession of land, resources, and culture. This has resulted in unresolved grief and intergenerational trauma, contributing to an array of social issues including high poverty rates, high unemployment, low educational achievement, homelessness, high rates of substance abuse, disproportionate child welfare involvement, and high incidences of domestic violence and sexual assault; many of which go unreported. The Yurok Tribe is prioritizing the needs of children and the community based on principles of prevention and the restoration of traditional systems of care as the main agents of change in the community. A lack of support systems and cultural responsive services for young parents and children, especially those suffering from mental illness, substance abuse and violence, feeds the cycle of oppression and furthers intergenerational trauma. It is imperative that Yurok children are taught traditional core Yurok values in order to be successful in both worlds and protect Yurok existence. Our children are the key to stopping the cycle of intergenerational trauma and must be cared for in the most sacred and protective manner.

Many Yurok children are overrepresented in child welfare systems and suffer high rates of abuse and neglect. Many Yurok children are placed in out of home care due to neglect related to substance abuse, domestic violence, and sexual abuse. Yurok children are removed and placed in non-native homes at extremely high rates in the state child welfare system. Often immediate family are unwilling, unable, or are unapprovable for placement.

It is imperative to change the current reality of generational cycles of abuse and neglect the Yurok Tribe must operate and take jurisdiction of our own child welfare matters. This requires the Tribe to develop laws (codes), policies and procedures, funding plans, and infrastructure to support a child welfare system. The systems will consist of Tribal court, Social Services and other departments. The Tribe must also have a system that is able to fund foster care, adoption, and guardianship payments and services. Funding through the federal government Administration of Children and Family Children Bureau is available to assist with a portion of reimbursement for placement payments (foster care, adoption, and guardianship), administration/staffing costs, and training costs. The purpose of this handbook to guide the Yurok Social Services staff on policies and procedures with the work they do with families involved and is to be used in collaboration with the Yurok Children's Code (law). Additionally this handbook also includes provisions to meet Federal requirements to meet Title IV-E requirements. The handbook, Yurok Children's Code, and attachments are used to meet Title IV-E pre-print requirements. For more information on Title IV-E see <http://www.acf.hhs.gov/programs/cb/resource/title-ive-foster-care> .

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B. HISTORICAL & CULTURAL CONTEXT

“Our social and ecological balance, thousands and thousands of years old, was shattered by the invasion of the non-Indians. We lost three-fourths or more of our people through unprovoked massacres by vigilantes and the intrusion of fatal European diseases. The introduction of alcohol weakened our social structure, as did the forced removal of our children to government boarding schools, where many were beaten, punished for speaking their language, and denied the right to practice their cultural heritage.” (The Preamble to the Yurok Constitution). Although the era of removal and placement in government boarding schools has passed, a new and more pervasive means of taking our children from us and furthering the breakdown of Yurok culture and spiritual beliefs has arisen. Judicial systems introduced to our culture by non-Indians seek to impose foreign standards of child rearing unknown to the Yurok people and our way of life. Traditionally, a child of the Yurok Tribe was raised collectively by the entire village. Participation in Yurok culture and ceremonial life was a person’s duty and responsibility. The foreign values imposed upon us by an outside system fail to honor and respect our duties and responsibilities.

Yurok villages were family based, and our social policies were reinforced internally from before birth. Yurok had laws for behavior and social relations, and the consequences for violating these laws were steadfast and implemented communally. Some laws regarding property rights or marriage were highly complex and involved multiple levels of jurisdiction/enforcement, but others were simple: e.g. if one was caught stealing, he had to return what was stolen and pay a fine to the injured party (Kroeber, Spott). If he/she didn’t pay, an individual or his or her family might be forced into indentured servitude, or ultimately be ostracized from their own village/family, and the repercussions could last generations. This may sound extreme, but these laws are often still upheld informally. The reason they work is because the whole family, village, or even multiple villages were invested in the process, and because it was so complete, values built on the foundation of these laws had to be reinforced and internalized.

The core values represented by these laws are reverence for all things living and a firm belief in the reciprocal effects of our actions. Yurok believe that wealth, good fortune and difficulty are directly related to one’s actions, attitude, and spiritual path, so incentive to behave respectfully was built into daily life and spiritual teaching. Genocide and the taking of our land and children have significantly disrupted and impacted the health and culture of Yurok people. Yurok children were forcibly removed from their family and community to boarding schools, non-Indian foster and adoptive homes, and other institutions that harmed them with the goal of assimilation. Yurok families experienced devastating and traumatic pasts through government sponsored genocide and assimilation practices. As a result of repeated traumatic events, devastating impacts on health and wellness of Yurok families occurred and continue to impact Yurok families. The effects of unresolved trauma are passed through generations resulting in unresolved grief and multigenerational trauma. Over time,

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these experiences become normalized and resulted in unresolved grief and normalization of trauma coping mechanisms. Although many traditional practices and land were lost, thankfully many traditions and core values are still alive.

Those who engage in dangerous and disrespectful behavior usually demonstrate reverence when in attendance at ceremonial or community events. This brings to light the powerful effect of community enforcement of our core values. The problem is that the influence of our cultural values has very limited reach because so few have incorporated these values into their daily lives due to forced assimilation and acceptance of American values – and its influence is all but absent in schools and our criminal justice or rehabilitation facilities.

Our cultural values arise from our experiences and the balance of our inherent desires to please ourselves, others, or to change the world. The most important function/role of the of the Yurok child welfare program, Tribal Court, and public safety are that they will mimic the traditional village lifestyle when the whole family came together to raise a child. The departments will create a system that will work together with families to assess the needs, strengths, and desires of young tribal members and families in the Yurok Tribe's service area.

The Yurok Constitution was adopted to: "Preserve forever the survival of our tribe and protect it from forces which may threaten its existence...Uphold and protect our tribal sovereignty which has existed from time immemorial and which remains undiminished... Preserve and promote our culture, language, and religious beliefs and practices, and pass them on to our children, our grandchildren, and to their children and grandchildren on, forever. Provide for the health, education, economy, and social well-being of our members and future members..." By adopting a Yurok Children's Code and the development of policies and procedures, we clearly express our sovereign right and responsibility to protect future generations and hereby affirm the Tribe's intent to handle all matters of child welfare internally and according to Yurok culture, tradition, and family values.

The Yurok Tribal Constitution outlines ten goals of the tribal government. Three of the ten goals directly reflect the responsibility of the government and Yurok Social Services Department (YSS) relating to the welfare of Yurok children:

GOAL 4) Preserve and promote our culture, language, and religious beliefs and practices, and pass them on to our children, our grandchildren, and to their children and grandchildren on, forever;

GOAL 5) Provide for the health, education, economy, and social wellbeing of our members and future members;

GOAL 7) Insure peace, harmony, and protection of individual human rights among our members and among others who may come within the jurisdiction of our tribal

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government.

C. GENERAL DESCRIPTION/Overview

Our Yurok people are on a cultural continuum of little or no knowledge or participation in our traditional ceremonies or customs. On the other end of the continuum are some families having a lot of participation and knowledge of our traditional ceremonies and practices. The Yurok tribe Social Services Department (YSS) believes that you can't effectively treat the present issues without addressing the past. If we address the past and present it is our belief that our children will have a better chance and opportunity to live without intergenerational grief in the future and will be able to successfully ensure the survival of our people, language, and culture. The Yurok Tribe believes the safety and healthy development of all Yurok children is critical to the continuing strength of the Tribe and the preservation of the culture and life ways of our ancestors. We believe that strong, stable, and healthy Yurok families are the best role models for the development of our children.

The Yurok Tribe is committed to providing program and services, based in traditional/cultural Yurok family values, which foster positive growth of our children and families. Yurok Social Services (YSS) is committed to working towards the prevention of the break up Indian families and ensuring that children in its care are: protected from abuse and neglect; maintained safely in their homes whenever possible and appropriate; are cared for according Yurok cultural child rearing practices, taught core Yurok values and cultural practices and protected from repeated maltreatment whether they are under the care of their families or placed in substitute care. Children are best cared for in the home of their parents and extended family. When home life is unsafe, the Yurok Tribal government must get involved in order to uphold constitutional responsibilities and cultural values.

The Yurok Tribal Council has delegated certain authorities and responsibilities to the Social Services Department (YSS). For purposes of this manual, these policies serve as the day to day guideline as a basis to provide Indian Child Welfare (ICW) services. The Yurok Tribe believes that the immediate and extended family as well as community holds the responsibility to care for Yurok children. YSS has the overall authority and responsibility to protect Tribal children through legal guidelines as described in the children's code, Federal, State and other standards to assist with funding requirements and carry out designated responsibilities.

In child welfare matters, it shall be the policy of the Yurok Tribe to protect the best interests of Yurok Tribal (designated as 'Tribal') children by:

1. preventing the unwarranted breakup of Tribal families
2. maintaining the connection of Tribal children to their families, the Tribe, and the Tribal community, when appropriate
3. promoting the stability and security of the Tribe by establishing Tribal standards

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for appropriately handling situations involving youth in need of care, ensuring cultural engagement, and other proceedings involving Tribal children. Ensuring the continuance of cultural practices and values by providing the opportunity for children to learn and participate in their distinct culture, Yurok language, traditional values and practice, and to become productive adult members of the Yurok Tribal community. Tribal children must have a meaningful opportunity to participate in their culture. Children are viewed as the key to the future and are to be cared for in a respectful, nurturing, protective, healthy environment. Keeping children connected and involved in the Yurok Culture and language will insure the survival of Yurok people, land, Tribal sovereignty and resources.

It is YSS responsibility to encourage, guide, assist, and compel if necessary, parents, guardians, or custodians of a Tribal child to provide a safe and nurturing environment for the child. Snow bird story or buzzard

Ensure children reside in an adequate physical and emotional environment that will protect and promote the health, safety, and development of all Tribal children.

II. AUTHORITY

A. Yurok Tribe-

The Yurok Tribe is the largest Tribe in California and is a Federally recognized Tribe with recognition granted on 1993. Yurok Tribe Constitution – Attachment #

B. Yurok Tribal Council- is an elected body The Yurok Tribal Council shall consist of: nine (9) members: a Tribal Chairperson, a Vice Chairperson and seven (7) Council Members. The Chairperson and the Vice Chairperson shall be elected at large by the eligible voters of the Tribe. The other seven (7) Council Members shall be elected by Districts, with the eligible voters in each of the seven (7) Districts electing one Council member to represent the District.

C. The Yurok Children's Code is law governing child welfare of Yurok Children. The code is the law that authorizes court procedures and the law of substitute Care (foster care), out of home care, guardianship, and adoption. The Children's code was first approved on. The second draft was approved on. See attachment #

D. Yurok Tribal Court- The Yurok Tribal Court was initially established as a CFR Court in 1974 and served the Hoopa Indian Reservation including the land of the Yuroks. The CFR Court operated under CFR 25 Part 11, was limited to special fishing offenses and BIA auspices until the year 1993. The Yurok Tribe after formal organization under the Yurok Constitution took over the CFR contract for the Court and the disposition of fishing cases. The Yurok Tribal Court now hears family law and other civil cases as authorized by Tribal Codes.

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The Yurok Tribal Court was still under the jurisdiction of CFR 25 Part 11 until the adoption of the Yurok Tribe Judicial Branch Ordinance in 1996 and the institution of the Tribe Fishing Ordinance in 1996. At that time, measures were taken to cease operation of the Court under CFR 25 and transfer jurisdiction to the Tribe under its Constitution and ordinances.

- E. Jurisdiction-The Constitution of the Yurok Tribe adopted November 24, 1993 establishes jurisdiction in Section 3 as “The jurisdiction of the Yurok Tribe extends to all of its members wherever located, to all persons throughout its territory, over all lands, waters, riverbeds, submerged lands, properties, air space, minerals, fish forests, wildlife, and other resources, and any interest therein now or in the future.” Pursuant to the Constitution the Tribal Council enacted the Children’s Code referenced here in on January 31, 2008.
- F. Services Area & Population- The Tribally designated Service area for programs and services as agreed upon with the BIA is the Humboldt and Del Norte Counties. For purposes of Title IV-E foster care, guardianship, and adoptions the service area is Del Norte County. The population is for Title IV-E purposes are Yurok enrolled children or children Eligible for enrollment. For Phase II (years 3-5 after implementation) the Yurok Title IV-E Service area will include Humboldt County.
- G. Designated Agency for Yurok Child Welfare Services

The Tribal Council designates Yurok Social Services (YSS) as the Agency responsible to administer the Yurok Child Welfare program including Title IV-E under the Social Security Act (See Resolution I, Attachment #.). The Tribal Council also designates YSS as the Agency that administers or supervises the administration of the State/Tribal Child Welfare Services Plan under subpart 1 of title IV-B of the Act. YSS will maintain at all times, and make available upon request, an organizational chart of the Agency and a description of the functions of each of its organizational units as they relate to the administration or the supervision of Title IV-E foster care maintenance, adoption assistance, and guardianship assistance programs.

YSS sets among its highest priorities that children have safety, love, and stability in their living situations; continuity of family relationships; contact and participation in Yurok culture, ceremonial life and language; and that on-going connections to siblings, family, friends, and the Tribal community are preserved.

III. YSS Agency Structure, Functions, and Agency-Wide Administrative Provisions

A. Program Administration

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TRIBAL AGENCY STRUCTURE AND FUNCTION

YSS has available upon request an organizational chart of the agency and a description of the functions of each of its organizational units as they relate to the administration or supervising the administration of the title IV-E foster care maintenance, adoption assistance, and (at IV-E agency option) guardianship assistance programs.

1. Setting and Reviewing Standards-
2. Budget, Audits, and Program Reviews-

INDEPENDENT AUDIT

YSS will arrange for a periodic and independently conducted audit, no less frequently than once every three years, of the titles IV-E and IV-B programs.

IN-KIND EXPENDITURES FROM THIRD-PARTY SOURCES.

For purposes of complying with section 479B(c), an Indian Tribe, Tribal organization or Tribal consortium shall provide a list of the in-kind expenditures and the third-party sources of such expenditures that the Tribe may claim as part of the non-Federal share of administrative or training expenditures attributable to fiscal year quarters beginning after September 30, 2009 and before October 1, 2014 consistent with 479B(c)(1)(D).

APPLICABILITY OF DEPARTMENT-WIDE REGULATIONS

The State/Tribal agency will comply with all of the requirements of applicable regulations

AVAILABILITY OF PLANS

Plans and amendments for titles IV-E and IV-B are made available by the State/Tribal agency for public review and inspection.

3. Reporting requirements- YSS makes reports in such form and containing such information on the title IV-E program as are required by the Secretary of the Department of Health and Human Services (HHS), and the State/Tribal agency will comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports.
4. Quality Assurance review- YSS has developed and implemented standards to ensure that children in foster care placements in public or private agencies are provided quality services that protect the safety and health of the children.

B. Personnel Administration

1. Hiring Practices (Merit Based)- The Yurok Tribe hires on merit and has established Hiring and Personnel policies and procedures. See attachment #
2. ICW Employee Standards/Expectations
 - a. Expectations
 - b. Mandatory reporting-
 - c. Training Requirements

IV. YUROK SOCIAL SERVICES AGENCY WIDE CHILD WELFARE PROVISIONS

A. Mission- MISSION

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The mission of the ICW Program is to assure that every Tribal child grows up in a safe, healthy and stable environment through honoring and respecting our culture and community.

B. Appeals/Fair Hearings- from P& P and pre print

C. Coordination of Programs and Services

Yurok Programs

COORDINATION WITH TITLES IV-A AND IV-B PROGRAMS

The title IV-E program is coordinated at the local level with the programs at the State/Tribal or local level assisted under titles IV-A, IV-B and XX of the Act and under all appropriate provisions of Federal law.

Child Support- YSS will take all appropriate steps, including cooperative efforts with State or Tribal agencies administering plans approved under Title IV-A , I and IV-D, to secure an assignment to the State or Tribe of any rights to support on behalf of each child receiving foster care maintenance payments under Title IV-E. The Yurok Tribe has a child support enforcement program and will work with the program to coordinate and refer cases. YSS will screen cases for appropriateness to refer to the Tribal Court Child Support Program. . Referrals will fill out an intake application. YSS will coordinate with the Yurok Child Support Services and ensure that referred parents fill out an application assigning rights to the tribe prior to IV-E payments are paid out to substitute caregivers.

The YSS ICW Program is a Title IV-E program. As such the requirements of 471(a)(1) through (27) and (29) through (31) are mandatory requirements applicable to the ICW Program.

1. State & County Programs
2. Other

The following policies and procedures describe the Yurok Social Services (YSS) child welfare program approach implemented pursuant to provisions of the Yurok Tribe Children's Code. The policies are congruent with Yurok cultural values and also include policies and procedures to meet funding requirements of the state and federal government. These policies and procedures shall be maintained by YSS in all Yurok Tribal political subdivisions and service areas. All local YSS offices will adhere to these policies and procedures.

REPORTING/MONITORING/PUBLIC AVAILABILITY

YSS makes reports in such form and containing such information on the Title IV-E program as are required by the Secretary of the Department of Health and Human Services (HHS) and the ICW Program will comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports.

The ICW Program monitors and conducts evaluations of activities carried out in the Title

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IV-E program. It will comply with all of the requirements of such regulations and other requirement of Federal law.

Plans and amendments for Titles IV-E and IV-B, as well as all statewide assessments, reports of findings and program improvement plans developed as a result of a full or partial child and family services review, are made available by the ICW Program for public review and inspection. The State/Tribal agency monitors and conducts evaluations of activities carried out in the title IV-E program.

NEGOTIATION WITH OTHER INDIAN TRIBES

The ICW Program will negotiate in good faith with any Indian tribe, tribal organization or tribal consortium that requests to develop an agreement with the ICW Program to administer all or part of the program on behalf of Indian children who are under the authority of such tribe or organization including foster care maintenance payments on behalf of children who are placed in State or tribally licensed foster family homes, adoption assistance payments, and, if the ICW Program has elected to provide such payments, kinship guardianship assistance payments under section 473(d), and tribal access to resources for administration, training, and data collection under Title IV-E.

IN-KIND EXPENDITURES FROM THIRD-PARTY SOURCES

For the purposes of complying with section 479B(c), the ICW Program shall provide a list of the in-kind expenditures and the third-party sources of such expenditures that the Tribe may claim as part of the non-Federal share of administrative or training expenditures attributable to fiscal year quarters beginning after 9/30/2009 and before 10/01/2014 consistent with 479B(c)(1)(D).

V. Staff Expectations

A. MANDATORY REPORTING

All YSS staff has a responsibility to protect children and report child abuse. If staff has reasonable cause to believe that someone is abusing or neglecting a child, the staff member shall make a report immediately to the County child welfare services and/or local law enforcement. If the child is in the care and custody of YSS a report must also be made to the intake/ER worker of YSS. The staff member making the report does not have to have proof that abuse has occurred before making a report in good faith. Reports are made to California or the appropriate law enforcement agency. Staff is required by California, federal, and Yurok Tribal law to report as a 'mandatory reporter. As a mandatory reporter, failure to report suspected abuse is a crime.

A mandatory reporter's identity is kept confidential unless the evidence is needed in court. The mandatory reporter is responsible for providing, as much as possible:

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- Identifying information about the child, such as; name, age, date of birth & address
 - A detailed description of the suspected or witnessed neglect or abuse. The reporter should tell what was seen or heard, dates, times, locations and names of other witnesses if possible

Once the report has been made to the appropriate resource, the obligation as a mandatory reporter has been met.

B. CONFLICTS OF INTEREST & DUAL RELATIONSHIPS

General Tribal employment conflicts of interest are contained in the YUROK personnel policies. For purposes of this policy, the following conflicts of interest are in addition to the YUROK personnel policies and are specific to the YSS ICW Program.

It is viewed that Tribal members provide for strength and as a resource. The Yurok Tribe promotes and has a Tribal member preference for employing staff members that are members of the Tribe, members of a Yurok household, or members of the community.

Service Conflicts

Direct or indirect case management services cannot be provided by an ICW staff member to any person who has a personal, family or other significant relationship with that client or client family. Examples may include:

- Case management
- supervising visitation
- Case decision making
- Court appearances

It is the obligation of the ICW staff member to immediately report a potential conflict of interest to their supervisor. The supervisor or other ICW Program official will render a decision regarding future involvement with the client.

Outside Staff Contacts with Children

YSS encourages and expects staff to be involved in community and cultural activities as well as develop close relationships with families. There will be circumstances where staff is called upon to provide a service to a child outside of normal protocol. In these circumstances, staff are expected, where possible, to notify a supervisor to inform them of the situation and to gain approval. When a supervisor is not reachable, staff is to use their best judgment in making their decision. Staff is expected to notify their supervisor the next business day of their

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action.

If staff is related to a child or the child's care provider, staff may be allowed under certain circumstances to act as a family member when providing for the child. Staff would proceed to provide care as a family member with no responsibility or authority regarding future decision making of that child. Staff will not be compensated for their care nor will they receive any benefits that otherwise would be available under other circumstances.

C. STAFF SAFETY

Every ICW Program staff member has the right to remain safe while performing their duties. Due to the nature of the work, there may be risks involved while carrying out these responsibilities. If any ICW staff believes there may be undue risks in performing their duties, they must communicate the risk to their supervisor who will collectively assist to develop a safety plan. Staff is expected to immediately contact law enforcement should they believe their safety or the safety of the child may be compromised.

A. PERSONNEL ADMINISTRATION

1. The YSS ICW Program has established and will maintain methods of personnel administration in conformity with standards for a Merit System of Personnel Administration as prescribed in 5 CFR 900 pursuant to section 208 of the Intergovernmental Personnel Act of 1970, as amended.

2. The YSS ICW Program is implementing an affirmative action plan to assure equal employment opportunity in all aspects of personnel administration as specified in 5 CFR 900. The plan provides for specific action steps and timetables to assure such equal opportunity and is available for review upon request.

B. SAFEGUARDING INFORMATION

1. Subject to section 471(c), the ICW Program has safeguards restricting the use of or disclosure of information concerning individuals assisted under this plan to purposes directly connected with:

a. the administration of the Title IV-E plan or any of the plans or programs under parts A, B, or D of Title IV or under Titles I, V, X, XIV, XVI, XIX or XX or the supplemental security income program under Title XVI; and

b. any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any such plan or program; and

c. the administration of any other Federal or federally assisted program which provides assistance (in-cash or in-kind) or services directly to individuals on the basis of need; and

d. any audit or similar activity conducted in connection with the administration of any such plan or program by any governmental agency authorized by law to conduct such

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audit or activity.

2. The safeguards provided will prohibit:

- a. the disclosure of information pursuant to 471(a)(9) to appropriate authorities with respect to known or suspected child abuse or neglect; and
- b. any committee or legislative body (other than an agency referred to in section 471(a)(8)(D) with respect to an activity referred to in such clause) of any information which identifies by name or address any applicant for or recipient of assistance under Title IV-E of the Act.

3. The ICW Program shall have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the ICW Program and to prevent any such information obtained pursuant to section 471(a)(20)(B) from being used for a purpose other than the conducting of background checks in foster and adoptive placement cases.

4. In the use of child welfare records in court proceedings, section 471(a)(8) of the Act shall not be construed to limit the flexibility of a State or Tribe in determining policies relating to public access to court proceedings to determine child abuse and neglect or other court hearings held pursuant to Title IV-B or Title IV-E of the Act, except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and family.

Staff Training Plan see Attachment

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I -Eligibility, Intake and Screening

A. ELIGIBILITY FOR ICW SERVICES

In order to be eligible to receive services from the Indian Child Welfare Program, the child must be an enrolled Yurok Tribal member, or eligible for enrollment as verified by the Enrollment department. A verification letter is required from the Enrollment department. If a child is determined not to be eligible for enrollment, staff will refer the caller to the appropriate resource, such as County Department of Health and Human Services, law enforcement, other Tribal child welfare Programs, etc. All calls are immediately reported on the 'Intake Log' for tracking purposes. The 'Intake Log' form is attached to this policy.

B. INTAKE AND SCREENING

The purpose of intake and screening is to screen all incoming reports of abuse and/or neglect and refer those families to the appropriate resource. If a child is eligible for ICW services, the Intake Specialist (IS) gathers information to determine the level of response based on information collected from the reporting individual. YSS will receive calls and reports of abuse and neglect primarily from the County Child Welfare agency or local law enforcement. As a secondary, YSS will take calls of abuse and neglect during business hours. Callers that call after business hours will be instructed to call the County child welfare hotline. At a minimum, the IS gathers the caller's name, phone number and report information. If there is not initial sufficient evidence to substantiate a concern of abuse and/or neglect, the Intake Specialist enters the data into the internal database system for recording as well as the 'Intake Log'. The IS may refer the caller to appropriate community resources.

The following forms are required to be completed by the Intake Specialist for every call that warrants further investigation as follows:

- Intake Form
- Reporter Information Form
- Specific Forms depending on type of abuse/neglect being reported as noted below:
 1. ABUSE-Physical
 2. ABUSE-Sexual
 3. ABUSE-Exposure to Drugs and Alcohol
 4. ABUSE-Exposure to Drugs and Alcohol (Pre-Natal)
 5. ABUSE-Domestic Violence
 6. ABUSE-Emotional
 7. NEGLECT-Home Environment
 8. NEGLECT-Supervision

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9. NEGLECT-Health and Medical
10. NEGLECT-Health and Medical (Suicide)
11. NEGLECT-Truancy
12. NEGLECT-Adequate Nutrition
13. NEGLECT-Clothing
14. NEGLECT-Failure to Access Resources
15. ABANDONMENT

C. TIMELINE TO RESPOND TO REPORTS OF ABUSE/NEGLECT

When the IS has reason to believe there is sufficient evidence of neglect/abuse based on the information provided by the caller and/or collateral information gathered from databases or other sources, the IS will evaluate if the situation requires one of the following:

1. Immediate response-reports in which the child is presently in danger and an assessment needs to be made immediately.
2. Intermediate response-reports in which the child may be in danger and may present a risk in which an assessment should be initiated within 1-2 days.
3. Timely response-reports in which the danger is not presently posing a risk to the child, however, an assessment should be initiated within 5-7 days.

If an *immediate* response is required, the IS is to contact the County Child Welfare Services and the ICW Intake/ER Worker and determine if he/she is available to respond. If available, the IS will provide the internal Intake/ER Worker with as much information as possible. If unavailable, the IS contacts the ICW Supervisor for further direction.

The County Child Welfare Services and/or local law enforcement will be contacted immediately on all reports received. The assigned ICW Intake worker will go out the county representative to assess the situation if assigned and necessary.

II. Investigation

A. Introduction / Jurisdiction

Yurok Tribal members residing in California are dual citizens of both the State and the Yurok Tribe. California has the authority and responsibility to investigate reports of abuse and neglect.

B. ALLEGATION INVESTIGATION

Pre-Investigation-ICW Role

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The Yurok Tribe will intervene on reports of abuse or neglect. After the ICW Intake Specialist has screened a report for further investigation and referred the reporting information to the ICW Intake/ER Worker, the ICW Intake/ER Worker determines the role of the Intake/ER Worker as to how to respond. Responses may include the following: (1) investigate the reported information internally and in collaboration with Yurok Department of Public Safety, (2) investigate the reported information in collaboration with the County Department of Human Services/CWS and (3) request referral to Department of Human Services for immediate contact if the ICW Intake/ER Worker is unavailable. All determinations are expected to have supervisory approval unless circumstances are such that supervisory approval is not attainable and quick action is necessary.

Investigation Process

YSS Intake/ER Worker will participate and assist the County investigate reports of child abuse and neglect as determined in the pre-investigation phase. This investigation shall include, as warranted:

- Review all information gathered from the initial report and any database information from a variety of sources that may indicate a history of child welfare involvement and/or legal actions
- Attempt to contact and interview all relevant parties including the parents and children as well as, if appropriate, caretakers, relatives, extended family members, neighbors, teachers and treatment personnel, etc.
- Attempt to visit the home and/or place where the child is residing

Upon completion of the investigation, the ICW Intake/ER Worker is required to determine and document whether the allegation is founded, unfounded or unable to be determined.

Absent Parent Search

When the ICW Program is investigating abuse and neglect allegations, the ICW Program is required to make contact with the legal biological parent(s) to assess their ability to provide for the safety and welfare of their child. The ICW Program will conduct a thorough search that should include: review of databases, letters to last known address, contact with other family members, contact with the Tribal member benefits Program (when applicable), etc. All efforts should be documented in the case file. If unsuccessful in locating the parents, the ICW staff will continue to make periodic attempts to locate the parents.

Safety Assessments

In order to adequately assess child risk, the ICW Program requires the ICW Intake/ER Worker to complete the 'Safety Assessment Worksheet'. Additional

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factors such as severity, vulnerability of the child, observable specific behavior, emotion, perception, attitude and situation all should be taken into account when assessing risk.

The ICW Intake/ER Worker may choose to do one of the following:

- Referral for services-the child is not at risk for harm, however, services may strengthen the family
- Closed investigation-no safety threats to the child and no further services

B. SAFETY PLANNING

If a safety risk *is* determined to be present, the ICW Intake/ER Worker must assess the parent and/or families ability to provide a safe environment through the development of a safety plan.

The safety plan should be developed in collaboration with the family (based on Family Unity Model) and should include at a minimum the following elements:

- What services need to be in place to alleviate the safety risks
- Who will be responsible for providing needed services
- Specific timelines and actions expected to mitigate the risks
- Follow up evaluation of the plan at specific intervals

Upon completion of this assessment, the ICW Intake/ER Worker renders a decision to move forward with one of the following actions:

- Voluntary service agreement-parent(s) agree to participate in voluntary prevention services to alleviate the need for removal of the child and court intervention
- Removal of the child from parental care-out of home placement is necessary to assure safety of the child

The ICW Intake/ER Worker will document all interventions, actions, interviews and recommendations upon completion of the investigation. This report is to be submitted to the ICW Supervisor within 7-10 days of completion of the investigation

III- Prevention Services

A. PURPOSE OF PREVENTION SERVICES

The goal of prevention services is to provide services that reduce the potential of children being removed from their primary family home and to reduce the need for further court intervention. Families may access prevention services through the following:

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- Mandated referral from the ICW Intake/ER Worker
- Voluntary community referral, e.g. community member, Program or service
- Self referral

The Prevention Caseworker is limited to providing services to a maximum of # families at one time and that caseload numbers vary by priority as follows:

1. Mandated Referrals

A mandated referral is defined as services that are required to be accessed as determined by the ICW Intake/ER Worker. A Case Plan is developed in collaboration with the family and the ICW worker/Intake/ER Worker (and sometimes with the Prevention Caseworker) to reduce further child safety risk, removal from home and further court intervention. All mandated referrals are referred and assigned to the Prevention Caseworker. If the family does not comply with the Case Plan requirements, the Prevention Caseworker will make the necessary referral back to the ICW Intake Specialist and/or ICW Intake/ER Worker.

2. Voluntary Community Referrals

A voluntary community referral may come from another community member, Program or service. This may have been initiated by any allegation that has been reported to the ICW Program. Upon further investigation, the ICW Intake/ER Worker has determined the allegation to be unfounded and without risk to the child. However, the ICW Intake/ER Worker may recommend voluntary prevention services to assist the family. These services are strictly voluntary as there are no consequences to the family should they choose not to comply.

3. Self Referral

A person or family can directly contact the Prevention Caseworker to request services and assistance as needed. The Prevention Caseworker will make a determination, with supervisor approval, as to the capability of the Program to meet their request for services. These services are strictly voluntary as there are no consequences to the family should they choose not to comply.

At any time, the Prevention Caseworker is mandated to report suspected child abuse and/or neglect to the appropriate agency should circumstances arise that warrant this action.

B. CASE PLANS

All families that access prevention services will be required to work with an existing Case Plan or develop a Case Plan in collaboration with the Prevention Caseworker. Case Plans are expected to be developed as described in the Case Plans policy for

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the Program. Prevention services include: service referrals, community resource education and information, home visits, Case Plan monitoring and compliance, transportation assistance and other advocacy services. The Prevention Caseworker will work with each family to provide services to alleviate barriers to appropriate parenting minimize child safety risks. This will be continually evaluated as the Prevention Caseworker, with the family, will make adjustments to the plan as needed, including outside referrals and other interventions as appropriate.

If the family successfully completes their Case Plan, the Prevention Caseworker will document their success through a closing letter. In situations of mandatory referrals, the closing letter will be copied to the ICW Intake/ER Worker and internally documented in the ICW database system.

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Chapter 3 Case Management, Case Planning, Placement, and Court

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I. Case Management

A. DEFINITION

Case management is the provision of support services to families once the Tribal or state court has ordered custody to Yurok Social Services (YSS).. Case managers develop, assess and monitor a family's progress on completing services on their individually developed case plans. Case management is provided throughout the duration of the family's involvement with YSS and/or court ordered for continuation of YSS involvement.

Case management is provided under the following circumstances:

1. Children placed in the physical custody of their parent(s) with the supervision and support of YSS.
2. Children are in foster care with a plan to return to parent
3. Children are in either permanent or long term foster care (see section on Permanency Planning)
4. Children with a voluntary case plan to prevent removal

Case management services are also determined by type, either Tribal or state jurisdiction. For Tribal cases, the case manager responsibilities include the following:

1. Development and revision of Case Plans
2. Referrals for services
3. Monitor progress and needs of parents
4. Monitor progress and needs of children
5. Regular face to face contact with parents and children via home visits (if placed in home or prior to permanency) at least once a month, participation in team meetings, etc.
6. Regular contact with service providers to assure compliance and gather recommendations
7. Preparation of court reports
8. Make recommendations to Tribal court or Tribal Member Review Board
9. Facilitate visitation plan
10. Keep YSS staff informed of families progress
11. Support services to the foster family
12. Transportation services as needed

When a child is placed in the parental home and the parents become non-compliant with services, the YSS Caseworker will immediately assess whether the non-compliance presents an immediate risk to the child. If a safety risk is present, the YSS Caseworker will work the YSS Intake/ER Worker to determine if a safety plan can be developed to continue placement in the home. If a safety plan is unable to assure the safety of that child, then a determination of an out of home placement may be made via

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a staffing process.

If YSS receives a *new* report of alleged abuse or neglect of a Tribal child that is a ward of the Tribal court and under the jurisdiction of the Indian Child Welfare Program, that report will be subject to the same process and policies noted in the 'Eligibility, Intake and Screening' and 'Investigation' sections.

For state cases, the case manager responsibilities include the following:

1. Provide input to the state/county caseworker for the development and revisions to the Case Plan.
2. Provide resource information to the state caseworker and assist with referrals for services as requested.
3. Monitor progress and engage the needs of parents
4. Monitor progress and needs of children
5. Regular face to face contact with parents and children
6. Regular contact with service providers to assure compliance and gather recommendations
7. Review state court reports and prepare recommendations
8. Make recommendations to state court
9. Make recommendations regarding visitation plans
10. Keep YSS staff informed of families progress
11. Support services to the foster family
12. Advocate and assure Indian Child Welfare Act compliance
13. Make recommendations regarding appropriate placements
14. gather information , homestudies, and designate tribally specified homes

If YSS receives a *new* report of alleged abuse or neglect of a Tribal child that is a ward of the State and under the jurisdiction of the state, the YSS Caseworker would work directly with the State/county Caseworker to determine an appropriate approach in assessing any safety risk to the child. The YSS Caseworker will report the allegation to the YSS Intake Specialist for documentation purposes. The YSS Intake/ER Worker may assist in assessing the safety risks.

C. TEAM CASE MANAGEMENT

The YSS staff meets on a regular basis to discuss children and families involved in the Program. This is considered team case management as all YSS staff confers regarding individual active cases. Individual staff members are expected to use this forum to discuss any issues relevant to their cases. The following are areas that are commonly discussed in the team case management meetings:

1. Financial assistance requests
2. Visitation recommendations
3. Placement recommendations
4. Service delivery
5. Recommendations for court hearings

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6. Development of permanency plans

D. ASSESSMENT AND SERVICES

General Assessment and Services Guidelines

1. General- the YSS Caseworker is responsible for assuring parents and children receive the necessary services to address their needs. YSS will provide active efforts to assist the family. Services will be considered least restrictive, appropriate providers selected to meet the needs of the family and YSS Caseworkers may refer on their own or they can use the assistance of the Intake Specialist. When facilitating a referral, YSS staff must use providers that accept the parent or child's insurance resources. When no insurance is available, approval for services must go through a case staffing process. YSS will also access other Tribal resources and Tribal Programs to meet the needs of the parent and/or child. The YSS Caseworker will obtain a release of information for all referrals.

For documentation purposes, the YSS Caseworker is responsible for tracking all services and referrals for the parent and child via a Service Referral Form. All services/referrals are to be documented in the Form and maintained in the case file.

2. Refusal of Services-a parent has the right to refuse services offered by YSS when a child is placed out of the home. When a child is placed in the home via a service agreement or safety plan, refusal to participate in a required service by either parent may result in removal of that child from the home. YSS requires participation and compliance with recommended services to meet long-term goals of dismissal of ward ship. Decisions on placement, visitation and/or financial assistance and other parental requests are based on participation and compliance with recommended services. If a parent declines a service that YSS believes is necessary, YSS should bring the matter to the Tribal Court's attention.

3. Provider Selection-a parent has the right to choose their own provider; however, YSS and the parent must agree that the provider meets the identified needs of the parent. The parent is required to obtain a release of information and the provider is willing to provide timely documentation and information to YSS. If YSS disagrees with the choice of providers and/or follow up requirements, YSS will bring to the Courts attention in the normal hearing process, the concerns about the provider and service requirements. The Court will determine if that provider is sufficient to meet the needs of the family. If there is initial disagreement regarding selection of the provider by the family, YSS will work with the family to locate an agreed upon provider.

4. Missed Appointments-it is expected that parents/children attend all appointments with service providers or cancel the appointment according to the provider's policy (e.g. call in advance 24 hours prior to the appointment, etc.) Many providers charge for missed appointments or late cancellations. If appointments are missed for the parent or the

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child or late cancellations occur, the first time this happens a letter will be sent to the parent or caregiver and YSS will cover the cost. Should this occur a second time and thereafter, the parent or caregiver will be responsible for payment unless approved by YSS.

Parent Assessment and Services

If YSS will work to gather information and documentation that identifies historical barriers in a family's environment that threatens the safety and well being of the children, YSS must meet with the family and develop a plan to address those barriers. The family is required to participate in services that have been presented and supported by the Court. The family may participate on a voluntary basis in services that have been identified but not presented or supported by the Court. If YSS believes that a voluntary service should be required of the parents in order to provide for the safety and well being of the children, YSS will present this information to the Court for approval.

Every parent working with YSS has his/her own unique set of needs and services that will assist them in being able to adequately provide for their child's safety and well being. A case manager shall continually assess the needs and circumstances of an individual in offering and providing services taking into account the unique circumstances for each individual and/or family. A parent's compliance and/or non-compliance with recommendations will be a factor in visitation and placement decisions. The following is a guideline for assessment and service provision:

1. Alcohol/Drugs

YSS will refer a parent for an alcohol/drug assessment that contains information supporting the need for the referral. The recommendations from the assessment will be used to make an appropriate referral for services. It is the responsibility of YSS to monitor compliance and follow through with suggested recommendations. In alcohol and drug recommendations, it is essential that YSS frequently communicate with treatment providers and facilitate random urinalysis testing as indicated. Should the parent refuse a requested urinalysis or the sample is found to be altered or diluted, YSS will consider the urinalysis to be a 'positive' test. The YSS staff will document in the case file a 'positive' result based on parental refusal. YSS has the right to request a UA be observed. YSS may request a parent to test during an investigation. It is expected that pregnant mothers refrain from use of drugs or alcohol while pregnant.

If YSS unsuccessfully attempts to *notify the parent by phone* regarding a random urinalysis, the YSS staff member will leave a message requesting the parent to call YSS. If the parent fails to contact YSS within 24 hours, the YSS staff member will attempt again and follow up with a letter if unsuccessful. Upon a third unsuccessful attempt, the YSS staff member will notify the YSS Case Manager or Intake Specialist as appropriate and referred to investigation for assistance. All attempts at notification will be documented in the case file.

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If YSS unsuccessfully attempts to *notify the parent in person* regarding a random urinalysis, the YSS staff member will leave a business card at the residence requesting contact. If the parent fails to contact the Program within 24 hours, the ICW staff member will attempt again and follow up with a letter if unsuccessful. If contact is made with the parent after one to two attempts, the YSS staff member will review the system to determine if requesting random urinalysis collections need to be modified. Upon a third unsuccessful attempt, the YSS staff member will notify the YSS Case Manager or Intake Specialist as appropriate and referred to investigation for assistance. All attempts at notification will be documented in the case file.

When a parent transitions through levels of treatment, YSS will work with the provider to assure a relapse prevention plan is in place. In the event of a relapse, YSS will work with the parent to follow recommendations in the existing relapse prevention plan. YSS may facilitate new referrals as needed.

Narcotic Prescriptions

If at any time during a parent's involvement with YSS, the parent is prescribed a narcotic medication for a medical condition, the parent must immediately disclose and provide the following information to the Program:

- a. the medical diagnosis and length of prescription
- b. where and how the parent uses the prescription
- c. a plan to ensure a child placed in the home would not have access to any prescription
- d. a physician's written statement concerning the parents ability to provide for the safety and well being of a child while under the influence of the prescription and whether the medical condition impacts their ability to provide for the safety and well being of the child

Under no circumstances should parents be allowed to transport children while under the influence of a narcotic unless written authorization is provided by a licensed medical provider.

Medical Marijuana

If at any time a parent obtains or maintains a medical marijuana card issued by the California, the parent is required to disclose and provide a copy of the card to YSS. The Yurok Tribe does not recognize 215 cards on the Yurok Reservation and does not promote or accept medical marijuana cards in general. Use of marijuana while parenting is not an accepted cultural value.

2. Domestic Violence

If family violence has been identified as a barrier, YSS will refer a parent for a

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domestic violence assessment both for the alleged batterer and the alleged victim. The YSS worker will review the recommendations from the referral and will assist the parents in developing a plan to engage in those services. Once the parent has engaged in the services, it is YSS's responsibility to monitor attendance, progress and recommendations through communication with both the parent and provider. If the parent does not comply with the referral, terminates their participation or does not follow through with recommendations, the YSS Caseworker will continue to offer and encourage parent follow through on the referral and participation as recommended. The YSS Caseworker should provide clear expectations to the parent with the understanding the impact of their behavior as it relates to the visitation and placement of their children.

If an YSS Caseworker believes that a parent or child is in immediate danger due to domestic violence, the YSS Caseworker will make an attempt to connect the family to crisis intervention services as well as notify law enforcement.

YSS recognizes the DV has become a normalized behavior. Violence goes against Yurok cultural values especially in the presence of children. DV is not acceptable behavior when raising Yurok children and is a safety risk. The case manager will work with the family to overcome the issues and barriers relating to domestic violence.

3. Mental Health

The Tribe recognizes that mental illness is high amongst the population and is often undiagnosed. There is a stigma within the community regarding the term mental health and the need to treat mental illness. Native people have experienced many traumas and that have impacted the spiritual and mental wellness of individuals. YSS recognizes that there are many individuals with undiagnosed mental health illnesses, which often inhibit safe parenting. There are many different treatments to heal mental imbalance including talk therapy, evidence based practices, groups, and cultural healing. If mental health issues have been identified as a barrier, YSS will refer a parent for a mental health assessment. The YSS worker will review the recommendations from the referral and will assist the parent in developing a plan to engage in those services. Once the parent has engaged in the services, it is YSS's responsibility to monitor attendance, progress and recommendations through communication with both the parent and provider. If the parent does not comply with the referral, terminates their participation or does not follow through with recommendations, the YSS Caseworker will continue to offer and encourage parent follow through on the referral and participation as recommended. The YSS Caseworker should provide clear expectations to the parent with the understanding the impact of their behavior as it relates to the visitation and placement of their children.

In the event a mental health provider recommends further assessment, YSS or the Court would assist the parent to facilitate the referral and follow up. Referrals may

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include but are not limited to: psychological evaluation, medication, outpatient or inpatient treatment, neuro-psychological assessment, etc.

If the YSS Caseworker becomes aware of mental health issues that may be impacting the progress of the child or parent, the YSS Caseworker should meet with the YSS staff to discuss concerns and gather recommendations. If YSS feels that the parent could benefit from a mental health assessment, the YSS Caseworker should meet with the parent and offer services on a voluntary basis. If the parent declines to participate and YSS feels the referral is a necessary service, then the YSS Caseworker should bring the matter to the Court's attention.

Upon obtaining a release of information from the parent, the YSS Caseworker should review the evaluation in its entirety; assures that the parent has an opportunity to review the evaluation with an appropriate provider and that the evaluation is shared among other appropriate service providers as needed for purposes of coordinating services for the parent. Based on the recommendations from the evaluation, YSS needs to determine if the current provider and/or other service providers are the best options to address the parents' needs given the information from the report. As a general rule, YSS recommends an update of the mental health evaluation every two years as long as the parent is a client of YSS and is needed based on circumstances.

4. Developmental Disabilities

If a parent has developmental disabilities and is working with a State developmental disability office, the YSS Caseworker will include a disability worker in facilitating services for that parent. The YSS Caseworker should also collect information regarding any benefits that the parent or child may be receiving.

If during the parent's involvement with YSS, the YSS Caseworker suspects, notices or is made aware of behavior that suggests limited functioning that may interfere with their ability to effectively parent, the YSS Caseworker will meet with the parent and discuss a possible referral to a developmental disability office for further assessment.

5. Parenting

If a parent demonstrates the need for general parenting support as evidenced from a variety of behaviors and circumstances, the YSS Caseworker will facilitate a referral to a parenting class or resource that is most appropriate given the age and needs of the parent and child.

If the YSS Caseworker or other professional working with a parent or child believes or determines that additional in-home parenting support would benefit the family, the YSS Caseworker would facilitate approval through a case staffing process prior to making an appropriate referral. The YSS Caseworker should provide information

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as to the parent's compliance with services; identify specific child behaviors, parent skill level/barriers to effective parenting and whether the child is placed in home or transitioning home in the near future. Once services are in place, the YSS Caseworker will work with the provider to monitor the family's progress and continued need for services. The YSS Caseworker should obtain a copy of the initial assessment and periodic written updates as to the status of the referral at minimum every 45 days while services are being rendered.

When there are concerns about the parent-child relationship (e.g. bonding with the child, detachment, unresponsiveness), YSS may make a referral for a parent-child assessment.

6. Medical and Dental Services

Medical and dental health is considered important components to a family's well being. The YSS Caseworker, in working with parents, should inquire about past and present medical and dental needs. If there are current needs identified, the YSS Caseworker should assist the family in accessing those services. Services are voluntary unless they directly contribute to the allegations of abuse or neglect.

7. Vocational Rehabilitation

When working with a parent who has a disability that creates a barrier to employment, YSS will refer the parent to Vocational Rehabilitation services either through the Tribal Program (Tribal member) or State services or both. YSS will obtain a copy of the initial VR assessment and periodic updates. In addition, the YSS Caseworker will include a VR counselor in facilitating services for that parent.

8. Employment, Training and Education

The YSS Caseworker will meet with the family to assess their employment and training needs. Any identified needs will be included in the case plan. YSS will refer a Tribal member to the TERO, TANF, GA or WIA Program if the Tribal member meets one of the following eligibility criteria: temporarily unemployed, looking for employment, medically unable to look for work on a short-term basis or a student. YSS will obtain a copy of the initial assessment and periodic updates. In addition the YSS Caseworker will include an Employment and Training counselor in facilitating services for that parent.

The YSS Caseworker will meet with the family to assess their educational needs. Any identified needs will be included in the case plan and referrals made as appropriate.

9. Housing

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YSS will assess with the parent if there are any unmet housing needs. YSS will connect the parent with housing resources both Tribal and in the local community. In order for YSS to provide any financial assistance, a family must have exhausted all other resources. YSS may be able to assist with (as funds are available):

- avoid evictions
- address safety needs in the home
- move in costs (first and last months rent/deposits)

10. Transportation

YSS will assess with the parent if there are any unmet transportation needs that will assist in their ability to participate in services to meet the goals of their case plan. Services may include gas vouchers, car repairs and/or car insurance/bus passes (as funding is available). For gas vouchers, an individual must have the following:

- valid driver's license
- car insurance
- be clean & sober prior to the immediate dispensing of a voucher

11. Financial Assistance

It is expected families should utilize all Tribal and community resources before assistance is provided. Families are also expected to comply with YSS recommendations prior to approval for assistance. Approval of financial assistance requests must be directly related to meeting the goals of an individual's case plan. Special circumstances will be considered and can be approved by the YSS Supervisor. Assistance may be provided as follows:

- Housing: Emergency housing
- Utilities:
- Transportation (car repairs/insurance/bus pass):
 - Clothing
 - Furniture
- Food
- Household cleaning supplies
- Medical supplies

The YSS Caseworker will complete an initial financial assessment of the family and include any unmet needs in a case plan. The financial status of the family will be reviewed every 90 days in conjunction with the case plan reviews.

12. Parental Involvement

YSS values the involvement of parents in their children's lives and overall well being. YSS staff should notify parents as immediate as possible of any emergency

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situation involving their child. YSS staff should also provide parents information on their child's status (i.e. medical updates after being seen by medical provider, educational such as grade reports, teacher conferences, IEP meetings, disciplinary matters or special recognition and social information such as sports involvement, hobbies, other activities, etc.) as it becomes available and is appropriate.

13. Visitation

Visitation is considered an important and key component of the Indian Child Welfare Program and reunification. We also understand that visits are most beneficial if they are in the least restrictive environment. If it is necessary to place a child outside of their home, visitation is essential in order to reduce the trauma and impact on the child and continue to support a relationship between children and their parents. It is YSS's responsibility to assure the safety of the child both physically and emotionally during these visits. YSS preserves Visitation Guidelines for parents that are given to the parent prior to the first visit. Visitation is based on alleviation of safety risk, parental compliance and the general needs of the child. Visitation guidelines and protocols are customized for each placement based on the above noted issues. Major changes in the visitation plan, i.e. overnight visits, unsupervised visits, unanticipated circumstances, negative impact on the child, etc. require YSS case staffing and approval by the court (in some circumstances). IT is the expectation of the Tribe that parents make every effort to visit their child regularly. Sometimes it is necessary that visits are supervised.

Child Assessment and Services

When a child enters Tribal jurisdiction, the YSS Intake Specialist will work with the family together to gather the following:

- child development history
- family medical history
- copies of social security card, Tribal ID, birth certificate, immunizations, school/medical records and health insurance cards and contact information

Once the Tribal court has appointed YSS as the legal custodian of a Tribal child, it is the responsibility of the YSS Caseworker to assess and assure that the child's health and safety needs are being met through the substitute caregiver. The YSS Caseworker facilitates services to each child that includes but is not limited to:

1. Enrollment

YSS requires that all children served by YSS (Tribal or State guardianship) are members of a Yurok household. In state court YSS ICWA will only intervene legally in court proceedings if the child is a Yurok Tribal member or eligible for enrollment. For Yurok Tribal jurisdiction, if a child is not enrolled YSS must assure that an application for enrollment is filed with the Tribal enrollment and that the child is a

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member of a Yurok household. YSS should work with the parents and relatives in completing this application.

2. Paternity

If there is no legal father established for a Yurok child who is a ward of the Tribal or State court, YSS will work to identify the potential fathers

3. Placement

It is the responsibility of YSS to assure that a child is placed in the least restrictive environment when an out of home placement is required. YSS will comply with the placement preferences as outlined in the Indian Child Welfare Act. YSS will place assess every child on a case by case basis to determine the best placement. This placement should be least restrictive to the child with other considerations as follows: proximity to parents, existing relationships, siblings, community and culture. The YSS Caseworker will monitor the child's well being through regular documented face to face home visits. The following is a list of placement resources commonly used by YSS from least restrictive to most restrictive:

- a. Foster care-appropriate for a child with normal or special developmental needs or problems who can be cared for and maintained in a regular family setting. Foster care means the child is living with a family who has been or can be certified through a child welfare agency.
- b. Therapeutic foster care-appropriate when the child needs behavioral intervention, counseling and skill building services that are provided by qualified and/or specially trained individuals in a family or group type setting.
- c. Shelter and assessment Programs-appropriate when a child's behaviors indicate that they need more structure and support than therapeutic foster care.
- d. Residential treatment-appropriate when a child needs a treatment environment to manage behavioral problems that cannot be managed in a family setting in the community.

In order to make appropriate placement decisions, the YSS staff are required consult with other staff through the weekly staff meetings, Program supervisor and service providers for that child. When placement decisions are needed to be made, the staff should, when possible, utilize the Family meeting to discuss placement options and gather input.

5. Medical

When a child enters the child welfare system, YSS will facilitate a well-child exam within 72 hours of the placement. If there is concern that the child has been

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exposed to illegal drugs prior to removal, YSS shall request a urinalysis as part of the initial well child exam. YSS is responsible to follow through with any recommendations of that or any other exam. At a minimum, children under the care of YSS should be seen annually for a medical exam. YSS should gather the medical history of the child, where possible, and utilize the child's existing provider as available. YSS is responsible to obtain all immunizations that have been completed and assure compliance with needed immunizations per medical recommendation.

When children are under jurisdiction of the Tribal Court, YSS is the legal guardian of that child. As the legal guardian, YSS is responsible for meeting the health needs of that child. In order to meet those needs, YSS will submit an application for the California Medical / CHDP and Tribal UIHS services. If a child is placed under state jurisdiction YSS will assure and/or assist the local CDSS/CWS office with facilitating the above process.

Whenever possible YSS will consult with parents and/or foster parents in deciding on health related services for children. These services may include but aren't limited to: birth control, emergency and non-emergency care and optional seasonal vaccinations. YSS will be sensitive to family religious and cultural beliefs when making medical decisions for their children. In all non-routine medical decisions for a child, the YSS staff should consult with their respective supervisor at the time of the treatment recommendation. In any emergency situation, notification to the YSS Supervisor should immediately be notified.

Dental & Vision- when a child enters the child welfare system, YSS will schedule a dental exam within one week of the placement. YSS is responsible to follow through with any recommendations of that or any other exam. At a minimum, children under the care of YSS should be seen annually for a dental exam. YSS should gather the dental history of the child, where possible, and utilize the child's existing provider as available. YSS is responsible to obtain all dental services that have been completed and assure compliance with needed oral care per dental recommendation. In the case of recommended orthodontics, YSS will facilitate a referral for orthodontic care as recommended.

When a child enters the child welfare system, YSS will schedule a vision exam within one week of the placement. YSS is responsible to follow through with any recommendations of that or any other exam.

6. Transportation

YSS relies on parents or caregivers for transportation to appointments, school activities, extracurricular events, cultural outings, etc. In the event that a parent or caregiver is unable to transport the child to a necessary appointment or activity, YSS may assist. Priority will be given to health related appointments and activities supported by the Court.

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Tribal youth in foster care may obtain their driver's learner's permit and/or driver's license; however, youth must complete a formal driver's education course to obtain their driver's license. YSS will provide financial assistance to complete the course if other resources are not available. A plan needs to be in place to ensure that youth are covered by insurance.

7. Clothing

YSS may provide a clothing voucher for children entering foster care if needed. YSS may also provide an annual back to school clothing voucher if funding is available. Exceptions can be made depending on the circumstances but must be approved by a supervisor.

8. Education

YSS is responsible for gathering education records and ensuring that children are enrolled in school to meet their academic needs. The YSS Caseworker should advocate for special education services when recommended and the Caseworker should participate in the Individual Education Plan to monitor and develop that plan. The YSS Caseworker is also required to monitor attendance and progress through communication with teachers, report cards and foster parents. YSS should provide foster parents and foster children with information regarding Tribal education Programs as well as other Indian education Programs in their area. When it is recommended that a child receive tutoring services, the YSS Caseworker should attempt to locate tutoring resources in the local area. YSS may provide funding for tutoring services with supervisor approval.

YSS will assure that each child who has attained the minimum age for compulsory school attendance under Tribal law and with respect to whom there is eligibility for a payment under the plan is a full-time elementary or secondary school student or has completed secondary school, and for purposes of the paragraph, the term 'elementary or secondary school student' means, with respect to a child, that the child is:

- a. Enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of the State or other jurisdiction in which the institution is located;
- b. Instructed in elementary or secondary education at home in accordance with a home school law of the State or other jurisdiction in which the home is located;
- c. In an independent study elementary or secondary education program in accordance with the law of the State or other jurisdiction in which the program is located, which is administered by the local school or school district;
- d. Incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is supported by regularly updated

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information in the case plan of the child.

9. Culture

YSS is responsible to assure that children are aware of opportunities to participate in cultural and Tribal events while in the custody of YSS. The YSS Caseworker should provide information to the family about cultural engagement and learning opportunities and facilitate participation as needed (e.g. transportation, supervision). The YSS Caseworker should also attempt to determine what the child is interested in and seek activities as best as possible to support those interests. The Tribe expects birth parents and substitute caregivers to ensure that children learn Yurok language and culture by engaging them in regular practices. Learning the values of Yurok beliefs are just as important as the learning the traditional practices and language.

10. Alcohol & Drug

YSS will refer a youth for an alcohol/drug assessment that contains information supporting the need for the referral. The recommendations from the assessment will be used to make an appropriate referral for services. It is the responsibility of YSS to frequently communicate with treatment providers to monitor compliance and follow through with suggested recommendations. Should the youth not comply with treatment recommendations or there is dispute about the recommended treatment service or referral, the YSS Caseworker would refer the matter to Tribal Court to request a hearing or wait for the next review hearing. At any time the YSS Caseworker may request a random urinalysis for the youth when circumstances arise that indicate alcohol or drug use may be prevalent.

When a youth transitions through treatment, YSS will work with the provider to assure a relapse prevention plan is in place. In the event of a relapse, YSS will work with the parent to follow recommendations in the existing relapse prevention plan. YSS may facilitate new referrals as needed.

10. Mental Health

If behavioral health issues have been identified as possible barriers affecting the well being of the child, YSS will refer the youth for a mental health assessment. The YSS Caseworker will review the recommendations from the referral and will assist in putting in place services to meet those recommendations. Once the youth has engaged in the services, it is YSS's responsibility to monitor attendance, progress and recommendations through communication with both the parent and provider. If the youth does not comply with the referral, terminates their participation or does not follow through with recommendations, the YSS Caseworker will continue to offer and encourage the youth to follow through on the referral and participation as recommended. Where indicated, YSS may assist with transportation. However, if a parent or foster parent does not follow through in providing transportation for

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treatment, the YSS Caseworker would meet with the parent or foster parent to problem solve the issues and if not resolved could become a placement or Court matter.

In the event a mental health provider, YSS or Court recommends further assessment, the YSS Caseworker will facilitate a referral and follow up. Referrals may include but are not limited to: psychological evaluation, medication, outpatient or inpatient treatment, psychological assessment, etc.

The YSS Caseworker should review the evaluation in its entirety. If appropriate YSS should share the contents of the evaluation with the parents, foster parents and child for purposes of coordinating services for the child. In addition, a copy of the report should be provided to service providers and the child's attorney. Based on the recommendations from the evaluation, YSS needs to determine if the current provider and/or other service providers are the best options to address the child's needs given the information from the report. As a general rule, YSS recommends an update of the mental health evaluation every two years as long as the child is a client of YSS and is needed based on circumstances.

If the YSS Caseworker becomes concerned that the therapist is not meeting the needs of the child, then the YSS Caseworker should meet with the YSS staff to discuss concerns and gather recommendations.

In the event a child at any time makes a suicide attempt, discloses thoughts of suicide (identifies a plan to carry out the threat), appears to be at risk to harm themselves or appears depressed, the YSS Caseworker should immediately be in contact with the child's therapist and/or contact 911 especially if a suicide attempt has been made. If the child's situation does not warrant a 911 call and there is currently no therapist involved with the child, the YSS Caseworker should immediately facilitate a referral to a crisis hotline or other similar service for assistance for the child as well as communicate the concerns to the parent or foster parent and referred provider. All contacts and services should be thoroughly documented by the YSS Caseworker and discussed with the YSS Supervisor or designee.

In the event a child engages in self-mutilation (via verbal admission or observation), the YSS Caseworker should immediately contact the child's parent or foster care provider. If the child is in residential treatment, the YSS Caseworker will contact the facility to notify them of the circumstances. If there is sufficient evidence that an injury warrants medical attention and the child is *not* in residential treatment, a referral will be expedited to the child's therapist and if a therapist has not been identified, a referral will be accelerated.

If YSS has not been able to stabilize or adequately address the child's mental health related behavior on an outpatient basis and/or continues to pose a risk to

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themselves, YSS will facilitate a referral to residential services if eligible. If the risk is such that it is life threatening, a call to 911 or a transport to the nearest emergency room should be facilitated.

11. Developmental Disabilities

If a child has developmental disabilities and is working with a State developmental disability office, the YSS Caseworker will include a disability worker in facilitating services for that child. The YSS Caseworker should also collect information regarding any benefits that the child may be receiving. The YSS Caseworker will participate as the guardian in annual planning meetings.

If during the placement, the YSS Caseworker suspects, notices or is made aware of behavior that suggests limited functioning, the YSS Caseworker will facilitate a referral to obtain the necessary documentation to assess the likelihood of a developmental disability and if confirmed, a referral to a developmental disability office to determine eligibility.

12. Social/Recreational Activities

YSS is responsible to assure that children are aware of social/recreational opportunities while in the custody of YSS. The YSS Caseworker should provide information to the family about social/recreational opportunities and facilitate participation as needed (e.g. transportation, supervision). The YSS Caseworker should also attempt to determine what the child is interested in and seek activities as best as possible to support those interests.

13. Special Youth Requests

Youth may request to obtain things like piercings, tattoos, hair coloring & style & other social trends. The YSS staff should facilitate a conversation between parent/foster parent regarding these types of requests. YSS requires parental consent to approve these requests and for youth under 18, there is a State requirement for some of these activities. If the YSS staff becomes aware of non consented and/or unlicensed activities, the staff will make a referral for medical testing.

14. Missing Child Reports

If a child has run from a parental or foster home, the foster parent or parent should contact the local law enforcement agency and file a run report. The YSS Caseworker should confirm that a run report has been filed and if a report has not been filed, it is the YSS Caseworker's responsibility to file a report and to notify the Tribal Court in writing that the appropriate reports have been made.

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If a child is in the physical custody of the parents or foster parents and YSS is unable to verify the child's whereabouts, YSS will immediately exhaust all resources that may be able to provide information on the family's whereabouts, including sending a certified letter to the last known address. If YSS is unable to uncover any information as to the whereabouts and safety of the family and/or child, within 48 hours, YSS will notify the local law enforcement agency in the jurisdiction based on their last known address. The YSS Supervisor and Social Services Manager should immediately be made aware of such circumstances.

In the case of an emergent missing child situation, YSS will immediately contact law enforcement to report the situation and notify the YSS Supervisor and Social Services Manager. An immediate staffing will be held to create an action plan, determine if charges need to be filed, etc. as well as notification provided to the Tribal attorney, the child's attorney, Tribal court and the child's biological parent if known. Other services such as the National Center for Missing and Exploited Children may be contacted by YSS to assist the safe return of the child.

15. Physical and Sexual Abuse Disclosures

If a child makes a report of neglect, abuse or abandonment, that report is referred to the YSS Intake Specialist for documentation purposes and then referred to the appropriate YSS staff member. The YSS staff gathers information, makes appropriate referrals including notifying law enforcement and the County child welfare agencies. If warranted, in cases of alleged physical or sexual abuse, children are referred to a child abuse center for a physical examination and forensic interview. Appropriate safety plans are put in place based on the recommendations from the exam and interview. YSS participates in the investigative process as necessary and takes the lead in assisting the child to obtain services as recommended.

19. Delinquency While In Foster Care

When children are in foster care and are charged with a criminal act, YSS serves as a guardian of the child. As guardian, YSS attends hearings, works with the juvenile department staff to develop recommendations to the Court and facilitates compliance with the Court order. YSS continues to work with Tribal youth and/or their parent or foster parent who become wards of the State as a delinquent but still has dependency status.

20. Verification of Citizenship or Immigration Status

- a. YSS will have in effect procedures for verifying the citizenship or immigration status of any child in foster care under the responsibility of YSS under Title IV-E or part B, and without regard to whether foster care maintenance payments are made under section Title IV-E on behalf of the child.

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- b. For the purpose of meeting the requirements of the section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) children must meet the definition of “qualified alien” as defined in section 431(a) of PRWORA to be eligible for Federal foster care maintenance or adoption assistance.

II. COURT

A. GENERAL DESCRIPTION

There are a variety of avenues whereby a child may require court intervention via YSS. Court intervention is required if upon investigation the ICW Intake/ER Worker determines that a child should be immediately taken into emergency custody and placed in out-of-home care. The ICW Program may also determine that court intervention is necessary even if the child remains in the home. These determinations are based on utilization of assessment done by a trained staff member based on presenting safety and risk factors, child’s needs, family attitude and sense of accountability, etc. In most cases, these determinations are made in collaboration with other YSS staff and supervisor approval.

The YSS Caseworker or designee is responsible to attend all hearings and formal case reviews in both Tribal and state court, until YSS involvement is no longer required as determined by the courts. It is expected the YSS caseworker will be fully prepared to represent YSS at the court hearing. If the YSS caseworker is unable to attend the hearing, the YSS caseworker will work with their supervisor to select an appropriate designee. In cases that are before Tribal court, the YSS caseworker works closely with the Tribal attorney’s office to prepare for hearings and assure compliance with the Yurok Tribe Children’s Code.

1. Court Reports

The YSS Caseworker is responsible to file reports for court appearances. Reports should be specific to the type of hearing and should include information as outlined in the Yurok Tribe Children’s Code. Reports must be filed five (5) working days prior to the court hearing with prior review by the immediate supervisor and Tribal attorney’s office.

2. Court Orders

After every formal child welfare hearing, YSS will receive a court order with findings and recommendations. The YSS Caseworker is responsible for immediately reviewing that order and implementing the recommendations of the court. The YSS Caseworker should discuss any concerns and possible appeals with their immediate supervisor. All appeals are required to go through the Tribal attorney’s office.

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B. JURISDICTION DETERMINATION/PETITION FILING

The Yurok Tribe has concurrent jurisdiction over Yurok Tribal members. YSS will work collaboratively with county child welfare agencies. Within the Tribal service area, YSS will participate in joint investigations on child welfare referrals. Jurisdiction may be vested either in the California or Yurok Tribe (Tribal Court). Jurisdiction is usually determined by a Tribal team consisting of the ICW Intake/ER Worker, ICW Supervisor and other ICW staff as appropriate. There may be instances where an emergency decision needs to be made and in those circumstances a decision may be made by one or more staff as available. A determination of jurisdiction is based on several factors as follows:

1. Location of the family
2. Special needs of the parent and/or children
3. Ability of ICW to meet the family service needs
4. Families' connection with the community and culture
5. Current involvement or lack of involvement with the county child welfare services
6. Family history with the ICW Program

If the Tribe makes the decision that the filing is more appropriate to file a petition in State Court, the State agency is responsible for filing a petition. The ICW Intake/ER Worker is responsible to work with the Tribal attorney's office to file a motion to intervene in order to notify the agency of the Tribe's right and be a party to the case.

If the Tribe makes the decision to file a petition in Tribal Court, the ICW Intake/ER Worker is responsible to prepare a petition, in accordance with Tribal Children's Code Ordinance, with the assistance of the Office of Tribal Attorney (OTA). If the child has been taken into emergency custody, a petition must be filed within 24 hours of the taking of emergency custody.

C. EMERGENCY CUSTODY DETERMINATION

Emergency custody is authorized if there are reasonable grounds to believe the child is within the jurisdiction of the Tribal Court and is in immediate jeopardy in his/her surroundings, and that removal is necessary to protect the child's health or safety. YSS staff must demonstrate that active efforts were made to prevent removal of a child when appropriate and that the removal is in the best interests of the child. The Court may order the child to be taken into emergency custody if one or more of the following exists:

1. The child is suffering from an illness or injury, and no parent, guardian, or custodian responsible for the child is able or willing to provide adequate treatment for the child.

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2. The child is in immediate danger from his/her surroundings, and removal is necessary for the protection of the child.
3. The child's health is in immediate risk of harm, and removal is necessary for the protection of the child.
4. The child will be subject to injury or abuse by others or by her/himself if not placed in custody.
5. The child has been abandoned by her/his parents, guardians, custodians or other persons responsible for the care of the child.
6. No parent, guardian, or custodian, is able or willing to provide adequate care and supervision for the child.
7. The child will run away, or be taken from the area, and will be unavailable for further proceedings.

A child may be taken into emergency custody by an authorized law enforcement officer and/or a representative of the YSS. YSS will initiate an investigation when an allegation is made that a child has been maltreated, or that actions may be taken which would reasonably be expected to result in maltreatment of a child. In the course and scope of the investigation, YSS will:

1. Attempt to contact and interview all relevant parties, including the parents and children, as well as, if appropriate, caretakers, relatives, extended family members, neighbors, teachers, and treatment personnel;
2. Attempt to visit the home and/or place where the child is residing;
3. Investigate and report on the child's current circumstances, including home environment, parental and family history, including criminal histories, parent's current circumstances, including financial information if relevant, the nature of the reported charges, and the information supporting or contravening those charges;
4. Determine if the child can remain safely in the home with services provided, and assist in providing those services;
5. Seek out relatives, extended family members, or others with whom the children are familiar, and with whom the children can be placed, if necessary, pending further investigation (see placement section for detailed procedures);
6. Make tentative conclusions as to what is in the best interests of the child, and how best to protect the child's health and safety until further investigation can be concluded; and
7. Information gained in the investigation shall be included in a written report and

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included with the Petition or presented and filed at the preliminary hearing.

Types of Hearings

Emergency custody/detention Hearing (see children's code page 23 and 26)-will be held immediately, and in no event more than three court days after being notified of the removal of a child from his or her home, hold an emergency custody hearing. Within 3 court days YSS shall file a petition for emergency custody of a child being taken into emergency custody. At the this hearing, the Court will determine whether or not probable cause exists, to believe that the child is a Child in need-of-aid (CINA) as alleged in the petition and whether continued emergency custody is necessary for the protection of the child pending the adjudicatory hearing and if so, whether the child should remain in physical custody of a parent or be placed in emergency placement or with a substitute care provider pending an adjudicatory hearing. In preparation for all hearings, the YSS Intake/ER Worker will review the Children's Code and be prepared to respond appropriately to all requirements for that hearing by a filed written report.

If no petition is filed, the child shall be released within seventy-two hours from when he was taken into emergency custody.

Jurisdiction Hearing- shall be held no later than thirty (30) days following the conclusion of the Emergency Custody Hearing but may be held in conjunction with the Emergency Custody Hearing. The Court will assess whether continuing court involvement is necessary to protect the wellbeing of the child, and to determine whether continuation in the home is contrary to the welfare of the child and whether active efforts have been made to prevent the child's removal from the home and safely reunify the family. (see children's code pg. 31)

-A family meeting shall be held prior to this meeting in order to prepare for the

Dispositional Hearing (children's code section 5012)-the Tribal Court shall hear evidence regarding the proper disposition best serving the interests of the child and his or her tribe. The Disposition hearing may be held in conjunction with the Jurisdiction Hearing if that is in the best interest of the child and the parties. The Court shall enter an order directing the disposition to be made in the case. A case or Case Plan is submitted at the dispositional hearing whereas the Court provides an order based on review of the plan. The case manager will file a case plan and ensure that it was developed in partnership with the parents and include the needs of the child. The case manager will also be responsible for going over and explaining the plan to the parents.

Status Review Hearings-held within six months of the date the child is considered to have entered foster care and at least every 90 days thereafter so long as a child remained in the jurisdiction and a permanent plan has not yet been established by the court. At the status review hearing, the court will determine:

- a) The safety of the child, continuing need for jurisdiction and appropriateness of the child's placement;

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- b) the extent of compliance by all parties with the case plan;
- c) the extent of progress the parent has made toward alleviating or mitigating the causes necessitating the placement and whether sufficient progress is being made to consider return home in the near future;
- d) consider whether the services provided to the family have been appropriate, accessible and provided in a timely manner;
- e) whether YSS can reasonably provide additional services which will facilitate the return of the child to parental care;
- f) assess YSS's concurrent case planning and efforts to effect an alternative permanent plan in the event there is insufficient progress to restore custody;
- g) whether active efforts have been made by YSS to alleviate the need for removal;
- h) project a likely date when the child will be returned and safely maintained at home or when an alternative permanent plan will be put into effect;
- i) if the child is placed out of state, whether the out-of-state placement continues to be appropriate and in the best interest of the child; and
- j) in the case of a child who has attained age sixteen (16), the services needed to assist the child to make the transition from foster care to independent living.

Permanency Hearing- No later than twelve (12) months from the "date the child entered foster care" and at least once every twelve months thereafter while the child remains in foster care, the Court must hold a Permanency Hearing. This hearing may be held in conjunction with a Status Review Hearing. In any case in which no reunification services are offered, the permanency hearing must be held within thirty (30) days of the disposition hearing. In the case of an abandoned infant, the permanency hearing must be held within sixty (60) days of the disposition hearing.

YSS must file for Termination of parental rights (TPR) at this hearing. Although TPR is not congruent with Yurok Cultural values, it is a requirement for Title IV-E. Parents and children will always have a connection biologically and spiritually regardless of the legal connection. Termination of the parental rights severs the legal connection to the child's parents, extended family, and Tribe all of which are problematic and are against Yurok values. Yurok Children however do deserve stability and safety with committed caregivers. Although children are not property and not owned by his/her parents, culturally parents are to be cared for respectfully and responsibly by their birth parents and extended family. When parents are not caring for their children in a safe manner and do not rectify and reunify with their children the parents will lose their legal rights to parent their children (TPR). Yurok expects parents to be responsible in caring for their children through making safe and responsible decisions including use of family and community to help rear their children. When parents do not make responsible decisions (causing harm) they are not only hurting the child, also the extended family, tribal community, and future generations. Yurok children will always be connected to his/her parents and family regardless of legal connection. There are situations in which it will be appropriate to Terminate Parental Rights. Each child and family will be assessed on a case by case basis.

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PROCEDURE FOR FILING A PETITION TO TERMINATE PARENTAL RIGHTS:
Reasons that you must file unless there is a compelling reason (see below)

(a). On behalf of YSS, the Office of the Tribal Attorney or other designated official shall either file a petition, or seek to be joined to a petition filed by another party, to terminate parental rights of the child's parent(s) where:

(1) A child has been in foster care under the responsibility of YSS for 15 of the most recent 22 months;

(a). The petition must be filed by the end of the child's 15th month in foster care.

In calculating when to file a petition for termination of parental rights, the Tribe:

(1) will calculate the 15 out of the most recent 22 month period from the date the child entered foster care as defined at section 475(5)(F) of the Act;

(2) will use a cumulative method of calculation when a child experiences multiple exits from and enters into foster care during the 22 month period;

(3) will not include trial home visits or runaway episodes in calculating 15 months in foster care;

(2) A court of competent jurisdiction has determined a child to be an abandoned infant as defined in § 5003(b); or

(3) A court of competent jurisdiction has made a determination that the parent has committed murder of another child of the parent, committed voluntary manslaughter of another child of the parent, aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter, or committed a felony assault that has resulted in serious bodily injury to the child or to another child of the parent. Under such circumstances, the petition to terminate parental rights is to be made within 60 days of a judicial determination that active efforts to reunify the child and parent are not required.

REASONS YSS DOES NOT HAVE TO FILE: These must be evaluated on a case by case basis and the following are examples.

1. Child is placed with a relative
 2. Adoption is not appropriate for child. This must be documented in the case plan that is presented to the court and ordered by the court.
 3. YSS has not provided active efforts to reunify the family consistent with the case plan. In this, the placement is not IV-E reimbursable.
 4. The child has severe emotional or behavioral problems or a serious medical condition and reunification remains an appropriate goal; or
 5. •The parent is terminally ill, does not want parental rights terminated and has designated the child's present caretaker, with the caretaker's agreement, as the child's permanent caretaker.
6. Grounds for filing do not exist. The grounds include the following:
- a. •Reunification is not the goal;

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- b. The child has a permanency goal of adoption
 - c. The child would like to be adopted . The legal age to consent is 14 years of age;
 - d. Parent has seriously injured or sexually abused the child
 - e. The parent has knowingly and or willing allowed or did not protect the child form serious physical injury or sexual abuse by another in the home
7. The child is a Refugee
 8. International policy

YSS will need to ensure that information is presented to the court for consideration (in a court report):

- a. whether YSS has made active efforts to alleviate and eliminate the need for removal of the child from parental care;
- b. whether YSS has engaged in concurrent planning to develop an alternative permanent plan for the child in the event that the parent is unable to improve his/her circumstances sufficiently to retrieve custody of the child;
- c. why permanent plans, other the ones selected, are not in the best interests of the child and that this is the least restrictive placement for the child;

When making a determination for filing for TPR, YSS will assess each child and family on the following:

- the time in out of home care (15 out of the last 22 months)
- The age of the child
- The age the parents. The connection of the parents to the child
- The ability and capability of the parents to keep a relationship with the child and the change their circumstances and behavior
- Extended family and supports
- Placement of the child (is the child placed with family)
- Needs of the child
- Commitment of the care giver

1. The worker will review termination of parental rights statutes and determine if case information is consistent with TPR grounds for an involuntary action.
2. Staff with the OTA and YSS team
3. Advise the parents of such and explore with them the prospects of voluntary relinquishment of their rights.
4. Notify parents in person, if possible, and by registered mail of YSS recommendation to juvenile court to pursue involuntary termination of parental rights.
5. Submit a written report in accordance with local juvenile court policy. The Family Children's Service Worker should document:
 - Efforts expended to identify and locate parents,
 - Services provided to each parent, i.e., intensive in-home services, drug/alcohol assessment, counseling and/or group meetings, parent aid services, family and/or individual counseling, parent training;

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- Response of parent(s) to services, i.e., did parent attend as required, did parent actively participate, has parent demonstrated improved abilities or skills as a result of services;
- Assessment of child's needs, i.e., is continuing relationship with birth parent positive or negative for child, prospects for adoption; and
- Rationale for recommendation, i.e., even if given more time and more services, parents will not in foreseeable future be in position to assume care and custody of child.

Calculation steps of when to file a petition follow these steps:

1. calculate the 15 out of the most recent 22 month period from the date the child entered foster care as defined at section 475(5)(F) of the Act;
 - The date of the first judicial finding that the child has been subjected to child abuse or neglect; or
 - The date that is 60 days after the date on which the child is removed from the home;
2. will use a cumulative method of calculation when a child experiences multiple exits from and entries into foster care during the 22 month period;
3. will not include trial home visits or runaway episodes in calculating 15 months in foster care; and
4. This only applies once at the 15 month filing, it is not necessary to file or make the exception more than once.

It is the YSS case worker's responsibility to make recommendations to the court regarding the child. Recommendations are based upon a thorough assessment and evaluation of the family, child, and engagement of the parent to change safety and behavior. The court may approve by court order, but is not limited to, any of the following permanent plans:

- a. Return of custody-the child will be returned to a parent

Under this plan the parents continue to have the right to seek return of full legal and physical custody of the child and termination of ward ship. YSS is obligated to continue to provide services designed to result in the return of the child to parental custody.

The case worker needs to consider many factors when asking the court to return the child. Factors to consider when recommending return of custody may be the following:

-parental completion or near completion of services in the case plan that have resulted in behavior change and improved safe environment and behavior of the parent. Completion of a case plan does not equate to behavior change and a safe environment for a child.

TIP- It is critically important that safety factors have been overcome by the parent. It is important that the case worker assess the parent/s insight, engagement,

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parenting, and behavior.

-safety barriers have been removed or are no longer present

-best interests of the child to be returned to the home in a reasonable amount of time

- b. Termination of Services- The case worker will recommend to the court that services provided by YSS be terminated. This recommendation will only take place if YSS has provided active efforts and the parents have not engaged in services and demonstrated behavior changes.

- c. Termination of parental rights-

Termination of parental rights is not congruent with Yurok traditional cultural practices. TPR severs a connection between the birth parents and child completely. However, in appropriate circumstances, TPR may be necessary and take place pursuant to provisions in the tribal children's code. Terminating parental rights severs the child's rights to the parents and Tribe.

The case worker, after team staffing, will work with OTA will file a petition to terminate the parental rights of a parent(s) in the following circumstances:

a. the child has been in foster care under the responsibility of the Tribe for 15 of the most recent 22 months. The petition must be filed by the end of the child's 15th month in foster care. In calculating when to file a petition for TPR, the Tribe:

i. will calculate the 15 out of the most recent 22 month period from the date the child entered foster care;

ii. will use a cumulative method of calculation when a child experiences multiple exits from the entries into foster care during the 22 month period;

iii. will not include trial home visits or runaway episodes in calculating 15 months in foster care; and

iv. only finds compelling reasons not to file a petition for TPR once if the Tribe does not file a petition because one of the exceptions applies;

b. whose child has been determined by a court of competent jurisdiction to be an abandoned infant as defined under Tribal law. The petition to terminate parental rights is made within 60 days of the judicial determination that the child is an abandoned infant; or

c. who has been convicted of one of the felonies listed above in section 11(G)(5). Under such circumstances, the petition for TPR is to be made within 60 days of a judicial determination that active and reasonable efforts to reunify the child and parent are not required.

The case worker may not elect not recommend to the YSS team to not file or join a petition for TPR of a parent of this section if:

a. The Tribe has selected Tribal Customary Adoption as the permanent plan.

b. At the option of the Tribe, the child is being cared for by a relative

c. There are documented in the case plan, a compelling reason for determining that filing such a petition would not be in the best interests of the child. The case worker must case note and document the compelling reasons.

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-see chapter 11 (foster care chapter) and the children's code for specific legal requirements.

Case workers will begin concurrent planning early on in the case management process. YSS will begin to identify, recruit, process and approve a qualified adoptive family for the child as early as the first status review hearing and no later when YSS files a petition to TPR.

When a petition for the termination of parental rights is granted, the parent will no longer have parental rights, except as specified in any termination order for adoption. Once a petition to terminate parental rights is ordered, YSS has no further custody and care of the child. Termination of parental rights is not a Yurok value or practice. There may be extreme circumstances in which it is necessary to terminate parental rights. Factors to assess and consider when recommending termination of parental rights:

- circumstances of the case meet the termination of parental rights policy of the Tribe
- parents are willing or have requested to relinquish parental rights
- lack of or minimal compliance by the parents with services and behavior change included in the case plan
- safety concerns may still exist
- parents inability to meet the child's needs
- length of time and stability in current placement-adoptive resource available

Modified termination of parental rights- customary adoption- Most adoptions will fit under this Yurok form of adoption. The parental rights are modified and still maintain a legal relationship with the child. The child can still inherit from the parent. The adoptive parents still maintain legal care and custody to make decisions regarding the child. See adoption for more details.

YSS will not 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 fail to grant an opportunity for a fair hearing, to any individual whose allegation of a violation of such prohibition is denied by YSS or not acted upon with reasonable promptness.

- d. Legal guardianship- A judicially-created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision-making. The term *legal guardian* means the caretaker in such a relationship.

This option is most appropriate when parents have demonstrated a lack of engagement in services and have not demonstrated that circumstances have improved for the safety of the child. Under this plan the parent has a right to seek visitation. Visitation will be granted at the discretion of the guardian and by court

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order if it is in the best interest of the child, the case worker will need to assess and make a recommendation to the court regarding visitation. Factors that will need to be considered include: age, relationship between child and birth parents, safety, bond between caregiver and child, transition and development of the child. The parent also has the right to petition the court no more than once a year for return of custody. The parent must show by clear and convincing evidence that there has been a substantial change in circumstances and that it is in the best interests of the child to be returned to parental care. The parent is responsible for petitioning the court. The case worker shall meet with the parent if the parent is requesting or planning to petition the court. It is important that the case worker assess the parent's current situation and provide guidance and advise the parent of their options. If the parent petitions the court YSS will provide the court a recommendation and an assessment of the child. It will be up to the parent to demonstrate to the Court that his/her circumstances have changes substantially and that he/she has kept in contact with the substitute caregivers and child. YSS has no obligation to the parent, guardian or custodian.

Factors to consider when recommending guardianship may be based on the following:

- lack of or minimal compliance or behavior change by the parents with services included in the case plan
- safety concerns may still exist
- parents inability to meet the child's needs
- length of time and stability in current placement
- the care and commitment level of the substitute caregivers and guardian resource available
- the relationship between the substitute care giver and the child
- child and/or foster family continue to need ongoing services and support of YSS
- special needs or circumstances of the child
- placement resource is committed to providing for the care of the child until age of majority (age 18)

Long-term substitute care - the child, because of his/her special needs, be placed in long term substitute care, until such a time the child can accommodate a less restrictive plan. the child be continued in long term foster care while the YSS continues to identify and affect a permanent plan.. The parent has a right to visitation and to seek return of custody. The YSS is obligated to facilitate court ordered visitation. YSS still maintains legal care and custody while physical care is with the substitute caregiver.

Factors to consider when recommending long term foster care:

- lack of or minimal compliance by the parents with services included in the case plan
- safety concerns still exist
- parents inability to meet the child's needs

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- currently no identified permanent long term permanent substitute caregiver.
 - child and/or foster family continue to need ongoing services and support of YSS
 - special needs or circumstances of the child
 - the child's needs require a higher level of care (e.g., residential services, therapeutic foster care, correctional facilities)
 - child continues to need ongoing services and support of YSS
 - special needs or circumstances of the child
- Yurok Customary Adoption- This is the most permanent plan and the preferred adoption type. More detailed procedures are outlined in the adoption chapter.

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III. CASE Planning

A. DEFINITION

A case plan, as defined for purposes of these policies, is a written document prepared in collaboration between the YSS and the family to outline expectations for the parent(s) to alleviate barriers to appropriate parenting, hopefully that will result in strengthening parenting skills. The focus of the case plan shall be to achieve the child's safety, permanency and well being. The plan must be designed to reunite the family and will contain, if appropriate, a concurrent alternative permanent plan for the child in the event the child does not return to parental care. All case planning must be done in collaboration with the parents. It is expected that parents will participate in the development of the case plan.

B. CASE PLAN-GENERAL DESCRIPTION

Every child and parent must have a case plan in order to address the safety and appropriateness of the placement. If the child is placed in out of home care the case plan will address the needs of the substitute care giver in caring for the child and in order to improve the conditions in the home. The case plan will address the following:

- the appropriateness of the necessity for the foster care placement of the child
- conditions that lead to the removal
- description of the services offered and provided to prevent the removal of the child from the home and to reunify the family,
- a discussion of the safety and appropriateness of the placement
- YSS plans to carry out the judicial determination
- the plan for assuring that the child receives safe and proper care,
- a discussion of the appropriates of the services that have been provided to the child under the plan.
- Strengths and supports of the family
- The plan for ensuring the education stability of the child while in foster care including-
 - i. the names and addresses of the child's health and educational providers;
 - ii. the child's grade level performance;
 - iii. the child's school record;
 - iv. a record of the child's immunizations;
 - v. the child's known medical problems;
 - vi. the child's medications; and
 - vii. any other relevant health and education
- Incorporate the health and education records (details see chapter 7)

Every parent and child working with the YSS must have a case plan. Case plans are developed with the parent, child, and substitute care giver as part of Prevention services, Investigation services or Case Management services as appropriate. The objective for each service area of the Program may differ and should be documented in the case plan. All case workers shall use a uniform case plan format. Case plans will be developed within **60 days** of the removal of the home and will be filed with the court within 5 days before the hearing. Case workers will ensure that all areas listed above are included in the case plan.

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staff are expected to perform a comprehensive assessment depending on the immediacy of the referral as presented by the referral source. In order to gain a comprehensive assessment, staff are expected to review historical documents regarding the family, conduct a home visit, observe the children, meet the parents individually or in a family meeting and communicate with existing service providers, if any. Every case plan shall contain the following elements regardless of the overall objective of the case: The plan shall include but not be limited to:

1. Description of the family's needs
2. A description of the services offered and provided to prevent removal of the child from the home and to reunify the family
3. Description of services which will be provided to the parents will be required to address those needs
4. Designation of who will provide those services, when and how
5. Description of the type of home or institution in which the child is placed
6. Timelines to which the family and YSS will be held for completion of services
7. Description of how the families' progress, or lack of progress, will be measured
8. Discussion of the safety and appropriateness of the placement and how YSS plans to carry out the judicial determination made with respect to the child in accordance with Title IV-E.
9. If the child is placed out of parental care, the plan should set out in detail the visitation which YSS will provide between the child and parent, guardian, or custodian, and relatives if appropriate.

In order to develop a comprehensive case plan, these factors, in addition to the above, must be documented:

- a. Behavioral Health
- b. Housing
- c. Parenting
- d. Medical
- e. Employment
- f. Education
- g. Culture
- h. Community Resources
- i. Transportation

It is expected that all parental case plans are to be signed by the parents and ICW staff. For a child's case plan who is under 14, the parent and/or foster parent as well as legal representation must sign the case plan. For children 14 and over, the child, legal representation and the ICW staff must sign the case plan. Parents and children who have legal representation should be encouraged to review the case plan prior to submission to the Court.

The case plan will be reviewed at a minimum every 90 days and revised every six months as needed.

C. TRANSITION PLANNING FOR CHILDREN IN FOSTER CARE

One of the goals of the YSS is to ensure that Tribal youth in foster care develop skills and resources to assist in a successful transition to adulthood. Transition planning usually begins when a Tribal child in the foster care system becomes 14 years of age.

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Once a child in Tribal foster care turns 14, the ICW Caseworker will meet with the child, parents and/or guardian to identify additional goals to include in the child's case plan. These goals will assist the youth toward independence and self-sufficiency. As a result of this meeting, the existing Case Plan should be amended to include the following areas:

- a. Employment
- b. Financial/Taxes
- c. Independent Living Programs

It is expected that all Transition Plans are to be signed by the youth, parent or foster parent and ICW Caseworker. The Transition Plan will be reviewed at a minimum every 90 days and revised every six months as needed.

D. INDEPENDENT LIVING PROGRAMS

Independent living Programs are a variety of voluntarily Programs (non-residential) that provide services to youth in foster care or former foster youth focused on developing independent skills to assist youth in becoming self-sufficient adults. Participation in independent living Programs is strictly voluntary. Tribal youth in foster care are eligible for these services at age 16 or older as long as they meet one of the criteria below:

- Youth 16 years of age or older who are in custody of the Tribe or CDSS/County CWS
- who are previously in foster care with the Tribe or California CDSS/County CWS, after the age of 16 and remained in foster care for an accumulative 180 days or longer

There are several types of independent living Programs that are either operated or contracted by the State of California as follows:

1. Life Skills Training
2. Discretionary Funds
3. Education and Training Vouchers
4. Chafee Housing Program

The Caseworker is expected to keep a youth informed of eligibility and benefits to participating in the independent living Programs. If a youth agrees to participate, the Caseworker will complete the independent living Program referral form and submit to the appropriate Program. The youth will be referred to the appropriate Program based on their county of residence while in foster care. During this period, CDSS/CWS will open an independent living service and assigned a case number to be included on the referral form. The referral form will be faxed with the case number included. The Caseworker and youth will be notified as to when an appointment is scheduled. The Independent Living Provider should notify the Caseworker of receipt of the referral and to coordinate an initial meeting to begin services.

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IV. PLACEMENT

A. DEFINITION

Child placement is defined as out of home placement for Tribal children who need to be removed from their home due to concerns of abuse or neglect that threaten their safety or overall well being. All placements must comply with the licensing standards of the agency.

B. PLACEMENT PROCESS

When physically removing a child the following must be considered when planning for the physical removal as follows:

1. Location of the child
2. Parental emotional state
3. Child safety
4. Appropriateness of including existing relationships with the child during the actual removal, such as family, ICW staff and other familiar relationships
5. Risk of danger and need to contact law enforcement

Tribe will give preference to an adult relative over a non-related caregiver when determining placement for a child, provided that the relative caregiver meets all relevant standards. Within thirty days after the removal of a child the Tribe shall exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child, subject to exceptions due to family violence (see section 11- B for caregiver requirements).

The Tribe shall make a reasonable effort to place siblings together in the same placement unless it can be documented that such a joint placement would be contrary to the safety or well-being of any of the siblings. If siblings for any reason cannot be placed together they will be provided with frequent visitation or facilitate ongoing interactions, unless ongoing interaction would be contrary to the safety or well-being of any of the siblings.

C. PLACEMENT PREFERENCES

The Children's code requires the YSS to place children according to the following list of preferences:

1. Relative or extended family member(s) of the child
2. Licensed Tribal home
3. Licensed other Native home
4. Licensed non-Native home
5. Shelter/residential approved by YSS that is suitable to meet the Indian child's needs.

Factors to be considered

The YSS has the responsibility and discretion to place a child in a placement that serves the best interests of that child. Siblings should be placed together whenever possible if it is in their best interests to do so. YSS must place a child in the least restrictive placement available to meet the child's needs. A child should be placed in as close proximity to the parent(s) as possible to facilitate visitation and

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reunification. Prior to placing a child, YSS will also consider the following important factors in its ability to maintain the child's connections with their community and established relationships in the child's life:

1. School continuity
2. Access to services (e.g. health care, treatment)
3. Religious/cultural practices
4. Community activities/sports

All placement decisions should be made with family (parents) involvement and supervisor approval. It's expected that YSS will complete a thorough relative and/or Tribal placement search for any child entering care.

D. LOCATING PLACEMENT RESOURCE

1. Upon initial contact from the reporting party, YSS Intake Specialist will inquire as to possible placement resources for the child with the enrollment department and family. YSS will get a family tree from the enrollment department and will begin contacting relatives for placement.
2. The Intake Specialist will collect information such as names, addresses, phone numbers, etc. as potential options for placement of the child.
3. The Intake/ER Worker, when facilitating a family meeting, or meeting with parents, will complete a 'Placement Search Form' with the involvement of the parents or family.
4. The Placement Search Form is given to the Recruitment/Placement Specialist to begin making inquiries of the listed resources for potential placement options.
5. Responses should be documented and licensing packets sent to the persons on the Search Form who have been contacted and expressed an interest in receiving the licensing packet.
6. The YSS must also request the YUROK enrollment application from YUROK Member to make sure all relatives have been considered for placement.
7. All identified persons on the Search Form and enrollment application should be contacted as potential resources for the child. A child should be consulted regarding their perception of acceptable resources.
8. The YSS Foster Care Recruitment Specialist is required to evaluate the potential resources as defined in the 'foster care licensing' policy as described in this document.

In most circumstances a child needs a placement before a full licensing process can be completed. In those circumstances, the Intake/ER Worker, Caseworker, Recruitment Specialist or ICW Supervisors, can complete the initial safety screens to approve the emergency placement. The safety screening process is identified in the 'Emergency Placement' guidelines.

If a relative is unable to be located or identified as a viable placement resource, the Recruitment/placement Specialist will contact tribally licensed families and attempt to contact any families that may be available. If unsuccessful, the Recruitment/placement Specialist would contact the closest CDSS/CWS Office to the child.

In the event a placement disruption occurs from any source from where the child is living and a change is needed in the placement, the Foster Care Recruitment Specialist will repeat the steps noted above regarding placement including contacting previously identified resources.

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E. CHILD PLACEMENT

The Intake/ER Worker is responsible for physically removing the child from their current residence. The Intake/ER Worker works with the staff for each removal. When appropriate, the Intake/ER Worker will work with the family or child to gather personal belongings and transports the child to the pre-arranged foster care placement. At the time of the placement, the Intake/ER Worker should reassure the parents and child of the next and subsequent visits. The child's records/medications/history, etc. should be gathered at the same time the Intake/ER Worker is in the home to remove the child. All of the child's belongings should be recorded and the information given to YSS. The child's physical belongings, medications, etc. will be delivered to his/her new home at the time of placement. Additional information about the child, such as religious/cultural involvement, haircuts, likes/dislikes, routine, structure, etc. will be given to YSS who will then transfer that information to the foster care provider. The foster parent has the right to receive any specific information about the child that is relevant to the placement.

The YSS is expected to reassure the parents of the process and type of placement that their child will be held. First time substitute caregivers need to know the rules regarding parental visits, contacts with other people, specialized behaviors, supervision needs, etc. A safety plan around the child's needs is also developed and shared with the foster parents.

If and when as appropriate, the YSS will encourage or attempt to facilitate a meeting between the parents and foster parents. The foster parents and parents are usually invited to participate in connecting with each other during visits, family meetings, court hearings, etc.

Within 48 hours after an initial placement, the YSS will evaluate the status of the placement and every 30 days via face to face contact with the foster parents. Conversations should occur separately between the child and foster parents. The YSS is required to have contact with the child every 30 days beyond the initial 30 day placement.

When a child enters into a foster care placement, within 72 hours, the YSS will facilitate a well-child check by a physician. In the case where a child comes from a home where there is suspected drug use/abuse and/or manufacturing, the YSS may request a urinalysis or blood test during the well child exam.

If there is a disruption in school placement, the YSS will assist the foster family in enrolling the child in a new school. The YSS will assure that any existing information/school records from their school will be transferred to the new school.

When a child enters into the Tribal foster care system for the first time, case manager will make a referral to

F. TIMELY INTERSTATE PLACEMENT OF CHILDREN

1. The YSS shall have in effect procedures for the orderly and timely interstate placement of children which provides that:
 - a. within 60 days after the YSS receives from another State or Tribe a request to conduct a study of a home environment for purposes of assessing the safety and suitability of placing a child in the home, the YSS shall, directly or by contract:
 - i. conduct and complete the study; and

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- ii. return to the other State or Tribe a report on the results of the study which shall address the extent to which placement in the home would meet the needs of the child;
- b. the YSS is not required to complete within the applicable time period the parts of the home study involving the education and training of the prospective foster or adoptive parents;
- c. the YSS shall treat any such report that is received from another State or an Indian Tribe (or from a private agency under contract with another State/Tribe) as meeting any requirements imposed by the State or Tribe for the completion of a home study before placing a child in the home, unless, within 14 days after receipt of the report, the State or Tribe determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child; and
- d. the YSS shall not impose any restriction on the ability of an agency administering or supervising the administration of a State or Tribal program operated under a plan approved under this part to contract with a private agency for the conduct of such a home study.

G. REMOVAL OF BARRIERS TO INTERETHNIC ADOPTION

1. The Tribe or any other entity in the Yurok Tribe that receives funds from the Federal Government and is involved in adoption or foster care placements may not:
 - a. deny to any person the opportunity to become an adoptive or foster parent on the basis of race, color, or national origin of the person, or of the child involved; or
 - b. delay or deny the placement of a child for adoption or into foster care, on the basis of race, color, or national origin of the adoptive or foster parent or the child involved; and
 - c. maintain any statute, regulation, policy, procedure or practice that, on its face, is a violation as defined in sections 471(a)(18)(A) and (B).
2. Compliance with the Indian Child Welfare Act of 1978 (Pub.L. 95-608) does not constitute a violation of section 471(a)(18).

H. KINSHIP CARE

1. The YSS 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 relevant State/Tribal child protection standards.
2. Within 30 days after the removal of a child from the custody of the parent(s), the YSS 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 parents), subject to exceptions due to family violence that:
 - a. specifies that the child has been or is being removed from the custody of the parent(s)of the child;
 - b. explains the options the relative has under Federal, State, Tribal or local 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;
 - c. describes the requirements under YSS to become a licensed foster family home and the additional services and supports that are available for the children placed in such a home; and
 - d., describes how the relative guardian of the child may subsequently enter into an agreement with the YSS Kinship Guardianship assistance program to receive the payments.
3. 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:
 - a. protection;
 - b. education;

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- c. care and control of the person;
- d. custody of the person; and
- e. decision making.

I. SIBLING PLACEMENT: YSS shall make reasonable efforts to:

1. Place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the YSS documents that such a joint placement would be contrary to the safety or well-being of any of the siblings; and
2. In the case of siblings removed from their home that are not so jointly placed, to provide for frequent visitation or other ongoing interaction between siblings, unless the YSS documents that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of the siblings.

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Chapter 4 -Foster Care & FC Maintenance Payments

Purpose/ Overview

The purpose of the foster care program is to provide for substitute parental child care for those children who are in need of care for which the child's parent, guardian, or custodian is unable, neglects, or declines to provide, and includes the provision of food, shelter, security and safety, guidance, and comfort on a twenty-four-hour basis, to one or more children. Licensed foster homes provide the child with a substitute family for a temporary period of time to provide predictability, nurturing and safety for the child. The goal of foster care is to create permanency for the child and whenever possible, to reunite the family.

Substitute caregivers, while working as a team member with social services staff and other professionals, provide the support needed by the child to thrive physically, emotionally, and socially. The foster care maintenance payments program is designed to support substitute care givers with caring for vulnerable Yurok foster children. Substitute caregivers assist with the stabilizing and reduction of trauma many children experienced in their homes and when placed in foster care. Substitute caregiving Foster care may be provided in a family foster home, group home, or residential child care facility.

This chapter outlines all of the regulatory requirements to provide payments and support to substitute caregivers. all references to AFDC eligibility requirements can be found in the respective state AFDC plan as in effect on 7/16/1996.

I. TITLE IV-E

A. ELIGIBILITY

1. Payments are provided for each dependent child who is placed in foster care.

a. A Dependent Child is a needy child:

(i) who has been deprived of parental support or care by reason of the death, continued absence from the home or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their own home, and

(ii) who is (A) under the age of eighteen, or (B) at the option of the Tribe, under the age of nineteen and a full-time student in a secondary school, and

(iii). the dependent child, while in the home, would have received AFDC aid under the applicable State approved plan: (A) in or for the month in which the agreement was entered into or court proceedings were initiated; (B) if application had been made; or (C) if application had been made and the child had been living in the home within six months before the month in which the agreement was entered into or court proceedings were initiated.

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- b. whose removal and foster care placement are in accordance with:
 - i. a voluntary placement agreement entered into by the child's parent, legal guardian or Indian custodian, who is a specified relative as referred to in paragraph A (1)(a)(i) above; or
 - ii. a judicial determination to the effect that continuation of residence in the home from which removed would be contrary to the welfare, or that the placement would be in the best interest of the child and that active efforts to prevent or eliminate the need for removing the child from the child's home and to make it possible for the child to safely return to the home were made. The contrary to the welfare determination will be made in the first court ruling that sanctions (even temporarily) the removal of a child from home. If the determination regarding contrary to the welfare is not made in the first court ruling pertaining to removal from the home, the child will not be eligible for Title IV-E foster care maintenance payments for the duration of that stay in foster care;

- c. whose placement and care in a foster family home is the responsibility of Yurok Social Services (YSS)

- d. who:
 - i. either:
 - A. received AFDC in the home of the specified relative from whom removed in or for the month in which either a voluntary placement agreement was entered into or court proceedings leading to the judicial determination of removal and foster care placement were initiated;
 - B. would have received AFDC in the home in or for such month referred to in the above clause if application for such aid had been made; or
 - C. had been living with a specified relative within six months prior to the month in which a voluntary placement agreement was entered into or court proceedings leading to the judicial determination of removal and foster care placement were initiated and would have received AFDC in or for such month if the child had been living in the home with such relative and an application had been made for AFDC under Title IV-A of the Act; and
 - ii. had resources determinate under the Act that had a combined valued of not more than \$ 10,000.;

2. Removal

- a. a removal from the home must occur pursuant to:
 - i. a voluntary placement agreement entered into by a parent or relative which leads to a physical or constructive removal (i.e., a non-physical or paper removal of custody) of the child from the home; or
 - ii. a judicial order for a physical or constructive removal of the child from a parent or specified relative.
- b. A removal has not occurred in situations where legal custody is removed from the parent or relative and the child remains with the same relative in that home under supervision by YSS.

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c. A child is considered constructively removed on the date of the first judicial order removing custody, even temporarily, from the appropriate specified relative or the date that the voluntary placement agreement is signed by all relevant parties.

3. Living with a specified relative. For purposes of meeting the requirements for living with a specified relative prior to removal from the home, one of the two following situations will apply:

a. the child was living with the parent or specified relative and was AFDC eligible in that home in the month of the voluntary placement agreement or initiation of court proceedings; or

b. the child had been living with the parent or specified relative within six months of the month of the voluntary placement agreement or the initiation of court proceedings, and the child would have been AFDC eligible in that month if he or she had still been living in that home.

B. VOLUNTARY PLACEMENTS

1. Foster care maintenance payments are made in the voluntary placement of a minor child out of the home by or with the participation of the Tribal agency only if:

a. the assistance of YSS has been requested by the child's parent(s), relative legal guardian(s) or Indian custodian(s) who are also specified relatives; and

b. there is a written voluntary placement agreement binding on all parties to the agreement which specifies at a minimum the legal status of the child and the rights and obligations of the parents, relative guardians or custodians who are also specified relatives, the child and YSS while the child is in placement.

2. Federal financial participation is claimed only for voluntary foster care maintenance expenditures made within the first 180 days of the child's placement in foster care unless there has been a judicial determination by a court of competent jurisdiction within the first 180 days of the date of such placement to the effect that the continued voluntary placement is in the best interests of the child.

3. The parent, guardian or caretaker can withdraw the request or terminate the placement agreement with a seven (7) day notice to YSS.

C. PAYMENTS

1. Foster care maintenance payments for a child in foster care may cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to the child, and reasonable travel to the child's home for visitation with family, or other caretakers and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement. Local

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travel associated with providing the items listed above is also an allowable expense. In the case of child care institutions, such term must include the reasonable costs of administration and operation of such institutions as are necessarily required to provide the items described in the preceding sentences.

2. Foster care maintenance payments are made only on behalf of an eligible child who is:
 - a. in 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. in 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” defined in C-1 above).
3. Administrative costs associated with an otherwise eligible child who is in a unallowable facility or an unapproved or unlicensed relative home and who is removed from the home of a specified relative shall be considered only for expenditures:
 - a. for a period of not more than 12 months in which the child is in the home of a relative and an application is pending for licensing or approval of the home as a foster family home; or
 - b. for a period of not more than one calendar month when a child moves from a facility not eligible for payments under this part into a foster family home or child care institution licensed or approved by YSS.
4. Administrative costs associated with a child who is potentially eligible for benefits under the approved Title IV-E plan and at imminent risk of removal from the home, shall be considered for expenditures only if:
 - a. active efforts are being made to preserve and reunify the family while keeping the child’s health and safety as a paramount concern to prevent the need for removal of the child from the home; and
 - b. YSS has made - preferably every three months but not to exceed a six month period between reviews - a determination (or redetermination) as to whether the child remains at imminent risk of removal from the home.
5. Child of a minor parent in foster care. Foster care maintenance payments made on behalf of a child placed in a foster family home or child care institution, who is the parent of a son or daughter in the same home or institution, must include amounts which are necessary to cover costs incurred on behalf of the child’s son or daughter. Said costs must be limited to funds expended on those items described in the definition of foster care maintenance payments.

D. CASE REVIEW SYSTEM

1. Case Plan: YSS has promulgated policy materials and instructions for use by the Tribe and local staff to determine the appropriateness and necessity for the foster care placement

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of the child. The case plan for each child:

- a. is a written document which is a discrete part of the case record, in a format determined by the Tribe which is developed jointly with the parent(s), relative guardian(s), or specified relative Indian custodian(s) of the child in foster care;
- b. is developed within 60 days from the child's removal from the home;
- c. includes a description of the services offered and provided to prevent removal of the child from the home and to reunify the family;
- d. includes a description of the type of home or institution in which the child is placed;
- e. includes a discussion of the safety and appropriateness of the placement and how YSS plans to carry out the judicial determination that continuation in the home would be contrary to the welfare of the child;
- f. includes a plan for assuring that the child receives safe and proper care, and services are provided to the parent(s), child and foster parents in order to improve the conditions in the parent(s)' home to facilitate the child's return to his or her own safe home or the permanent placement of the child;
- g. includes a plan for assuring that services are provided to the child and foster parents in order to address the need of the child while in foster care;
- h. includes a discussion of the appropriateness of the services that have been provided to the child under the plan;
- i. where appropriate for a child 16 or over, includes a written description of the programs and services which will help such child prepare for the transition from foster care to independent living. Each child in foster care under the responsibility of the Tribe who has attained 16 years of age shall 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 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.
- j. during the 90 day period immediately prior to the date on which the child will attain 18 years of age, or such greater age as the Tribe may elect, whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving independent living benefits or services, a caseworker on the staff of YSS, 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, includes information about the importance of designating another individual to make health

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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 Tribal law to make such decisions, and provides the child with the option to execute a health care proxy, or other similar document recognized under Tribal law, and is as detailed as the child may elect;

k. documents the steps to finalize a placement when the case plan goal is or becomes adoption or placement in another permanent home in accordance with the Act. When the case plan goal is adoption, at a minimum such documentation shall include child-specific recruitment efforts such as the use of Tribal, State, regional, and national adoption exchanges including electronic exchange systems to facilitate orderly and timely in-State and interstate placements;

i. In the case of a child with respect to whom the permanency plan is adoption or placement in another permanent home, documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, a fit and willing relative, a legal guardian, or in another planned permanent living arrangement, and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child specific recruitment efforts such as the use of State, regional, national adoption exchanges including electronic exchange systems to facilitate orderly and timely in-State and interstate placements.

ii. In the case of a child who has been in foster care under the responsibility of the Tribe for 15 of the most recent 22 months, or, if a court of competent jurisdiction has determined a child to be an abandoned infant (as defined under Tribal law) or has made a determination that the parent has committed murder of another child of the parent, committed voluntary manslaughter of another child of the parent, aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter, or committed a felony assault that has resulted in serious bodily injury to the child or to another child of the parent, the Tribe shall file a petition to terminate the parental rights of the child's parents (or, if such a petition has been filed by another party, seek to be joined as a party to the petition), and, concurrently, to identify, recruit, process, and approve a qualified family for an adoption, unless: (1) at the option of the Tribe, the child is being cared for by a relative; (2) YSS has documented in the case plan (which shall be available for court review) a compelling reason for determining that filing such a petition would not be in the best interest of the child. Such compelling reason may include Tribal Customary Adoption under California law or legal guardianship after proper Tribal Court findings of compelling reasons are made; or (3) the Tribe has not provided to the family of the child, consistent with the time period in the Tribal case plan, such services as the Tribe deems necessary for the safe return of the child to the child's home, if active efforts are required to be made with respect to the child.

l. for a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardian assistance payments, YSS shall include in the case plan a

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description of:

- i. the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;
 - ii. the reasons for any separation of siblings during placement;
 - iii. 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;
 - iv. the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;
 - v. the efforts YSS 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
 - vi. the efforts made by YSS to discuss with the child's parent(s) the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.
- m. includes a discussion of how the case plan is designed to achieve a safe placement for the child in the least restrictive (most family-like) setting available and in close proximity to the home of the parent(s) when the case plan goal is reunification and a discussion of how the placement is consistent with the best interest and special needs of the child;
- n. if the child has been placed in a foster family home or child-care institution a substantial distance from the home of the parent(s), in a different State, or outside of the Tribal service area, sets forth the reasons why such a placement is in the best interests of the child;
- o. if the child has been placed in foster care in a State or Tribal service area outside the State or Tribal service area in which the child's parent(s) are located, assures that an agency caseworker on the staff of the State or Tribal agency of the State or service area in which the home of the parents of the child is located, of the State or service area in which the child has been placed, or of a private agency under contract with either such State or Tribe, visits the child in such foster home or institution no less frequently than every month and submits a report on the visit to YSS and/or the State or Tribal agency in the service area where the home of the child's parent(s) is located;
- p. a plan for ensuring the educational stability of the child while in foster care including:
- i. assurances that each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and
 - ii. an assurance that YSS has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of each placement; or
 - iii. if remaining in such school is not in the best interests of the child, assurances by YSS and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school; and
- q. incorporates the health and education records of the child including the most recent

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information available regarding:

- i. the names and addresses of the child's health and educational providers;
- ii. the child's grade level performance;
- iii. the child's school record;
- iv. a record of the child's immunizations;
- v. the child's known medical problems;
- vi. the child's medications; and
- vii. any other relevant health and education information concerning the child determined to be appropriate by YSS.

2. Case Review

A review of each child's status is made no less frequently than once every 90 days by the court to:

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

3. Permanency Hearing

a. YSS holds permanency hearings for all children under the responsibility for placement and care of YSS, including children under voluntary placement agreements.

b. The permanency hearing takes place within 12 months of the date the child is considered to have entered foster care and not less frequently than every 12 months thereafter during the continuation of foster care.

c. When a court determines that active efforts to return the child home are not required, a permanency hearing is held within 30 days of that determination, unless the requirements of the permanency hearing are fulfilled at the hearing in which the court determines that active efforts to reunify the child and family are not required.

d. For the purpose of this requirement, a permanency hearing shall determine:

- i. the permanency plan for the child that includes whether, and if applicable when, the child will be returned to the parent, or placed for Tribal Customary Adoption and the Tribe will file a petition for termination of parental rights, or referred to Tribal Customary Adoption, legal guardianship, or (in cases where YSS 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

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living arrangement;

ii. In the case of a child who will not be returned to the parent, the hearing shall consider in-State/Tribal service area and out-of-State/Tribal service area placement options;

iii. In the case of a child placed out of the State/Tribal service area in which the home of the parent(s) of the child is located, the hearing shall determine whether the out-of-State/Tribal service area placement continues to be appropriate and in the best interest of the child;

iv. In the case of a child who has attained age 16, the services needed to assist the child to make the transition from foster care to independent living; and

v. 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, age appropriate procedural safeguards shall be applied to assure the court conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child. These safeguards might include a hearing in chambers outside the presence of the parties considering the child's age and stage of development. In such a case, the parties will be entitled to a readback of the testimony transcript or a summary from court or counsel of the testimony.

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

f. If the Tribe concludes, after considering reunification, Tribal Customary Adoption, Adoption with Termination of Parental Rights (TPR), 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.

4. Health and Education Records

a. 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.

b. 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 18.

5. Notice: The Tribe provides the foster parent(s) of a child and any pre-adoptive parent or relative providing care for the child with timely notice (as described in the Yurok Tribe Children's Code) 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 placement

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or relative caregiver. Notice of and a right to be heard does not require the Tribe to make the caregiver a party to the proceeding.

E. MEDICAL & SOCIAL SERVICES

1. For purposes of Title XIX and XX, any child with respect to whom foster care maintenance payments are made under Title IV-E will be deemed a dependent child as defined in section 11(A)(1)(a) herein and shall be deemed to be a recipient of aid to families with dependent children under Part A of Title IV (as in effect 7/16/1996). Title XIX and XX services will be available to such child in the State in which the child resides.

2. For the purposes of Titles XIX and XX, any eligible child for whom there is a kinship guardianship assistance payment being made is deemed to be a dependent child as defined in section 11(A)(1)(a) and is deemed to be a recipient of AFDC under part A of Title IV of the Act (as in effect 7/16/1996) in the State in which such child resides.

F. SPECIFIC GOALS IN TRIBAL LAW

1. YSS formulates for each fiscal year, a specific goal as to the maximum number of children (in absolute numbers or as a percentage of all children in foster care receiving assistance under a Tribal Title IV-E program) who at any given time during the fiscal year will have been in foster care for over 24 months. The specific foster care goals are incorporated into Tribal law by statute or administrative regulation with the force of law. Every year YSS will submit a tribal resolution to Tribal council for approval of the new goal and steps necessary to achieve the goal. (sync with the resolution)

2. YSS will describe the steps that will be taken to achieve the specific goal established.

G. PREVENTIVE & REUNIFICATION SERVICES

1. The Tribe makes active efforts to 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; to effect the safe reunification of the child and family (if temporary out-of-home placement if necessary to ensure the immediate safety of the child); and to make and finalize alternate permanency plans in a timely manner when reunification is not appropriate or possible. In determining active efforts to be made with respect to a child and in making such efforts, the child's health and safety is of paramount concern.

2. If continuation of active efforts to prevent the breakup of the Indian family as defined in the Indian Child Welfare Act and appropriate State/Federal/Tribal case law is determined to be inconsistent with the permanency plan for the child, active efforts are made to place the child in a timely manner in accordance with the permanency plan including, if appropriate, through an interstate placement, and to complete whatever steps are necessary to finalize the permanent placement of the child.

Comment [SW1]:

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3. Judicial determination of active efforts to prevent a child's removal from the home.
 - a. When a child is removed from his/her home, the judicial determination, as to whether active efforts were made or were not required to prevent the removal, is made not later than 60 days from the date the child is removed from the home.
 - b. If the determination concerning such efforts to prevent the removal is not made as specified above, the child is not eligible under the Title IV-E foster care maintenance payments program for the duration of the stay in foster care.

4. Judicial determination of active efforts to finalize a permanency plan.
 - a. YSS obtains a judicial determination that it has made active efforts to finalize the permanency plan that is in effect (whether the plan is reunification, Tribal Customary Adoption, adoption with TPR, legal guardianship, placement with a fit and willing relative, or placement in another planned permanent living arrangement) within 12 months of the date the child is considered to have entered foster care, and at least once every 12 months thereafter while the child is in foster care.
 - b. If such a judicial determination regarding active efforts to finalize a permanency plan is not made, the child becomes ineligible under Title IV-E from the end of the 12th month following the date the child is considered to have entered foster care or the end of the 12th month following the month in which the most recent judicial determination of such efforts to finalize a permanency plan was made, and remains ineligible until such a judicial determination is made.

5. Active efforts are not required to prevent a child's removal from home or to reunify the child and family if YSS obtains a judicial determination that such efforts are not required because:
 - a. A court of competent jurisdiction has determined that the parent has subjected the child to aggravated circumstances, as defined in the Yurok Tribe Children's Code;
 - b. A court of competent jurisdiction has determined that the parent has been convicted of any of the following as defined in Title 18 of the United States Code:
 - i. murder
 - ii. voluntary manslaughter
 - iii. Aiding or abetting, attempting, conspiring or soliciting murder or voluntary manslaughter
 - iv. a felony assault that results in serious bodily injury to the child or another child of the parent; or
 - c. the parental rights of the parent with respect to a sibling have been terminated involuntarily

6. Concurrent planning
 - a. Active efforts to finalize an alternate permanency plan may be made concurrently with active efforts to reunify the child and family
 - b. Active efforts to place a child for adoption or with a legal guardian, including identifying appropriate in-State/Tribal service area and out-of-State/Tribal service area

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placements, may be made concurrently with active efforts to reunify the child and family.

7. YSS may seek the services of the Federal Parent Locator Service to search for absent parents at any point in order to facilitate a permanency plan.

H. TERMINATION OF PARENTAL RIGHTS

1. The Tribe 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):

a. whose child has been in foster care under the responsibility of the State and/or Tribe for 15 of the most recent 22 months. The petition must be filed by the end of the child's 15th month in foster care. In calculating when to file a petition for TPR, the Tribe:

i. will calculate the 15 out of the most recent 22 month period from the date the child entered foster care;

ii. will use a cumulative method of calculation when a child experiences multiple exits from the entries into foster care during the 22 month period;

iii. will not include trial home visits or runaway episodes in calculating 15 months in foster care; and

iv. only finds compelling reasons not to file a petition for TPR once if the Tribe does not file a petition because one of the exceptions applies;

b. whose child has been determined by a court of competent jurisdiction to be an abandoned infant as defined under Tribal law. The petition to terminate parental rights is made within 60 days of the judicial determination that the child is an abandoned infant; or

c. who has been convicted of one of the felonies listed above in section 11(G)(5). Under such circumstances, the petition for TPR is to be made within 60 days of a judicial determination that active and reasonable efforts to reunify the child and parent are not required.

2. The Tribe may elect not to file or join a petition for TPR of a parent of this section if:

a. The Tribe has selected Tribal Customary Adoption as the permanent plan.

b. At the option of the Tribe, the child is being cared for by a relative

c. YSS has documented in the case plan, that is available for court review, a compelling reason for determining that filing such a petition would not be in the best interests of the individual child; or

d. YSS has not provided to the family, consistent with the time period in the case plan, services that the Tribe deems necessary for the safe return of the child to the home, when active and reasonable efforts to reunify the family are required.

3. When the Tribe files or joins a petition for TPR, it concurrently begins to identify, recruit, process and approve a qualified adoptive family for the child.

I. DATE CHILD CONSIDERED TO HAVE ENTERED FOSTER CARE:

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

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1. the date of the first judicial finding that the child has been subjected to child abuse or neglect; or
2. the date that is 60 days after the date on which the child is removed from the home.

J. DOCUMENTATION OF JUDICIAL DETERMINATION

The judicial determinations regarding contrary to the welfare and active and reasonable efforts to finalize the permanency plan in effect (including judicial determinations that such efforts are not required), are explicitly documented and made on a case-by-case basis and so stated in the court order.

1. If such determinations are not included as required in the court orders, a transcript of the court proceedings is the only other documentation accepted to verify that these required determinations have been made.
2. Court orders that reference State/Tribal law to substantiate judicial determinations are not acceptable even if the law provides that a removal must be based on a judicial determination that remaining in the home would be contrary to the child's welfare or that removal can only be ordered after active efforts have been made, except as applied to Tribes.
3. Nunc pro tunc orders by Tribal Court will be accepted as verification documentation in support of active and reasonable efforts and contrary to the welfare judicial determinations.

K. TRIAL HOME VISITS:

A trial home visit may not exceed six months in duration, unless the court orders a longer trial home visit. If a trial home visit extends beyond six months and has not been authorized by the court, or exceeds the time period the court has deemed appropriate, and the child is subsequently returned to foster care, that placement must then be considered a new placement and Title IV-E eligibility must be newly established. Under these circumstances, the judicial determinations regarding contrary to the welfare and active efforts to prevent removal are required.

L. TRAINING:

Before a child in foster care is placed with prospective foster parents, the prospective foster parents are adequately prepared with the appropriate knowledge and skills to provide for the needs of the child. As necessary, such preparation is continued after placement of the child. Required training is listed in Chapter 10- Licensing

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M. DEFINITION OF 'CHILD': For the purposes of the Title IV-E Foster Care Program, the term 'child' means:

1. An individual who has not attained 18 years of age; or
2. at the option of YSS and individual
 - a. who is in foster care under the responsibility of YSS;
 - b. who has attained 18 years of age but who has not attained _____ years of age;
 - c. who meets any of the following conditions:
 - i. the child is completing secondary education or a program leading to an equivalent credential;
 - ii. the child is enrolled in an institution which provides post-secondary or vocational education;
 - iii. the child is participating in a program or activity designed to promote, or remove barriers to, employment;
 - iv. the child is employed for at least 80 hours per month; or
 - v. the child is 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.

Chapter 5 –GUARDIANSHIP

I. Purpose/ Overview

The Yurok tribe supports and encourages relatives to perform duties of a primary caregiver when the child's parents are unable to do so. This practice is customary without terminating the parental rights of the parent. It has always been the practice of Yurok families and villages to take care of one and other. It has always been the cultural practice and responsibility of Yurok people to help parents care for their children, especially when the parent is not able to and without excluding the parent from the child's life. Guardianship is the American word and legal mechanism to formalized authority for substitute care givers. Guardians provide loving safe homes for Yurok children while keeping children connected to their parents, culture, and Yurok community. Children do best when they are safe and able to maintain their family connections and identity.

YSS or substitute caregivers may petition the court for guardianship if it appears the child will not be returning to the parent in the near future. A referral will be made when an assessment has been completed by the social worker or at the request of the relative care giver. The case manager will assess the age of the child, age of the parents, child's relationship with parents & substitute caregivers, and other factors when the child cannot safely return home. This requirement is met when reunification with a parent of the child is not possible within a reasonable timeframe. If a substitute care giver family has identified a need for continued assistance, the ICW Caseworker will meet with the prospective guardians and assist them in completing the Guardianship Assistance Application prior to establishing 'guardianship' through the Tribal Court. If the child is IV-E eligible the ICW Program will make a determination based on required standards. If the child is not IV-E eligible, the ICW Program Coordinator will review the application and make a determination of appropriate assistance once a guardianship is established (BIA, TANF, etc.). The ICW Program will assist the family to identify any resources for financial assistance that may offset assistance provided by the ICW Program. The ICW Program may also identify additional barriers and provide other assistance as determined conjointly by the ICW Program and foster family. The child has been in the Tribe's legal custody for a minimum of –

- Six months, if the prospective guardian is a relative; or
- Twelve months, if the prospective guardian is not a relative.

The following services *may* be provided by the ICW Program while the child remains in guardianship status (up to age 18):

1. Monthly guardianship assistance payment (GAP)
2. Childcare payments
3. Visitation services
4. Educational support

All agreed upon services and financial assistance will be documented in the case file.

If the Court grants guardianship, the child continues as a ward of the Court, but the ICW Program is no longer the legal guardian. The ICW Program will notify any agencies providing support to that child and assist with the establishment of the legal guardians as the payee for that assistance, i.e. Social security, child support, etc. The ICW Program will conduct periodic reviews of the services

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provided to the child and assess current need. In order to continue assistance from the ICW Program, the guardians are responsible for updating the 'Guardian Assistance Application' at least every three years.

That caregiver then becomes the legal guardian of the child. After the court approves guardianship, YSS ICW program no longer is the legal guardian of the dependent minor; however, the YSS ICW program will continue to check in with the new legal family at a minimum of once every six months during the first two (2) years of the guardianship, to ensure the safety and wellbeing of the child. The YTC will conduct six month review court hearings on each child who is in a guardianship. After two years, the court can determine that reviews take place once a year. If there are concerns with the guardianship the court may order continued biannual reviews or more frequent reviews on a case by case situation. An updated home study will be submitted to the court at six month and annual reviews. After the first two years, YSS will recommend to the court that updated home studies and court reviews take place once a year. The new legal guardians will continue providing progress reports of the child.

Various funding options are available for guardianship assistance. The child and guardian must meet funding criteria of the specific program in order to be eligible. Title IV-E guardianship assistance program, BIA guardianship assistance under the WAG through the self-governance compact, and Yurok Tribal TANF.

II. Title IV-E Guardianship Assistance Program (GAP)

A. Purpose

Guardianship Assistance Program (GAP) is financial assistance or medical benefits to a child's guardian on behalf of an eligible child under guardianship. The ICW program provides guardianship assistance payments on behalf of children to grandparents and other relatives who assume legal guardianship of the child for whom they have cared as foster parents and for whom they have committed to care on a permanent basis as provided in 473 (d). ICW must have the consent of the birth parents to the guardianship arrangement when possible. If the birth parents are unwilling or unavailable to consent, they must have been provided notice of the court hearing.

The child is a legal resident of, an immigrant to, or citizen of the United States, and is under the care of a caregiver residing in this country legally.

GAP may be in the form of a monthly GAP payment and/or Medicaid coverage. Guardianship ends Yurok Social Service's custody and the Yurok Tribal Court awards custody of the child who is Title IV-E eligible, to the relative who then assumes legal child whom they have cared as a substitute caregiver (with the caregiver within the last 6 consecutive months) and that they have committed to care for on a permanent basis. GAP is based on the child must meet IV-E edibility based on the home that he/she was removed from, meet other specific child eligibility, and the prospective guardian must meet eligibility. A court guardianship order terminates the order for YSS tribal care, custody, and supervision; or, if a child has been committed permanently to YSS, the court guardianship order sets aside or modifies the order of permanent commitment, relieving YSS of responsibility for the child. The child is Title IV-E eligible, in foster care with an eligible licensed home meeting Title IV-E standards, a US Citizen and meets the following minimum requirements

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for eligibility.

B. Child Eligibility

A GAP payment is made on behalf of an eligible child if the ICW program makes determination that the child meets the following and is documented in permanency case plan:

1. The child is removed from his/her home pursuant to a Voluntary placement agreement or as a result of a judicial determination that continuing in the home would be contrary to the welfare of the child; and
2. Eligible for foster care maintenance payments under section 472 while residing for at least 6 consecutive months in the home of the prospective relative guardian;
 - a. Have permanency a goal of returning home; and adoption is ruled out due to it not being in the best interest of the child.
 - b. YSS ICW Team formally assesses the placement and finds that the continuation of the placement is in the child's best interests because the placement supports the safety, permanency, cultural identity, and well-being of the child. 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
 - c. YSS consults with the child, if 14 years of age or older, regarding the guardianship placement;
 - d. All Reasonable Efforts to place siblings removed from their home in the same guardianship unless YSS documents that such a joint placement would be contrary to the safety or well-being of any of the sibling; and
 - i. In the case sibling removed from their home who are not so jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless YSS documents that frequent visitation and ongoing interaction would be contrary to the safety or well-being of any of the sibling;
 - ii. Each sibling in the same sibling group placement is eligible, providing at least one sibling meets all eligibility criteria under this rule, regardless of the timing of each individual placement.
 - e. The child does not require the ongoing services of a case worker because --
 - i. The child has no ongoing need requiring YSS services or funding (such as a need covered by insurance);
 - ii. The child has a need, but it does not require continued YSS services or funding; or
 - iii. The child has a need that can be met through a community or other resource and the guardian agrees to access or continue to use that resource.

C. Payments:

ICW will provide tribal relative GAP payments in the same manner as it will foster care maintenance payments. Payments shall not exceed the foster care maintenance payment which would have been paid on behalf of the child if the child had remained in a foster family home.

A county mental health or developmental disability system does not provide the child's substitute

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care or Title XIX maintenance payment.

Payments will be terminated when the Tribal agency determines that:

- a. the child has attained the age of 18, or such greater age as the State/Tribal agency may elect under section 475(8)(B)(iii); or
- b. the child has attained 21 years of age, and the child has a mental or physical disability which warrants the continuation of assistance to age 21; or
- c. the child has not attained 18 year of age, and the relative guardians are no longer legally responsible for the support of the child; or
- d. the child is no longer receiving any support from the relative guardians.

The relative guardians are required to inform the State/Tribal agency of circumstances that would make them ineligible for guardianship assistance payments or eligible for guardianship assistance payments in a different amount.

D. MEDICAID AND SOCIAL SERVICES

For the purposes of titles XIX and XX, any eligible child for whom there is a kinship 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.

E. CASE plan Requirements:

When the planned living arrangement of the child is placement with a relative and receipt of travel relative guardianship assistance payments the case plan shall include:

1. The steps ICW has taken to determine it is inappropriate for the child to return home or be adopted (will further describe for tribal purposes not IV-E)
2. The reasons for any separations of siblings during placement
3. The reasons why a permanent placement with a fit and willing relative arrangement is in the child's best interests.
4. The ways in which the child meets eligibility requirements for a tribal relative assistance payment
5. The efforts ICW 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 who has chosen not to pursue adoption, and documentation of the reasons
6. The efforts ICW program has made to discuss with the child's parents /s the tribal relative guardianship assistance arrangements, or the reasons why efforts were not made.

F. Eligibility of Guardian & SAFETY

ICW 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 checks described in 471(a)(20) on any relative guardian and any other adult living in the home of any relative guardian, before the relative guardian may receive kinship

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guardianship assistance payments on behalf of the child under this plan option. No payments will be made to any relative guardian who has committed any of the specified crimes under section 471 (a) (20). These crimes are covered in the certification/licensing standards (pg).

YSS may approve a guardian for GAP Program benefits when the guardian meets all of the following requirements:

1. Be a caregiver who demonstrates the commitment and ability necessary to provide a safe, permanent home for the child for at least the past six contiguous months as verified through a guardianship assessment. Be a certified caregiver and currently providing care to a child being considered for guardianship. The caregiver must:
 - a. Have a strong commitment to the child;
 - b. Provide a safe and suitable placement for the child; and
 - c. Meet YSS standards for ongoing care of the child as determined by a Home assessment or specialized guardianship assessment.
 - d. has demonstrated the commitment, openness, and ability to provide connection to Yurok Cultural values, traditions/ practices, language, community, and family.
 - e. must demonstrate the importance of understanding of core Yurok values, biculturalism, and wiliness to immerse their family in Yurok cultural, language, and community in effort to support the identity development of the Yurok child.
2. Require no significant ongoing casework services at the time the guardianship is established and demonstrate an ability to safeguard the welfare of the child, including protection from any individual or situation that brought the child into the care and custody of YSS.
3. Have a means of financial support and connections to community resources.
4. Agree to comply with all of the following requirements of the Department of Justice, Division of Child Support (DCS):
 - a. Submitting an application for child support services in connection with each of the child's parents.
 - b. Cooperating with DCS and the Department as required by the rules of the Child Support Program.
 - c. Agree to cooperate with the Yurok Tribal Court (YTC) and YSS program and policy in performing tasks deemed necessary for child support enforcement services where, child support shall be given to

G. Guardianship Application & Agreement Requirements(GAP):

GAP applicant must complete and sign an application, and return the application to the YSS ICW site providing case management for review and eligibility determination. A guardian is not required to apply for the GAP Program and applying is voluntary. An applicant may withdraw an application at any time. ICW program and Guardian will negotiate and must enter into a written binding agreement with the prospective relative guardian, and provide them with a copy of the agreement. This agreement must be entered into before a guardian can receive assistance benefits and must contain the following:

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1. A statement indicating that a GAP payment remains in effect without regard to the state of residency of the guardian.
2. The amount of the GAP and the manner in which each payment will be provided under the agreement, and the manner in which the payment may be adjusted periodically,, in consultation with the guardian, based on the circumstances of the guardian and the needs of the child.
3. The additional services and assistance for which the child and guardian are eligible under the agreement and the procedure by which the guardian may apply for such services.
4. Procedures by which the guardian may apply for additional services as needed;
5. A statement indicating the effective date of the GAP agreement is the date of the court order of guardianship.
6. A statement that no retroactive GAP payment may be authorized
7. A statement indicating that the guardian understands that a GAP payment may be terminated or suspended under **TO BE FILLED IN**
8. A statement indicating that the child for whom the Department is providing the GAP payment remains eligible for medical assistance once the guardianship is established.
9. That ICW program will pay a total cost of nonrecurring expenses associated with obtaining legal guardianship of the child, to the extent of the total cost does not exceed \$2,000; **and that the agreement shall remain in effect without regard to the Tribal service area residency of the relative guardian.**
10. A statement indicating that the guardian understands that the provisions CA WIC allow the **California** Department of Social Services Medical to exchange the following protected health information without the guardian's authorization for the purpose of treatment activities related to the behavioral or physical health of the child when the child is the recipient of Medical services:
 - a. The child's name and Medicaid recipient number;
 - b. The name of the child's hospital or medical provider;
 - c. The hospital or medical provider's Medicaid number;
 - d. Each diagnosis for the child;
 - e. Each treatment activity's date of service;
 - f. Each treatment activity's procedure or revenue code;
 - g. The quantity of units or services provided; and
 - h. Information about medication prescription and monitoring.
11. A statement indicating that the guardian agrees to comply with the GAP reporting requirements
12. ICW must provide the guardian with a copy of the GAP agreement.
14. YSS and guardian may review any GAP agreement at any time. The amount of the GAP subsidy and manner in which the benefits will be provided.
15. Include the guardian' understanding that the guardian shall cooperate with Yurok Tribal Court (YTC) and deems necessary for support.

Comment [SW4]: Discuss in march

Comment [SW5]: This needs to be discussed and worked out w CA

H. Changes That Must be Reported

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The relative guardians are required to inform YSS of circumstances that would make them ineligible for guardianship assistance payments or eligible for guardianship assistance payments in a different amount.

A guardian receiving GAP benefits must report any of the following changes to YSS immediately after the occurrence. The report will be made orally by telephone or in person to ICW. Once YSS ICW is informed, ICW shall inform the YTC.

In the event that a change in circumstance indicates that there is no longer a need for guardianship assistance, a YTC court hearing needs to be initiated. ICW will correspond with the OTA to file a Petition, these changes include:

1. The child's -
 - a. Absence for longer than 30 days from or the child is not currently living in the guardian's home;
 - b. Adoption;
 - c. Death;
 - d. Emancipation;
 - e. Incarceration for more than three consecutive months;
 - f. Marriage; or
 - g. Placement in substitute care with no plan for the child to return to the care of the guardian.
 - h. Custody or guardianship of the child is granted to another individual.
2. The guardian's:
 - a. Change in marital status;
 - b. Death of spouse;
 - c. Has a change of address;
 - d. Is no longer legally responsible for the financial support of the child or the child is no longer receiving financial support from the guardian; or
 - e. Is planning to move out of the state, they are responsible for submitting a written notice to YSS and the YTC thirty (30) days before moving.
 - f. No longer wanting to be the child's Legal Guardian.

I. Eligibility Termination & Suspension of Guardianship Assistance Benefits

1. In the GAP Program, YSS must terminate or suspend GAP benefits on the day when any of the following occurs:
 - 1.1 The child who entered care via court order was initially determined eligible for IV-E based on meeting "contrary to the welfare" and other IV-E requirements, but no finding of "reasonable efforts" to prevent removal was obtained within 60 days. In this case, the child becomes ineligible for the entire placement episode.
 - 1.2 The child reaches age 18, is emancipated, or 19 if a full time student who is reasonably expected to complete secondary school or an equivalent level of vocational or technical training before the end of the month of their 19th birthday. Eligibility continues to the end of the month in which the child turned 18 or 19; whichever comes first;
- 1.3 Child custody or guardianship is awarded to another individual;
- 1.4 The child returns to the home removed from, excluding trial home visits or trial return home as stated in the court order, and the parent resumes daily care and control of the

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- child
- 1.5 The child is placed with a biological, adoptive, or step parent, or legal guardian, excluding trial home visits or trial return home as stated in the court order, and this party assumes daily care and control of the child. The exception to the step parent placement ending eligibility is when the stepparent is divorced or legally separated from the child's bio parent. The stepparent in this case is considered a non parental eligible relative. Placement with this party or the spouse of the divorced step parent is considered a relative placement event.
- 1.6 Court orders ICW no longer has placement and care responsibility for child, and /or dependency is dismissed.
- 1.7 child dies
- 1.8 The Child Marries
- 1.9 The child is adopted
- 1.10 The child is placed in substitute care with no plan for the child to return to the care of the guardian; or
- 1.11 The guardian dies or terminates the guardianship.
- 1.12 The child is incarcerated for more than three consecutive months;
- 1.13 The child is out of the home for more than a 30-day period or is no longer living in the home; or
- 1.14 The guardian is no longer legally responsible for the financial support of the child or the child is no longer receiving financial support from the guardian.

2. Budgetary Reductions of Assisted Guardianship

If a legislative or executive branch action makes it necessary to reduce GAP Program benefits, YSS will send notification to each recipient of GAP Program benefits ten days before the effective date of any reduction about the following:

- 2.1 The amount or percentage of the GAP benefit reduction.
- 2.2 The effective date of the reduced GAP benefit amount; and
- 2.3 The reason for the reduction.
- 2.4 Any reduction to GAP Program benefits –
 - a. Applies uniformly to every recipient of GAP Program benefits.

REIMBURSABILITY

Initial reimbursability/payment eligibility

After initially determining child is title IV-E eligible, the intake specialist must then determine if federal funds may, in fact, be claimed on behalf of the eligible child. IV-E eligibility does not automatically qualify a child for IV-E reimbursement. A child who has met the criteria for initial eligibility must also meet the following criteria in order to be payment eligible or reimbursable:

- Placement in a fully licensed facility
- No SSI application pending or receipt of SSI benefits
- Reasonable efforts to prevent the removal finding obtained within 60 days

Receiving or Applying for SSI Benefits

In most cases, no IV-E can be claimed in a month in which an SSI application is pending or SSI benefits are received. In cases where the child is eligible for both SSI and IV-E, SSI payment will be reduced by the amount of the IV-E payment.

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SUMMARY OF IV-E INITIAL ELIGIBILITY & REIMBURSABILITY CRITERIA THAT MUST BE MET PRIOR TO CLAIMING IV-E

- ✓ Age: under 18 or 18 and in school full time and will graduate prior to 19th birthday
- ✓ Citizenship/qualified alien status
- ✓ Authority to place via a judicial determination
- ✓ Specific judicial determination of contrary to the welfare is made in the first order sanctioning placement of the child
- ✓ AFDC eligibility: child met deprivation factors and financial need in the eligibility month
- ✓ Placement in fully licensed placement
- ✓ No SSI application pending or receipt of SSI benefits
- ✓ Reasonable efforts to prevent removal finding obtained within 60 days

Continuing Reimburseability and Redeterminations

The intake specialist reviews each month in the 6 month review cycle at each periodic review to determine if reimbursability or payment eligibility criteria were met in each month that IV-E funds were claimed.

Redeterminations of eligibility may occur earlier than the 6 month review if new information is received which may affect IV-E eligibility and reimbursability.

Reimburseability Factors

Many of ongoing factors affect the claiming of IV-E funds and may affect claiming at each redetermination including:

- Ongoing AFDC deprivation, income, and resources criteria;
- Judicial determinations obtained in a timely manner;
- Citizenship/qualified alien status of the licensed caregiver;
- Responsibility for placement and care of the child remains with ICW;
- Fully licensed placement
- The status of a child of minor parent residing in licensed care; and
- The child is under 18, or is 18 years old in high school, GED or equivalent program full time and is expected to complete the program before age 19.

Title IV-E claim cannot be made unless all reimbursability criteria or conditions of federal reimbursement have been met.

Reimbursement is determined on a month basis. If a child has been determined to be eligible for one day in a month, he/she is considered to be reimbursable for the entire month. A child may lose and regain reimbursability on a frequent basis. The loss of IV-E reimbursability does not permanently affect IV-E eligibility.

Redetermination: AFDC Denervation, Income and Resources

That IV-E eligibility reviews continued eligibility for Title IV-E foster care based on the child's deprivation of parental support and the child's financial circumstances. The guardian's income is not considered during this review, nor is the guardian obligated to pay child support upon the child's return to substitute care. Eligibility for Title IV-E benefits may be re-established based on the child's original removal from the parental or relative home if the child continues to be deprived of parental support; the child meets personal financial eligibility criteria; and all court-related findings related to an initial removal are met. The AFDC criteria must be met only at the time of removal in the eligibility month. Deprivation and income and resources do not need to be reverified at subsequent redeterminations for the duration of the child's foster care placement episode. However, other payment eligibility criteria must be reevaluated every 6 months, or as needed when changes occur, to ensure accuracy of federal funding claims. The criteria includes:

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- Placement in a fully licensed facility
- Ongoing judicial requirements met in a timely manner (reasonable efforts to finalize permanent plan)
- CTW finding within 180 days of voluntary placements
- ICW maintains responsibility for placement and care
- Age
- SSI application or benefit status
- Transportation chared to IV-E is for IV-E allowable cost
- IV-E claims prorated properly for patial month eligibility
- Citizenship
- Planned living arrangement achieved (IV-E closure)

Redetermination: Trial Home Visit or Return Home

A trial home visit or trial return home may not exceed six months in duration, unless the court orders a longer trial home visit. If a trial home visit extends beyond six months and has not been authorized by the court, or exceeds the time period the court has deemed appropriate, and the child is subsequently returned to licensed or relative care, the at placement must then be considered a new placement and the tile IV-E eligibility must be newly established. Under the se circumstance, the judicial determinations regarding contrary to the welfare and reasonable efforts to prevent removal are required.

After Age 18 Reimbursability

Reimbursement can continue after a child reaches age 18 IF

- The child contuse as a full time student (full time is defined by the education program; and
- Is reasonably expected to complete secondary school, a GED, home schooling or the equivalent level of vocational or technical training before the end of the mohth of his/her 19th birthday; and
- There is a current judicial finding that reasonable efforts to finalize the permanency plan have been made. Once 12 months has passed since the last RE to finalize determined was made the youth is longer reimbursable.

Administrative costs

The child previously was determined eligible for the GAP Program and subsequently placed in foster care, but then is removed from foster care and returns to the guardian. The child remains eligible for the GAP Program without regard to whether or not the child is deprived of parental support at the time of the child's return to the guardian's care and without regard to the child's eligibility status while in foster care.

A child moving from GAP to adoption remains eligible for Title IV-E adoption assistance.

J. Court Order of Guardianship

1. When YSS determines that guardianship is the appropriate plan for a child:
 - a. ICW will not pursue a YTC court order establishing a guardianship until an application has been submitted and approved.
 - b. The caregiver is ineligible for foster care maintenance payments once the guardianship is effective and YSS' custody of the child is terminated by Tribal Court order.

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- c. YSS will not approve GAP if the YTC establishes guardianship and orders YSS to continue supervision of the child or guardian.
- 2. **Annual Reviews of Eligibility and Reports to the Court- In the GAP Program:**
 - a. YSS will review eligibility for GAP on a semi-annual basis through bi annual YTC Court Review hearing, during the first 2 years of the guardianship.
 - b. The guardian within 30 days after each annual anniversary of the court appointment of guardianship must file a written report with the court and submit a copy of the report to YSS ICW program.
 - c. The **guardian** will submit to YSS an Annual written progress report from each child's, this is due one month before the Annual Anniversary date:
 - i. *medical and Dental Providers* where a medical summary identifies the child's immunization records, medical and dental services received/provided.
 - ii. *School Teacher* where an education summary identifies the child's IEP service plan and services provided, attendance, student's grades and overall progress.
 - iii. *Mental Health Providers* where a mental health summary identifies the child's progress, attendance and participation, referrals, evaluations, assessments, and other mental health services that were provided for the child.
 - iv. Other progress reports for the child. Examples include: visitations with parent's and family, cultural consecutiveness/participation, or other information that is relevant to the child's well-being.
 - v. The written progress reports are to be done by the Providers and not to be done by the guardian.
 - d. The ICW Program shall submit a semi-annual report to the YTC which summarizes information on the child's well-being and progress all of which was provided by the Guardian and follow up done with the family's county of Child Abuse inquiry.

Reporting information to be identified includes:

- 1. Identifies the name of the child(ren).
 - 2. Identifies the dates of birth for each child.
 - 3. Identifies the names of the Legal Guardians, addresses, employment, marital status.
 - 4. Identifies the name of the school that each child attends.
 - 5. Identifies the names of the child's teacher, grade, and services provided if any.
 - 6. Identifies the names of the child's medical and dental providers and their addresses.
 - 7. Identifies the names of the child's mental health providers and services provided if any.
 - 8. Identifies the date of inquiry made to the Child Welfare Agency.
 - 9. Identifies any Child Abuse reports made on the child and their legal guardians, if any.
 - 10. Identifies Investigative response and outcome regarding the Child Abuse Report.
 - 11. Identifies any familial involvement if known.
 - 12. Identifies any current familial history that may be relevant for the child's well-being & safety.
 - 13. Identifies YSS recommendations.
 - 14. Identifies YSS concerns if any.
- e. The Tribal Court will conduct semi-annual review hearings on behalf of each guardian.

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Assist cases during the first two years of the guardianship. After two years the hearings may take place annually.

1. YSS shall provide the guardian's Annual reports to the OTA Prosecutor and the YTC the time of the Annual Review Hearing.
2. YSS shall present to the Tribal Court Judge on the welfare of the child (YSS court report form, YSS report on welfare of child and appropriateness of placement).
3. YSS shall present to the Tribal Court Judge the appropriateness of continued guardianship with the Legal Guardian and provide recommendations on whether placement should remain intact.
4. OTA Prosecutor shall present to the YTC Judge evidence regarding the parent's compliance or non-compliance since the time Assisted Guardianship was established.
5. OTA Prosecutor shall present to the YTC Judge evidence that is relevant to the child's case.
6. The Tribal Court clerk will be responsible for providing Notice of Court Hearings/Court Summons to the Legal Guardian and to the parent's whose rights have not been terminated.
7. Guardians who reside off the Yurok Reservation may request in writing to participate by teleconference fourteen (10) days before the court hearing.
8. If granted, guardians who appear by teleconference shall provide YSS and YTC with a telephone number. The guardian is responsible to call in ten (10) minutes before the hearing.
9. All Guardians who are summoned to appear for the Annual Court Review hearing will need to attend so if you are married both parties need to be present.
10. YSS shall hand deliver/file all required written reports to the OTA to be filed one week before Court Review hearing.

K. Guardianship: Social and Support Services

1. YSS shall provide caretakers with an orientation to the family to assure that they understand the benefits and responsibilities of GAP. The orientation includes biological and legal parents when possible, particularly when intra- and inter-familial tensions between a birth parent and a prospective guardian affect the well-being of the child, prospective guardian, or prospective guardian's family.
2. The assigned YSS ICW Worker will work closely with the prospective guardians and inform them of what GAP benefits are and provide the family with: phone numbers to call for regarding GAP,
3. A guardian and the child in the guardianship have access to YSS after establishment of the guardianship as do adoptive parents, including access to t contracted resource center, and crisis intervention services
4. Upon the establishment of a guardianship, the case ICW Worker must conduct an exit conference with the guardian, guardian's family, and the child and ensure the guardian and

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guardian's family have contact information for social and support services. The case ICW Worker must advise the guardian family to call Intake Screening to request services in the county in which the family resides. The case ICW Worker must explain that requesting services does not place the guardianship in jeopardy.

L. Conducting the Guardianship Home study procedures

1. See case planning section

III. BIA Welfare Assistance (WAG aka GA) – Child/foster assistance

The Yurok Tribe receives funding from the BIA as a self governance Tribe. Funding for foster care assistance under this funding requires that the child is not eligible for any other sources of foster care. Add WAG GA policy for foster care

IV. TANF funding for non needy care providers

Reference tanf plan and policies

V. Other Guardianship considerations

Assisting the relative caregivers during adolescence during a guardianship

VI. DEFINITION OF 'CHILD'

For the purposes of the title IV-E guardianship assistance program under section 473(d), the term 'child' means

1. an individual who has not attained 18 years of age; or
2. at the option of the State/Tribal agency an individual
 - a. with respect to whom a guardianship assistance agreement is in effect under section 473(d) if the individual had attained age 16 before the guardianship assistance agreement became effective;
 - b. who has attained the age of 18, but has not attained 19, 20 or 21 years of age, as the title IV-E agency may elect; and
 - c. who meets any of the following conditions:
 - i. the child is completing secondary education or a program leading to an equivalent credential;
 - ii. the child is enrolled in an institution which provides post-secondary or vocational education;
 - iii. the child is participating in a program or activity designed to promote, or remove barriers to, employment;
 - iv. the child is employed for at least 80 hours per month; or
 - v. the child is incapable of doing any of the above described activities due to a medical condition.

Chapter 6 Natmer- Licensing of substitute care providers **Standards and Procedures**

I. Overview/Purpose

Natmer-

“Traditionally, a child of the Yurok Tribe was raised collectively by the entire village. Participation in Yurok culture and ceremonial life was a person’s duty and responsibility [and way of living]. The foreign values imposed upon us by an outside system fail to honor and respect our duties and responsibilities.” Impacts of genocide have harmed Yurok families and impacted the health of the entire community. Since the erosion of Yurok family values and child rearing practices Yurok families have survived, however many continue to struggle with the devastating impacts of colonization and continue with generational unhealthy lifestyles. Often birth parents do not have healthy culturally connected family members to support and assist them with child rearing and have lost the family structure that traditionally supported parents and aided as a protective measures. It is necessary for the Tribal government to organize, support, encourage, and ensure restoration and assist in the recovery of Yurok people by providing services, intervention, and enact laws that protect of families by ensuring that Yurok children have safe and nurturing Yurok homes.

The purpose of the Yurok natmer (my close friend my family) (substitute care licensing) Program is to protect the health, safety, and well-being of Indian children that must be removed from their parents in placed in the care of Yurok Social Services. Natmer(substitute care givers) are the key to assisting the birth families achieve wellness and with reunifying with their children while providing safe, committed, culturally responsive environment for the child/children. Providing substitute care is an honorable job and necessary for healing in our community. The substitute care providers become a part of the family team and are responsible for providing quality care in order to safeguard and protect the future of the Tribe by provide care to Yurok children. When out of home long term care (long term substitute care, guardianship, or adoption) are required, the goal of the program is to ensure that Natmer placements will maintain and enhance the child’s connection to the child’s culture, family, and tribe.

Natmer caregivers are valued and will be provided a high quality of communication, training, and service delivery. Providing care can be challenging since children that come into care have suffered trauma that affects their ability to attach, regulate emotions, and have behavioral challenges. YSS expects and encourages substitute care givers to develop and foster a positive relationship with parents that are trying to reunification. This is often challenging but also is necessary in order to support and child’s reunification with parents.

The Yurok Tribe welcomes and thanks all individuals interested in becoming substitute caregivers. Your service is an honor to the tribe’s desire to provide safe, loving homes for children in Yurok children . Foster home licensing is a privilege not a right. The Safety, health and well-being for children is the foremost consideration in all aspects of YUROK ICW substitute care program. Yurok Children are the future and survival of the Yurok people.

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The licensing process is an assessment of a family's ability to provide for the safety, wellbeing, health, and permanency needs of foster children. It includes an assessment of the physical environment as well as an assessment of the dynamics of the family system. It also includes the assessment of a prospective family's ability to manage the demands and stressors that substitute caregiving puts upon them. There are many tools that a licenser uses in the information gathering and assessment. These include but may not be limited to questionnaires, medical forms, financial forms, the safety assessment home and surroundings, criminal history checks, child welfare checks, references, mental health forms (if applicable), psycho-social inventories,

II. INTRODUCTION

- A. The Yurok Tribal Council designates , YSS Natmer Program as the designated Tribal licensing authority that is responsible for licensing foster homes. These regulations have been established to assure the care and safety of children who are placed in out of home care and under the jurisdiction of YSS. YSS is responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights. The standards so established are applied by the Tribe to any foster family home or child-care institution receiving funds under titles IV-E or IV-B. The Tribe allows and provides waivers of such standards may be made only on a case-by-case basis for non-safety standards in relative foster family homes for specific children in care. These waivers will be further describe in later sections.

The Tribe has designated the Yurok Department of Social Services (YSS) as the agency responsible for establishing and maintaining licensing standards for foster family homes and child care institutions located on or near Indian Country. (At this time, there are no child care institutions on or near Indian Country; if the Tribe decides to develop and operate such institutions YSS will be responsible for establishing and maintaining such licensing standards.) .

- B. Licensing standards, pertaining to safety, sanitation, and the protection of civil rights, will be reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes. Placement licensing standards have been developed and implemented to protect the safety and well-being of children in YSS' care. YSS will review the Placement Licensing Standards at least every three years to ensure they continue to be reasonable and effective.
- C. The Tribe will apply established licensing standards to all homes located on or

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near Yurok Tribe, regardless of whether payments are to be made. In order to be eligible for IV-E assistance, the homes of prospective substitute caregivers, guardians and adoptive families must be fully licensed. Therefore, YSS will license all proposed and prospective placements.

- D. Licenses are valid for a period of three years. Each license will specify the maximum number of children the foster home can accommodate at any one time. YSS is responsible for re-licensing homes before the license expires so that a maximum number of placements are available at all times. Homes must continue to meet the standards contained in this document in order to be re-licensed. YSS shall maintain a complete file on each foster home that includes the application, supporting documentation, and the license.
- E. There are no child care institutions on or near the reservation. Therefore, YSS will honor licenses issued by state agencies. YSS shall maintain a complete file for each child care institution along with documentation that the state licensing agency completed the required background and registry checks. In addition, a copy of the current license for the institution will be kept in the child's file. YSS shall ensure that quality services are provided to protect the safety and health of children placed in those institutions.
- F. YSS is responsible for reviewing these licensing standards every three (3) years to ensure they continue to be reasonable and effective.
- G. Placement Types-YSS issues licenses and various types of foster family homes placements. The preferred facility for children in care is the least restrictive environment.

A Foster family home means, for the purpose of title IV-E eligibility, the home of an individual or family licensed or approved as meeting the standards established by the State/Tribal licensing or approval authority(ies) (or with respect to foster family homes on or near Indian reservations, by the tribal licensing or approval authority(ies)), that provides 24-hour out-of-home care for children. This also includes group homes, agency-operated boarding homes or other facilities licensed or approved for the purpose of providing substitute care by the State/Tribal agency responsible for approval or licensing of such facilities. Foster family homes that are approved must be held to the same standards as foster family homes that are licensed. Anything less than full licensure or approval is insufficient for meeting title IV-E eligibility requirements.

Types:

1. Licensed relative home
2. license-pending for emergencies only
3. Licensed family home
4. Private, nonprofit group home licensed by YSS
5. Other licensed home (state or other Tribal agency)

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6. Approved facility/ group home- licensed by the Tribe or other licensing authority

III. DEFINITIONS

- A. **"Applicant"** means any person who applies to have their home licensed.
- B. **"Child care institution"** means a private child care institution, or a public child care institution which accommodates no more than 25 children, and is licensed by the State or Tribe in which it is situated or has been approved by the agency of such State or Tribal licensing authority (with respect to child care institutions on or near Indian reservations) responsible for licensing or approval of institutions of this type as meeting the standards established for such licensing, except, in the case of a child who has attained 18 years of age, the term includes a supervised independent living setting in which the individual is living independently. This definition must not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.
- C. **"Foster child"** means any child placed in a foster home by order of the Yurok Tribal Court or by a Voluntary Placement Agreement (VPA).
- D. **"Foster home"** means any home of an individual or family residing on or near the Yurok Tribe, licensed by the Yurok Department of Social Services (YSS), providing 24 hour out-of-home care to a child or children. The licensing authority must be a State authority in the State in which the foster family home is located, a Tribal authority with respect to a foster family home on or near an Indian Reservation or a Tribal authority of a Tribal title IV-E agency with respect to a foster family home in the Tribal title IV-E Agency's service area—such as YSS. The term may include group homes, agency-operated boarding homes or other facilities licensed or approved for the purpose of providing substitute care by the State or Tribal agency responsible for approval or licensing of such facilities. Foster family homes that are approved must be held to the same standards as foster family homes that are licensed. Anything less than full licensure or approval is insufficient for meeting title IV-E eligibility requirements.
- E. **"Substitute Caregiver (SC) (also known as Foster Parent)"** means any person over the age of 18, licensed by YSS to operate a foster family home on or near Yurok Tribe.
- F. **"License"** means a license of approval issued and/or renewed by YSS to operate a foster family home on or near Yurok Tribe. (Anything less than full licensure or approval is insufficient for meeting title IV-E eligibility requirements.)

IV. OVERVIEW OF LICENSING PROCESS

The YSS Natamer program has the responsibility to assess a family's ability to provide safe and appropriate care. This assessment process involves matching the child with the family through assessing the family members and the residence in which the family lives (i.e. safety checklist, criminal background checks, and references). To complete the assessment the Substitute care Program will gather information about the family, parenting capabilities and their network of support. The Substitute care Program will also gather information about the safety and capacity of the residence. The information collected is important in determining whether a family is approved, but is not only information used.

The Natamer Program has the ability to exercise discretion based on a child's best interest by monitoring homes to ensure that they continue to meet health, safety, and other licensing requirements. In order for a license to be issued, the following regulations must be met. If YSS finds the applicant(s) or licensee(s) unwilling or unable to meet these regulations, the license will be denied or revoked. Non safety waivers may be issued to relative caregivers. The following is a summary of necessary to assure a child's well-being cover the following:

1. The safety and adequacy of the home for the care of children;
2. The personal characteristics and social relationships of the substitute caregiver(s) and other members of the household;
3. The commitment to substitute care, and the ability and willingness of the foster family to work cooperatively in support of the child's case plan; and
4. The ability of the foster family to provide positive and culturally engaging , constructive experiences for all children in their care.
5. The ability and willingness of the foster family to keep the child connected to family, tribal community, and Tribal culture/language.

A. Application

Individuals wishing to serve as a substitute caregiver, a guardian, or an adoptive family, must complete a written application provided by YSS and submit three (3) references.

B. Review

YSS will—

1. review the completed application,
2. contact references provided,
3. conduct a home study,
4. conduct personal interviews
5. process criminal background checks (including fingerprint-based checks of national crime information databases), and
6. check appropriate child abuse and neglect registries, as well as appropriate sex-

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offender registries, for prospective foster or adoptive parent(s), as well as for any other adult living in the home of such a prospective parent. .

The YSS may contact schools, employers, adult children and other sources for references. the Substitute care Recruitment Specialist begins the reference check process by: mailing all listed references a request for information as noted on the Program reference check form. The Substitute care Recruitment Specialist will follow up within 30 days to obtain the reference information and/or contact the references by phone and documented appropriately. Information gathered, including results of the personal interview and the home study, will be used to make a recommendation to the Director of Social Services about whether the home should be licensed.

C. Waiving Non-Safety Related Standards for Relative Placements

In deciding whether or not to license a relative placement, YSS may, on a case-by-case basis, waive non-safety related standards.

D. Approval and License

Upon approval, YSS will issue a license. The licensed substitute caregiver is responsible for maintaining a copy of their license in the home.

E. Notice of Decision

If YSS is not able to approve the applicant, a notice will be sent to the family explaining the decision.

V. Application

All individuals/ couples who desire to become substitute care parents must complete a Natmer Program application. Upon any request for an application, within two businesses days, the application will be mailed to the interested family by the Recruitment Placement Specialist, who will then record the task which will begin a preliminary file. Preliminary files will also be opened for applications that are given to families on site.

Upon receipt of an application, staff will determine whether the prospective substitute caregivers meet the Applicant Qualifications set forth below, and whether all of the prospective foster family members meet the qualifications.

Applications are tracked for a maximum 45-day turnaround and if an application has not been returned within 45 days, the recruitment specialist will follow up with the applicant to determine their continued interest. All contacts with the applicant are documented and tracked. Individuals or couples desiring to provide substitute care services within the licensing jurisdiction of the Yurok Tribe shall apply to the YSS Natmer Program by

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completing the written interest form and an application for a license. This application contains, among other things, a statement of the family's ability and commitment to meet the basic physical, emotional, mental, cultural, and social needs of children under their care. Upon receiving an application, the Substitute care Recruitment Specialist will review the application and verify completeness.

Applicant (s) will provide the Natmer Program with the following information:

1. Name, date of birth, sex, social security number, home/mailling address, home/work number, racial/ethnic background, marital status and employment information of applicants and all persons residing in the home, including the children of the substitute caregiver(s) over 18 years of age.
2. Residence information (directions to home, description of home, etc.)
3. Proposed number, sex and age of foster children to be served.
4. Names and addresses of at least two persons, t whom are unrelated, who have known the applicant(s) for two years or more and who can attest to their character and ability to care for children.

VI. CAREGIVER REQUIRMENTS

YSS will conduct a personal interview of the applicant and his or her family, and gather direct and collateral data (for example, from the references) to complete and supplement the interviews.

Substitute caregivers (SC) shall be kind, mature, and responsible people with a genuine liking for children. They shall possess consistent and healthy methods for handling the unique needs of their own families and should be able to integrate the inherent cultural needs of tribal children in their care. Caregivers must possess good moral character and personal qualities of maturity, stability, flexibility, ability to cope with stress, and the capacity to give and receives love.

Applicants own children must be residing in their care unless (not removed) they are currently placed with another custodial parent. Having a history of their own children residing in substitute care, correctional facility, or residential treatment may be grounds for ineligibility to become a tribal foster home. Exceptions can be made on a case by case basis.

These characteristics may reflect in the following:

1. Psycho-social history, including significant childhood relationships and

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experiences (parent/ child sibling or other relationships).

2. Role identification and acceptance.
3. Reactions to experience of Separation and loss (through death and desertion, etc.)
4. Education employment and patterns of interpersonal relationships.
5. General social, intellectual and cultural level of Family.
6. Ability to meet health and Safety requirements
 - a. The State/Tribal agency provides procedures for criminal records checks (including finger-print-based checks of national crime information databases (as defined in section 534(e)(3)(a) of title 28, United States Code) for any prospective foster and adoptive parent before the parent may be finally approved for placement of a child regardless of whether substitute care maintenance payments or adoption assistance payments are to be made on behalf of the child.

The worker completing interviews will draft a written report with recommendations concerning the applicant's suitability to be a substitute caregiver. The report shall describe whether the applicant:

- A.** Age of the applicant. SC must be 21 years of age. Exceptions may be granted on a case by case basis.
- B.** Be legally married, head of household, or be a couple in as stable relationship or a self-sufficient and functioning single head of household.
- C.** Have a valid CA driver's license and automobile insurance or with the program approval, have another written transportations plan.
- D.** Have reliable means of transporting the children to school, medical and health facilities and practitioners, parent's visits and social and cultural activities. This means by which transportations is available shall be communicated by a filed written plan to the program that will be included in the case file. With program approval, this plan may include use of CHR, Tribal court driver, or other agency transportation.
- E.** Having age appropriate automobile safety seats for children for transporting.
- F.** Pass a criminal background check and registries as described in following sections
- G.** Pass a drug screen test, refrain from illegal drug use and excessive use of alcohol that would be detrimental to the child and / or family caregivers must demonstrate that they have lifestyles and personal habits free from abuse and/or misuse of alcohol or drugs.

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- H.** Complete Training Compete twenty four hours of pre-services substitute care giver training approved by the Program. Can provide a safe, stable, home and a healthy environment conducive to rearing children.
- I.** Is a responsible individual and positive adult role-model who exercises sound judgment and displays the ability to provide good care for children.
- J.** Respects the cultural values and religious preferences of the foster child.
- K.** Has sufficient income to meet the needs of his or her family without any supplementary payment for the foster child's care and shall apply substitute care payments towards the child's care.
- L.** Agrees to comply with the directions of the Yurok Tribal Court and the Department of Social Services concerning the care of a foster child and the release of information.
- M.** Can provide documentation stating all members of the household are free from communicable diseases. (During the personal interview process, the worker will request that the applicant and all household members obtain a signed certificate from their medical provider confirming that they are free from communicable disease.
- N.** Capacity of parents to provide for a foster child's needs while giving proper consideration to own children.
- O.** Own children's attitudes toward accepting a foster child.
- P.** Realistic assessment of positive and negative aspects of substitute caregiverhood.
- Q.** Personal characteristics necessary to provide continuity of care throughout child's needs over the course of placement.
- R.** Ability to accept a child's relationship with his/ her own parents.
- S.** Flexibility to meet the changing needs f over the course of placement.
- T.** Ability to treat the child's parents with respect.
- U.** Special ability to care for children with special needs (physical handicaps, emotional disturbances, etc.)
- V.** Willingness and awareness of the areas for which ongoing assistance may be needed.

V. HOME STUDY

YSS will conduct a fair and impartial home study, including a home inspection, to determine whether the licensing requirements are met and to determine the maximum capacity and range of ages of children for which the home may be licensed. a.

Determine whether the home meets the health and safety standards set forth in the health and safety standards ;Determine whether the number of children the foster home will be licensed to care for based on the Capacity Regulations set forth in ; and assess whether the prospective substitute caregivers possess the personal qualities set forth in the personal interview/assessment section . Character references shall be considered as well as the home study.

The worker completing the home study shall draft a written home study with recommendations concerning the applicant's suitability to be a substitute care giver. This report shall describe:

- A.** The number of persons who reside in the applicant's home, including the age, sex and relationship of each person to the applicant.
- B.** The number of beds in the applicant's home, their location and their suitability for a foster child.
- C.** The availability of space for the foster child to sleep, store clothing and personal effects and to study as appropriate to the child's age and needs.
- D.** The availability of adequate indoor and outdoor areas where a child can safely play.
- E.** Whether potentially dangerous materials such as guns, drugs or poisons are stored in the applicant's home and, if so, whether adequate safeguards exist to prevent the child from coming in contact with such materials.
- F.** Whether special arrangements are necessary to contact the substitute caregiver in the event of an emergency.
- G.** Whether the home has the required smoke detectors and a fire extinguisher or whether assistance is needed to obtain these items.
- H.** Whether the dwelling has two exits which provide unobstructed travel to the outside of the building
- I. TIMELY INTERSTATE PLACEMENT OF CHILDREN.** YSS has in effect procedures that provide for the orderly and timely interstate placement of children as follows. When YSS receives a request from another State or tribe to conduct a study of a home environment for purposes of assessing the safety and suitability of placing a child in the home, the YSS shall, directly or by contract:
 - a. conduct and complete the study; and

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- b. return to the other state or tribe a report on the results of the study which shall address the extent to which placement in the home would meet the needs of the child;
- c. YSS is not required to complete within the applicable time period the parts of the home study involving the education and training of the prospective foster or adoptive parents;
- d. YSS shall treat reports from any other State or Indian tribe (or from a private agency under contract with another state/tribe) as meeting the requirements imposed by YSS for the completion of a home study before placing a child in the home, unless, within 14 days after receipt of the report, YSS determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child; and
- e. YSS shall not impose any restriction on the ability of an agency administering, or supervising the administration of, a State or Tribal program operated under an approved plan to contract with a private agency for the conduct of such a home study.

VI. BACKGROUND CHECKS and REGISTRY CHECKS

All applicants are expected to be open and honest as to any convictions or negative findings when filling out the application and prior to the criminal check. YSS will check with national, state, and Tribal criminal records and registries.

YSS provides procedures for criminal records checks, including fingerprinting-based checks of national and Tribal crime information databases, for any prospective substitute caregiver, adoptive parent or relative guardian before the substitute caregiver, relative guardian, or adoptive parent may be finally approved for placement of a child regardless of whether title IV-E substitute care maintenance payments, guardianship maintenance payments, or adoption assistance payments are to be made on behalf of the child.

Procedures include the following requirements.

A. Background Checks

YSS may not approve or license any prospective substitute caregiver, adoptive parent or relative guardian, nor may YSS claim any reimbursement for any substitute care maintenance, guardianship assistance, or adoption assistance payment made on behalf of a child placed in a foster home operated under the auspices of a child placing agency

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or on behalf of a child placed in an adoptive home through a private adoption agency, if YSS finds that, based on a fingerprinting-based criminal records check, a court of competent jurisdiction has determined that the prospective substitute caregiver, relative guardian, or adoptive parent has been convicted of a felony involving:

- i. Child abuse or neglect;
- ii. Spousal abuse;
- iii. A crime against a child or children (including child pornography); or,
- iv. A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.
- v. Domestic Violence within the last two years

Convictions include and are not limited to YSS will not issue or renew a License of approval to a substitute caregiver or foster home, or approve a guardianship/adoption application, and no exception may be granted if a subject individual has been convicted in California or any other jurisdiction of a felony crime that involves:

- Violence, including rape, sexual assault and homicide, but not including physical assault or battery
- Intentional starvation or torture
- Murder or voluntary manslaughter
- Abuse or neglect of a child that causes death of the child or serious physical injury to the child
- Aiding, abetting, attempting, soliciting or conspiring to cause the death of a child
- Aggravated murder
- Murder
- Manslaughter in the first degree
- Manslaughter in the second degree
- Rape in the third degree
- Rape in the second degree
- Rape in the third degree
- Sodomy in the third degree
- Sodomy in the second degree
- Sodomy in the first degree

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- Unlawful sexual penetration in the second degree
 - Unlawful sexual penetration in the first degree
 - Sexual abuse in the second degree
 - Sexual abuse in the first degree
 - Incest, if the victim of the offense is a child
 - Buying or selling a person under 18 years of age
 - Using a child in display of sexually explicit conduct
- b. YSS may not approve or license any prospective substitute caregiver, adoptive parent or relative guardian, nor may YSS claim Federal reimbursement for any substitute care maintenance, guardianship assistance, or adoption assistance payment made on behalf of a child placed in a foster home operated under the auspices of a child placing agency or on behalf of a child placed in an adoptive home through a private adoption agency, if YSS finds, based on a fingerprinting-based criminal records check, that a court of competent jurisdiction has determined that the prospective substitute caregiver, adoptive parent, or relative guardian has, within the last five years, been convicted of a felony involving:
- i. physical assault;
 - ii. battery; or,
 - iii. a drug-related offense,
- c. YSS will consider and may not approve or license if YSS finds that the applicant has been arrested for, charged, or convicted of a misdemeanor within the last two years:
- i. Child endangerment
 - ii. Theft of any kind
 - iii. Domestic violence
 - iv. Cultivation of marijuana
 - v. Drug related offenses
- d. In order for a child care institution to be eligible for title IV-E funding, the licensing file for the institution must contain documentation which verifies that safety considerations with respect to the staff of the institution have been addressed.

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e. Other Disqualifications

YSS will not issue or renew a License if the applicant(s) falsify (including by act of omission) the application or supporting documents. YSS may act to revoke a License if falsification is discovered after licensing, or if substitute caregiver(s) fail to inform the agency of any disqualifying condition that arises after licensing .

B. Child Abuse and Neglect Registry Checks and Sexual Offender Registry Checks

- a. Before the prospective substitute caregiver, relative guardian, or adoptive parent may be finally approved for placement of a child, regardless of whether substitute care maintenance payments, guardianship assistance payments, or adoption assistance payments are to be made on behalf of the child under title IV-E, YSS shall
 - i. check any child abuse and neglect registry maintained by Yurok for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and
 - ii. request any other Tribe/State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable YSS to check any child abuse and neglect registry maintained by such other Tribe/State for such information.
- b. YSS will comply with any request for a child abuse and neglect registry check that is received from another Tribe or State.
- c. YSS has in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the Tribe, and to prevent any such information obtained from being used for a purpose other than the conducting of background checks in foster, relative guardian, or adoptive placement cases.
- d. A Child welfare history or reports that have not been included in the state registry may be considered during the background check such as referrals, investigations, inconclusive reports, and substantiated reports. There may be exceptions to this as defined in the section below.

C. GRANTING EXEMPTIONS

If there are adverse findings to the background for non safety requirements (mistomenors, child welfare history) YSS may on a case by case basis grant an

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exception.

If there are any adverse findings from the background checks that would jeopardize rendering a positive decision to the application, the Substitute care Recruitment Specialist will discuss the information with the YSS ICW team and OTA determine the appropriate next steps. When it is discovered that an applicant has a child welfare history (non-criminal), the Substitute care Recruitment Specialist and supervisor should consider the following child welfare factors to the ICW team upon rendering a decision:

- The subject individual's explanation of the circumstances surrounding and the behavior that led to the report and/or investigation(s)
- The severity and nature of the behavior that led to the report and/or investigation(s)
- The number of reports and/or investigation(s) in the subject individual's history for behavior that relates to and raises concerns about the individual's qualifications to be a relative caregiver, foster or adoptive parent or suitability to be an other person in the household
- The time elapsed since the report and/or investigation(s)
- The circumstances surrounding the report and/or investigation(s)
- If applicable, whether the subject or individual, has participated in restorative justice, counseling, therapy and/or parenting opportunities to alleviate the circumstances that led to the reports and/or investigation(s)

After gathering the information, if the YSS has continued concerns, the Program may request additional services or evaluations to determine the appropriateness of the subject individual as a substitute caregiver. The YSS staff along with the OTA will meet to determine concerns have been addressed and the home is safe for Yurok foster child and determine if a license will be issued

VII. HEALTH AND SAFETY

A. Health Requirements

Every adult in the household is required to complete and submit history form . Caregivers will inform YSS if any member of the household has or develops a serious

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health condition. SC and other adults in the household caring for children shall be physically and mentally able to perform the duties of substitute caregivers as described in these rules.

Caregivers will provide psychological, medical or physical, sex- offender, drug and alcohol and psychiatric reports and evaluations to the program upon request prior to licensing and through duration of the license. YSS may require that a release of information authorization be signed.

All members of the prospective foster family must meet the following qualifications:

Furnish a recent TB test for all family members prior to licensing. If a positive reaction occurs due to previous exposure or actual past history of the illness, a doctor's note certifying the family member is not infectious should be given to ICW for the File.

Caregivers must be in sufficient good health to be able to care for the children. If any member of the applicant household that is at any time responsible for the primary care of a Tribal child has a medical condition that requires a narcotic prescription, the foster family is required to disclose that information to YSS. YSS will assess the medical diagnosis requiring the use of the narcotic prescription and answer the following questions:

- a. Can the primary care provider with a medical condition requiring a narcotic prescription provide for the safety and child well-being
- b. What is the plan to ensure a child placed in the home would not have access to or be exposed to the prescription?
- c. What is the length of time the primary care provider is expected to use the prescription?
- d. Does the primary care givers physician have concerns about the caregiver's ability to provide safety and well being for the child via required written documentation from their physician?
- e. Can the applicant operate a motor vehicle for the purpose of transporting a child while under the influence of narcotics?

B. SAFETY

To be eligible for foster home licensing a home must meet the following standards The home and surrounding property must be kept free of hazards to children's health and wellbeing.

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a. **Facilities**

1. Keep the equipment and physical structure inside and outside the home in a manner not harmful to children.
2. Have a working telephone on premises-easily accessible for emergency use. must have an access to a communication method in order to contact emergency services if necessary and a telephone at which they may be reached. In certain parts of the reservation there is no access to power or phone. In that event a alternate plan must be established with the family.
3. Allow cigarette and cigar smoking only outside the home within in 25 feet of doors and entryways. No second hand smoke exposure in home or in car.
4. Have any guns and ammunition locked up.
5. Keep water hazards such as hot tubs or swimming pools inaccessible or have an approved safety plan.
6. The home of the substitute caregiver(s) must have at least one working smoke alarm on each floor of the home and there must be a working smoke alarm in each bedroom in which a child in care sleeps. Substitute caregiver(s) must have and maintain at least one unexpired and operable fire extinguisher in the home. Barred windows used for possible exit in care of fire must be fitted with operable quick release mechanisms.
7. SC(s) will have the necessary equipment for safe preparation, storage, serving and cleanup of food. Substitute caregiver(s) shall store all medications, toxic cleaning materials First aid supplies must be in an easily accessible place.
8. Substitute caregiver(s) must have a written home evacuation plan and must share it with each child at the time of placement and practice it at least once a year, to make sure all children understand the procedures. Substitute caregiver(s) with children who are not capable of understanding or participating in the evacuation plan (infants, physically limited, etc.) must include in their written home evacuation plan a plan for the safe exit of these children.

b. Bedrooms

1. The home shall provide each child with a bed and dresser and approximately 50 square feet including closets, for personal and

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bedding space. Sleeping arrangements for children in care must be safe and appropriate, based on the child's age, gender, special needs, behavior and history of abuse and neglect. Each child in care must have a safe and adequate bed in which to sleep.

2. Bedrooms used by children in care must have windows that open from the inside and allow exit, have two unrestricted exits (doors/windows), have any doors with locks on the inside be operable from the outside of the room and not have any locks on the outside of the door which are not operable from inside the room, and have an operable smoke alarm. Bedrooms in basements and above the second floor used by children in care must have safe and direct access to the ground.
3. Play areas and equipment must be safe and suitable for the children in care. Swimming pools, wading pools, hot tubs and other water hazards must be inaccessible to children in care unless children are responsibly supervised. All outdoor equipment and pools must comply with local safety regulations and ordinances.
4. outdoor tools and equipment, machinery, chemicals, flammable or combustibles shall be stored in a safe manner.

c. Cleanliness and hygiene

1. Have a minimum of at least one toilet, one hand washing sink, and one bathing facility per foster home.
2. Be on public water supply or if on a private water supply, provide documentation of approval by the local health authority must have safe drinking water and an adequate source of safe water to be used for personal hygiene.
3. Not expose children to water exceeding 110 degrees Fahrenheit
4. Provide soap and clean towels
5. the home must be kept up to min cleanliness and must not pose a health or safety risk to child/children. This includes hoarding. It must be free of animal fecal matter, debris, garbage, and hazardous material.

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d. Hazardous materials

1. Have hazardous, dangerous equipment or substances, such as poison, insecticides, weed control products, and flammable liquids stored out of reach of children and away from proximity to food.
2. Have leaning products and toxic chemicals securely stored.
3. Have medications stored in a locked medicine cabinet.
4. Have first aid supplies in the home out of reach of young children.

f. Fire Safety

1. Have exits accessible and unlockable from the inside.
2. Have a minimum A-B-C- rating fire extinguisher, and a garden hose available.
3. Have smoke detector in working condition located near sleeping areas.
4. Have a written safety evacuation plan in case of emergency, approved by the ICW Program, known to all family members.

g. Electrical Safety

Have age appropriate tamper resistant electrical outlets covered and out of the reach of children.

h. Pest Control/Safety

1. Demonstrate control over insects, especially head and body lice, flies and mosquitoes as well as any rodents or other noxious plants or animals.
2. Not allow pets to compromise the health and safety of children. A; animals susceptible to rabies shall be vaccinated. No dangerous or exotic pets allowed that

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could cause serious injury to children.

3. All animals must be properly cared for and in compliance with local ordinances. Access to potentially dangerous animals must be restricted for children in care. Measures must be taken to keep the house and premises free of vermin.

i. Firearms and Fire Safety

Members of the household who are not law enforcement officers shall store all firearms unloaded in a locked place and all ammunition in separate locked place. Trigger locks alone are inadequate.

When Tribal children in custody are being transported in a vehicle, unless being transported by a law enforcement officer, the vehicle must have no loaded firearms and ammunition must be kept in a separate locked container.

Members of the household who possess a concealed weapon permit shall provide a copy of the permit to the Substitute care Program and provide a written plan to keep concealed weapons secure from Tribal children in custody when in the home or in vehicles. Tribal children in custody who are hunting or involved in target practice must be supervised by a responsible adult using only lawful firearms and must have completed an approved gun safety course (a course with curriculum that is recognized by local law enforcement as appropriate) and must have the written permission of the ICW Program.

Substitute caregiver(s) must consider the age, special needs and capabilities of children in care when considering their overall safety.

j. Heating Equipment Safety

Have heating equipment be adequately protected to prevent children from contacting it. Kerosene and space heaters are disallowed because they must be constantly monitored with ventilation and correct placement. The Heating equipment of the home shall be approved by a home safety specialist approved by the YUROK ICW .

The home shall have a safe and properly maintained operational

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heating system. Use of space heaters is limited to electric space heaters equipped with tip-over protection that are plugged directly into the wall. No extension cords are to be used with such heaters. No propane space heaters without approved venting and no kerosene space heaters are to be used in the home.

k. Supervision

Have an adult on the same floor or an adult within hearing distance and accessible to children less than 6 years.

Have substitute caregiver who have received training in appropriate discipline, child care practices and foster family expectations. Training requirements include twenty four hours of substitute caregiver training before a license and four hours of substitute caregiver training each year a home is licensed. All training curriculum shall be approved by the ICW Program.

l. Special Needs

Therapeutic foster families provide a higher level of care for children who have moderate to severe behavioral and emotional involvement due to the trauma of abuse and neglect. Therapeutic foster homes will have a substitute caregiver who has received training additional 16 hours a year in specialized training and will be required to renew by participate in 16 hours annually. Therapeutic foster child may include medically fragile children, children with emotional or behavioral disorders, and HIV+ children. The model therapeutic substitute caregivers will use model will focus on utilizing the skills of children and parents in regards to behavior management. With a focus on behavior management techniques such as Effective Praise, Teaching Self Control, Preventative Teaching, Corrective Teaching and Staying Calm. Due to the high needs of these children substitute caregivers will be compensated so that one parent is able to stay home and care for the child.

m. Determination of Capacity (Number of Children) in a Foster Home

The Program will determine how many foster children can be adequately and safely cared for in a foster home licensed by the program. The maximum capacity shall be stated on the license. As used below, "other children in the home" includes birth, half, step and any other children in the family. The maximum capacity is determined as follows:

In a two parent household, the total number of children in the home is limited to seven children, including other children already in the home.

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In a single parent household, the total number of children in the home is limited to four children, including other children already in the home.

In a foster home, the limit of children under two years of age is two; this includes foster children and other children already in the home.

The total number of children with mental or physical disabilities in the home is limited to three or fewer, including foster children and other children in the home.

YSS may limit or exceed the number of children a foster home is licensed to serve, provided that the Program determines that the basic physical and emotional needs of the children will be met. The age of the foster and other children, the physical and emotional condition of the children and the desire to keep siblings together are considered in making this decision. If ICW Program limits or exceeds the standards set forth in 1-4, above it shall document its rationale in writing.

VIII. TRAINING

- A.** YSS will ensure that prospective foster parents are adequately trained with the appropriate knowledge and skills to provide for the needs of the child and that such preparation will be continued after the placement. All applicants will be required to attend 3 hours each of orientation training prior to being fully licensed.
- B.** All licensed substitute caregivers will be required to obtain 20 hours of training during the first year. 6 hours each per year of training thereafter. Documentation that training has been completed must be kept in the substitute caregiver's file.
- C.** Core training includes: First Aid/CPF, Foster Caregiving-attachment and bonding, behavior and discipline, and Yurok cultural awareness.
- D.** The time spent by the applicant gathering information and advice from YSS and other assistance providers can be used to fill the training requirements but the applicant must keep appropriate documentation.

IX. RELEASE OF INFORMATION FOR EVALUATION OF FOSTER HOME

Applicants and licensees are required to provide releases of information, as requested by YSS, authorizing contact with any individuals and entities deemed necessary to evaluate the foster home. This may include, without limitation, doctors, employers, school staff and personal references.

X. RE-EVALUATION AND REVOCATION

- A.** Licenses issued by YSS will be re-evaluated if the substitute caregiver

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changes residences.

- B. Licenses issued by YSS will be revoked if a material change that would disqualify the parent from being certified occurs in the substitute caregiver's family or home. Examples of material changes that might justify revocation of a license include a change in the composition of the home, a change in the foster home's condition or the person's repeated refusal to accept foster children referred by YSS.

XI. RIGHT TO APPEAL/FAIR HEARING

Any individual whose claim for benefits under this plan is denied or not acted upon with reasonable promptness is entitled to Appeal and an opportunity for a fair hearing pursuant to the Yurok Department of Social Services Appeals Procedure. The Appeals Procedure discusses how YSS provides parents, guardians, and/or adoptive parents of children in the care of YSS with written notice of actions taken pertaining to their child's removal, placement, visitation, and benefits and services provided under title IV-E. The written notice includes directions on how to appeal such decisions, along with a form that will need to be submitted to begin the appeals process (which including an opportunity for a fair hearing). Please see the YSS Appeals Procedure, Applicant(s) or substitute caregivers(s) may appeal the YSS decision to place their home on suspension, deny or revoke a foster home License by appealing in writing to the YSS Supervisor within ten (10) days from the date of the determination. An appeal must include the reasons an applicant(s) or foster parent(s) believe the Licensing Program decision should be overturned along with any additional documentation. If an appeal is not received within fourteen (14) business days from the date of determination, the applicant(s) or foster parent(s) shall have waived the right to appeal.

Chapter 1 of the Yurok IV-E Program Manual for additional information.

XII. REMOVAL OF BARRIERS TO INTER-ETHNIC PLACEMENT

Yurok Tribe places a strong emphasis on placing children with extended family and on upholding the placement preferences established in Title 8 of the Law and Order Code and in the Indian Child Welfare Act. That being said, YSS or any other agency in Yurok Tribe receiving Federal funds involved with adoption or substitute care placements, may not:

- A. deny to any person the opportunity to become an adoptive or substitute caregiver on the basis of the race, color, or national origin of the person or the child involved; or
- B. delay or deny the placement of a child for adoption or into substitute care, on the basis of race, color, or national original of the adoptive of substitute

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caregiver of the child involved;

- C. maintain any statute, regulation, policy, procedure or practice that, on its face, is a violation of numbers 1 and 2 above.
- D. Compliance with the Indian Child Welfare Act (ICWA) does not constitute a violation of this section.

XIII. PAYMENTS

Payments are provided for each child that meets eligibility requirements.

Licensed care maintenance payments

Maintenance payments for a child in licensed care may cover the cost of and cost of providing: food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to the child, and reasonable travel to the child's home for visitation with family or other caregivers, and reasonable travel for the child to remain in the school in which the child is enrolled in at the time of their placement. In the case of child care institutions, such term must include the reasonable costs of administration and operation of such institutions as are necessarily required to provide the items described in the preceding sentences.

The maintenance payment must also include amounts which are necessary to cover costs incurred on behalf of the child's son or daughter who is in the same home or institution. Said costs must be limited to funds expended on those items described in the definition of licensed care maintenance payments.

The agency reviews at reasonable, specific, time-limited periods established by the State/Tribe:

- A. Review of Payments and Licensing standards
 - 1. the amount of the payment made for substitute care maintenance and adoption assistance to assure their continued appropriateness; and
 - 2. the licensing or approval standards for child care institutions and foster family homes.
- B. Redetermination: Prorating Payments
 - Divide the total monthly amount of the payment by 30.42 to determine the daily rate when computing the payment amount for the partial month.

Prorating payments is typically required when any of the following occur:

- Change of Placement

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- Return home or placement in unlicensed care
- Guardianship is established
- Date license revoked
- Date of waiver of minimum licensing requirements
- Date of death

Generally, do not prorate payments in the following situations:

(Monthly requirements)

- Change in deprivation
- No "reasonable efforts to finalize" finding
- Placement and care responsibility
- Month in which child turns 18
- Month in which agency learns that 18 year old is not full-time student/will not graduate by age 19
- Month in which foster home license of a fully-licensed home expires

XIV. QUALITY STANDARDS

1. YSS has developed and implemented standards to ensure that children in foster care placements in public or private agencies are provided quality services that protect the safety and health of the children.
2. YSS will ensure that prospective foster parents are adequately trained with the appropriate knowledge and skills to provide for the needs of the child and that such preparation will be continued after the placement.

XV. Conflict of Interest

As a general rule, all ICW employees are prohibited from providing substitute care, guardianship and/or adoptive placements. In the circumstance where an ICW employee is a relative of a Tribal child and wishes to be approved for substitute care, guardianship and/or adoptive placement, written approval of the Social Service Department Manager must be obtained prior to beginning the application process. The Social Service Department Manager must determine that adequate safeguards are present to prevent conflict of interest before signing the approval. Safeguards should include but are not limited to: the ICW employee will not participate in decision making for that child or family; have no access to the case file; attend any proceedings as a representative of the

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ICW Program relative to this placement.

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XVI. Licensed Home Requirements and Guidelines (after licensed has been approved)

A. Overview-

Natamer families licensed by YSS shall agree in writing to comply with the regulations in this section. Failure to follow these regulations constitutes grounds for suspending, revoking or modifying the foster home license. These regulations were developed to assist with protecting the child and ensure stability while working towards reunification and assisting the care givers. It is important that substitute caregivers respect the child's relationship with his/her birth family and siblings and be willing to work in partnership with the YSS to attain the goals as listed in the case plan. Substitute parent(s) shall respect the Indian culture and traditions of Yurok children and shall develop a plan with the assistance of the Program to strengthen ties with the Tribe. Often, children that have been removed from their families lack knowledge and exposure and have limited engagement with Yurok culture and values. Foster parent(s) must have supportive ties, or be willing to develop relationships, with others who might support, comfort and advise them. Supportive ties include but are not limited to; family, friends, neighborhood contacts, churches and community groups.

A substitute caregivers licensed by Yurok licensing program shall:

1. Provide adequate food, clothing, supplies and educational training to ensure the health and physical, emotional, and mental development of the children are served.
2. Ensure that the child receives appropriate health examinations and immunizations.
3. Provide family contact through visitation with the child's parents, and extended family in accordance with the case plan, and be willing to work with the ICW worker to return the child to his family or extended family in accordance with the ICW case plan.
4. Cooperate with the YSS Natamer Program to carry out the child case plan in a spirit of mutual trust and respect.
5. Respect the child's cultural beliefs and religious affiliation, if any. Assist the child in being able to engage and learn in his or her cultural, language and religious practices.
6. Notify the YSS of any use of medication prescribed or get doctor's approval before administering any over the counter medication.
7. Prevent the presence of any individual in the home who could be harmful to a foster child.

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8. Not place child(ren) in any situation that endangers his or her health development or education.
9. Provide proper supervision by a responsible person at all times.
10. Engage and allow the children to participate in Tribal and community activities.
11. Provide documentation of completion of four hours of in service training, approved by the Program, each year the home is licensed.
12. Follow a healthy lifestyle that provides a good model for children.
13. Not provide placements for more than one agency at the time without a written agreement delineating the responsibilities of the all parties involved.
14. Keep confidential information the natamer family receives on the child and the child's family. The foster family release of child's social, medical and educational material requires prior authorization from the YSS Natamer program.
15. Report any incident of child abuse or neglect, as defined in the YUROK Children's Code, state law to YSS.
16. Notify YSS of any changes in the circumstance upon which the substitute care home license was based, including but not limited to changes in the number of children or adults in the family, change in the foster home location or relevant changes in the physical or social environment of the home. Assures adequate supervision by a responsible person at all times.
17. provide the foster child a well balanced and nutritious diet.
18. Will not require a foster child to do work which presents a health or safety hazard to the child or which interferes with the child's education.

B. Regulations governing children's rights

In addition to basic needs, all children need and have the right to happiness, love, and security. Children who come into substitute care may have greater needs because some of their basic needs have not been met. If problems or concerns arise, the foster parents are encouraged to contact the program staff for assistance.

Substitute caregivers shall follow these regulations governing children's rights:

1. Abuse: Physical, emotional, and verbal abuse. Ill treatment and harsh and degrading punishment are prohibited. There shall also be safeguards protecting children from exploitations and or abuse by person or other individuals in the children's environment.
2. Activities: The children shall be permitted to participate in appropriate recreational, physical and athletic activities according to individual taste and ability.
3. Case Plan: the child shall be informed about the case plan to the extent that he/ she are able to understand it. Caregivers will assist with meeting the needs of goals of the case plan.

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4. Tribal Relations: The foster family shall implement the plan to allow the child access to tribal and family relationships.
5. Culture: The foster family shall assist the foster children in carrying out cultural and religious responsibilities as defined by the child's family and extended family and the Tribe. The children shall be allowed observations and participation in familiar customs, practices, traditions, and religious practices.
6. Grievances: The foster child shall access to grievance and complaint mechanisms.
7. Protection against environmental hazards: The child shall not be placed or continued to remain placement upon the determination that the physical environment is contaminated by anything hazardous.
8. Medication: including supplements shall not be administered for behavior control unless prescribed by a physician and ordered by the Tribal Court.
9. Civil Rights: No child shall be discriminated against on the basis of sex, race, ethnicity, religion, national origin, age, physical or mental disability or sexual orientation; provided however that a foster family may decline to accept or retain any particular child.
10. Privacy: Privacy and identity of the child shall be protected. The child shall never be exploited for the benefit of the child.
11. Services: Appropriate social, educational, vocational, health and cultural services shall be available for the benefit of the child.
12. Work Experience: Work experiences for the children shall be appropriate to the age, health and ability of the individual child and shall not violate applicable child labor laws.
13. Visits: Children shall be allowed visits with their parents, family, extended family members, tribal relations, and friends in accordance with the case plan.
14. Discipline all children need to know how to control their behavior and that their behavior has consequences. Discipline is teaching children how to behave correctly and encouraging and praising them for correct behavior. Discipline must always be applied with consistency and love, not anger. The immediate situation and the condition of the child should also be considered. Children must be told what they have done wrong, and why they are being disciplined. The child placed in substitute care is affected by the removal from his / her parent's home. He/ she may have serious problems and be difficult to control. Changing behavior is a slow process requiring patience, consistency, and love. It is important for the Natamer placement to set priorities and settle for one small step at a time.

Acceptable methods of Discipline: It is expected that the following methods of discipline will be utilized by foster parents:

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- a. Positive reinforcement- give Something Rewarding: Children learn best when praised, hugged smiled at, or given something they really like for "good" behavior. For older children, special privileges or receiving something they really want is rewarding as well as praises hugs, and good feeling from a parent.
- b. Remove Something Negative: For good behavior, excuse a child from doing something he/ she dislikes, for example, doing dishes, taking out the garbage, cleaning house, or extended bedtime or curfew.
- c. Remove something rewarding; Take away privileges such as telephone, television, stereo, sports or anything that is considered a privilege. Allowance may be withheld from a child. (Not to include food, parental visits, correspondence or anything that is important to the child's development.) Careful consideration should be given when withholding participation in school team or activities.
- d. Give Something Negative: Giving a work assignment may be ok if it is productive and/ or restorative. However, avoid anything that could make the child see work as "bad". Make sure a child understands when he/ she must do something to make it right. This is only to be used when absolutely necessary.
- e. Time Out: Time out is defined as taking the child away from the problem. It is intended to prevent him/ her from being hurt or injuring others. Time outs may require physically removing or restraining the child. To do this, hold the child until he/ she is calm and regains their self-control. If a child is repeatedly out of control and in need of physical restraint, the foster parent shall notify YUROK ICW Program. A child may never be left alone in a locked room.

Unacceptable methods of Discipline: Foster parents shall not use the following forms of discipline:

- a. Group discipline for the misbehavior of one child.
- b. Acts designed to humiliate, degrade, or undermine a child's self-esteem.
- c. Harsh or abusive discipline that may be physically damaging to the child.
- d. Deprivation or parental visits.
- e. Lock up or extended isolation.
- f. Spanking or the use of any instrument such as paddle or belt.
- g. The threat of removal from the home to control behavior. If removal becomes necessary it will be done as a case plan with the assigned counselor, who will prepare the child for such with foster parents.
- h. Deprivation of food, clothing, shelter or toilet.

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- i. Emotional deprivation such as ignoring child and/ or not smiling, hugging, talking, or interacting with the child.
15. Assure that when a child leaves their home, the child's belongings, both those brought and obtained, remain with the child
16. Not accept a child for placement with another agency without prior approval of the Program
17. Not provide formal or informal adult substitute care or child day care without prior approval of the Program
18. Obtain Program approval for non-routine out of state travel or all out of country travel
19. Education: Enroll the child in his/her school or educational placement as determined by YSS.
 - a. Support the child's educational placement and ensure the child regularly attends the school or educational placement
 - b. Monitor the child's educational progress including keeping records of report cards, reports from the teacher, evaluations regarding educational testing or assessments and disciplinary reports
 - c. Monitor the child's learning style and potential learning difficulties
 - d. Work with the child's casework when referring the child for assessment of a possible disability
 - e. Notify the child's caseworker of involvement with the school as the child's educational surrogate parent. Work with the case worker to regularly share information regarding the child's educational progress

medical care and notification requirements

In addressing the health care of a child, the certified family must:

Work collaboratively with the ICW Program in managing the child's health care needs

- a. Regularly exchange the child's medical information with YSS
- b. Work collaboratively with medical providers in managing the child's health care needs

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- c. Maintain documentation of the child's medical appointments, medical information, follow up reports, evaluations and assessments and immunization records
- d. Comply and give input with the Program's direction upon obtaining medical care for a child
- e. Consent to routine medical care for a child, including vaccinations, immunizations, routine examinations and laboratory tests
- f. Contact the child's caseworker to obtain appropriate prior consent before a child receives any medical care or undergoes a procedure other than routine medical care
- g. In an emergency, notify the child's caseworker as soon as possible and no later than 24 hours after an emergency that requires medical treatment.
- h. Develop knowledge of and utilize Tribal medical resources, including insurance in managing the child's health care needs
- i. If a family resides in the UIHS service area, they must notify Contract Health Services at the UIHS to their guidelines, for scheduled appointments, referrals and inpatient treatment
- j. When administering medication to a child, the licensed family must comply with all of the following requirements:
 - 1. Administer prescription medications to a child only in accordance with the written prescription or authorization
 - 2. Record the dosage, date and time that all medications are administered to a child on a form approved by the ICW Program
 - 3. If medication is given in a location other than a licensed home such as at school or day care, the institution's medication log must be attached to the Program form. The medication form with any attachments must be submitted to the child's caseworker and submitted monthly
 - 4. Take the medication form to each medical appointment and share with the medical provider
 - 5. Store all medication in such a way that they are inaccessible to a child and must store all psychotropic medications in locked storage
 - 6. When a child is learning to manage his/her own medications, the licensed family, the child and the caseworker may collaborate on an individualized written plan for the child to access the medication. The child must not have access to medication that is not his/her own. The plan must state how the medication will be inaccessible to other children in the home. The certified family, the child and the caseworker keep a copy of the plan

Responsibilities and notification requirements for selection and use of alternate caregivers

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1. Except as provided in Section 2 below of this rule, the licensed substitute caregiver is responsible for identifying and selecting a safe and responsible alternate caregiver for a child or young adult placed in the family's home, and take into consideration: each child or young adult's age, special needs, attachment and individual behaviors; and the length of time that the child or young adult will be with the alternative caregiver described in this rule. The agency may provide referrals at its discretion and based on availability.
2. YSS may determine that a particular alternate caregiver is inappropriate based upon the needs of the child.
3. Responsibilities when using a babysitter. The substitute caregiver must use a responsible person 14 years of age or older for short-term intermittent child care. The licensed family must:
 - Short time limited care. 1-2 hours.
 - Have an available method through which the licensed substitute caregiver family may be contacted in an emergency
 - Assure the babysitter is capable of assuming child care responsibilities required to meet the needs of each child in the certified family's home and will be present at all times
 - Assure the babysitter does not provide overnight care

Responsibilities and notification requirements when respite care. The certified family must select a respite caregiver who is:

- At least 18 years of age
- Capable of assuming child care responsibilities, including meeting any special needs of each child or young adult in the certified family's care
- Be present at all times

Family and childhood activities-the certified family may give consent for a child or young adult in YSS care or custody to participate in ordinary childhood activities, such as sleepovers with friends and organized activities provided by schools, churches, cultural organizations or similar groups. The licensed family must verify that the event is:

- Safe

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- Adequately supervised
- Appropriate for the child or young adult based upon his or her needs

When the substitute caregiver licensed family has any questions regarding the child or young adult participating in the activity, the family must consult with the child or young adult's caseworker. The licensed family must notify the child or young adult's caseworker prior to the child or young adult being absent from the certified family for more than 24 hours.

The licensed family is responsible for notifying the placement worker when the licensed family plans to provide respite care for another family and/or the number of children in the home will exceed the maximum number of children according to licensing standards.

Confidentiality

The licensed family must exercise good judgment in sharing personal information about the child and the child's family. The licensed family must store documents regarding the child or child's family in a way that protects the privacy of the child and the child's family. The licensed family may not disclose confidential information regarding a child or the family of a child, except when necessary to promote or to protect the health and welfare of the child or the community.

Changes and Notification:

- A licensed family must notify YSS if any of the following occur:
- Any individual joining or leaving the household
- Any new relief or respite care provider
- Any anticipated change in address
- Any physical or structural change in the home in which they live
- Any arrest or court conviction for any member of the household; this notification must occur within one working day
- Any known allegation of child abuse or neglect perpetrated by any member of the household, or an individual who regularly visits the home; such notification must occur on the day that the certified family learns of the allegation
- The suspension of a driver's license of any adult on the License of Approval or any member of the household
- Any change in the physical or mental health of a member of the household that reasonably could affect the member's of the family's ability to meet the needs of safety, health and well-being of a child

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- Any time any member of the household applies to become an in-home child care provider, an adult substitute care or in-home adult day care provider, to obtain the approval of the ICW Program prior to providing such care
- Any time another agency wishes to place a child or young adult in the certified home, to obtain the approval of the ICW Program prior to providing such care
- Any time the certified family agrees to provide relief or respite care for another certified family
- Any other circumstances that reasonably could affect the safety or well-being of a child in the certified family's home
- Any adult member of the household must report the pertinent information to the ICW Program and/or the California CDSS/County CWS upon reasonable cause to believe that any child with whom the individual comes in contact has suffered abuse or neglect or that any adult with whom the individual comes in contact has abused or neglected a child.
- notify YSS immediately if any member of the household is convicted of a crime as banned in the background checks.

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Chapter 7 –Adoption

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I. **Adoption Overview/Purpose**

Yurok Social Services is responsible to ensure that a stable plan for a Yurok child when he or she cannot return home, is to place the child in a guardianship or Yurok customary (aka Tribal customary) adoption rather than pursue a “western” (state type) adoption which requires termination of parental rights. The term Adoption has negative meaning to many Tribal families as a result of Federal, State, and western religious practices. As a result of historical federal policies, during the assimilation period, many native children were wrongfully removed from their Tribal families and were adopted to white families in effort to assimilate Native children and wipe out traditional Tribal culture. During the Indian Adoption project, many Tribal families experienced loss of their children and cultural genocide. Termination of parental rights is not congruent with Yurok traditional cultural practices. Adoption is about making relatives rather than severing a connection completely. However in appropriate circumstances, Adoption may take place in a method that is customary and honors the tradition of making relatives and modifies parental rights rather than complete termination of parental rights. Adoption may take place pursuant to provisions in the tribal code. The preferred method of adoption is Tribal customary adoption. While termination of parental rights is not congruent with Yurok traditional culture there are rare circumstances in which it may be necessary to terminate parental rights. This process will help ensure stability and permanence in the life of a child. While recognizing that a child can be afforded the permanency of adoption while continuing to nurture their ongoing relationships with their birth family, and tribal customs and practices therefore, every child will be assessed for appropriateness for adoption.

Adoption is a permanency option that should be considered as part of concurrent case planning for all children in substitute care. The assessment of the appropriateness of adoption as the permanency plan for a child begins at the time of the child’s initial placement and continues until a permanent plan is achieved. If safe placement with a parent is not possible for a child, and a plan of Tribal Customary Adoption or Adoption and has an appropriate and available adoptive resource who wishes to adopt the child, it is concluded that adoption is an appropriate permanency plan for the child. Adoption is not the most appropriate plan for every child.

II. **Procedure to Determine the Appropriateness of Adoption:**

A. An adoption permanency goal must be considered concurrently with other permanency goals for a child in substitute care;

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B. When it appears that placement with a parent is not a viable goal, but not later than six months after the child enters substitute care, YSS must begin the process of obtaining information sufficient to make a formal decision whether adoption is an appropriate permanency plan for the child, for instance:

C. The child's worker must obtain and consider to evaluate if adoption is the most appropriate option such pertinent information as psychological evaluations, therapist's assessments, an assessment by a mental health professional when appropriate that includes the child's attachment and other permanency needs, medical records, personal care or special rate assessments, individual education plans, and early intervention assessments;

D. The child's worker must address the following areas:

1. The child's ability to create new relationships.
2. The needs of the child.
3. Prior or current caretaker or family relationships that could support or interfere with the child's ability to build new family relationships.
4. Information about the child's siblings and half siblings.
5. Prospective adoptive parents who have made it known to the agency that they want to be considered as an adoptive placement for this specific child and the ability and willingness to keep the child connected to their community, culture, and family.
6. Consider the child's willingness to consent to adoption, if the child is 12 years of age or older.
7. Formal decision making in a collaborative process with YSS team.
 - a. If the child's worker and supervisor believe adoption is an appropriate permanency plan for the child.
 - b. When YSS staff review a case together and it is not clear that adoption is an appropriate permanency plan for the child, or if there are questions regarding available approved families, the determination whether adoption is an appropriate permanency plan for the child will be made by continued collaborative assessment with collateral professionals.

II. Adoptions Assistance Program OVERVIEW

The benefits available for AAP eligible children are as follows: a monthly financial benefit, medical insurance through Medi-Cal, non-recurring adoption expenses,

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payment for residential treatment and continuation of AAP benefits in a re-adoption. The amount of financial assistance is determined based upon the special needs of the child and circumstances of the family. The AAP benefit shall not exceed the age related approved substitute caregiver (foster family) home rate the child would have received had they not been adopted. If the child's needs are greater and require a higher level of care and supervision, they may qualify for a therapeutic rate in addition to the basic foster family home rate. A child who is developmentally delayed and a current consumer of California Regional Center may qualify for the dual agency flat rate.

A. APPLICABLE CHILD ELIGIBILITY

1. An applicable child is:
 - a. a child for whom an adoption assistance agreement is entered into during any fiscal year described below if the child attained the applicable age before the end of that fiscal year; or
 - b. a child of any age if the child has been in foster care under the responsibility of the YSS for at least 60 consecutive months and meets additional required special needs and eligibility criteria outlined in items A. 2. and 3. below; or
 - c. a child of any age on the date on which an adoption assistance agreement is entered into on behalf of the child, regardless of the child's duration in foster care, if the child:
 - i. is a sibling of a child who is considered an applicable child on the basis of age or duration in care; and
 - ii. is to be placed in the same adoption placement as their sibling (who is an applicable child).

| <u>Fiscal Year</u> | <u>Applicable Age</u> |
|--------------------|-----------------------|
| 2013 | 10 |
| 2014 | 8 |
| 2015 | 6 |
| 2016 | 4 |
| 2017 | 2 |
| 2018 & thereafter | Any age |

2. Adoption assistance payments may be made to parents to adopt a child with special needs. In the case of a child who is an applicable child in the fiscal year in which an adoption assistance agreement is entered into on behalf of the child, the child shall not be considered a child with special needs unless:
 - a. the Tribe has determined, pursuant to established criteria, that the child cannot or should not be returned to the home of his or her parents; and
 - b. either:

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i. the Yurok Tribe has determined that the child is special needs as defined by having come from adverse parental background because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance under IV-E and medical assistance under Title XIX; or

ii. the child meets all medical or disability requirements of Title XVI with respect to eligibility for supplemental security income (SSI) benefits; and

c. the Tribe has determined that, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of the parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance under this section or medical assistance under Title XIX. Who an applicable child is as defined above.

3. Adoption assistance payments may be made if the child has also been determined to be a child with special needs (in accordance with item A.2. above), and:

a. at the time of initiation of adoption proceedings the child was in the care of a public or licensed private child placement agency or Tribal agency pursuant to:

i. an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or

ii. a voluntary placement agreement or voluntary relinquishment; or

b. meets all medical or disability requirements of Title XVI with respect to eligibility for supplemental security income benefits; or

c. was residing in a foster family home or child care institution with the child's minor parent, and the child's minor parent was in such foster family home or child care institution pursuant to:

i. an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or

ii. a voluntary placement agreement or voluntary relinquishment; and

d. has been determined by the Tribe, pursuant to item (2) above, to be a child with special needs.

4. In the case of a child who is an applicable child (as defined in item A.1. above), the child will be treated as meeting the requirements to receive adoption assistance payments if the child:

a. has also been determined to be a child with special needs (in accordance with item A.2. above); and

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b. is determined eligible for title IV-E adoption assistance payments with respect to a prior adoption (or who would have been determined eligible for such payments had the Adoption and Safe Families Act of 1997 been in effect at the time that such determination would have been made); and

c. is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died.

B. NON-APPLICABLE CHILD ELIGIBILITY (currently effective but beginning 10/01/2009 decreases based on the criteria in section 13(A)(1) until 10/01/2017 at which time this authority ends)

1. Adoption assistance payments may be made to parents who adopt a child with special needs. In the case of a child who is not an applicable child (as defined above), , the child shall not be considered a child with special needs unless:

a. The Tribe has determined the child cannot or should not be returned to the home of his or her parents; and

b. The Tribe has first determined that a specific factor or condition exists with respect to the child having come from adverse parental background. because of which it is reasonable to conclude that such child cannot be placed for adoption without providing adoption assistance or medical assistance under Title XIX; and

c. a reasonable, but unsuccessful, effort has been made to place the child without providing assistance except where it would be against the best interests of the child due to such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child.

2. In the case of a child who is not an applicable child as defined in section 13(A)(1), adoption assistance payments may be made if the child has been determined by the Tribe to be a child with special needs as defined in section A.2. above, and:

a. was removed from the home of a specified relative (as defined in section 12(A)(1)(a) herein) and placed in foster care in accordance with a voluntary placement agreement with respect to which Federal payments are provided under IV-E or AFDC (or under AFDC as in effect 7/16/1996), or in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and

i. received AFDC in that relative's home under the approved State plan (as in effect 7/16/96), or would have received AFDC under such plan had application been made, in or for the month the voluntary placement agreement was entered into or court proceedings leading to the judicial determination that continuation

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of residence in the home from which removed would be contrary to the welfare of the child were initiated; or

ii. had been living with a relative specified in section 12(A)(1)(a) within six months before the month in which a voluntary placement agreement was entered into or court proceedings leading to the judicial determination that continuation of residence in the home from which removed would be contrary to the welfare of the child, were initiated and would have received AFDC in that relative's home under the approved State plan (as in effect 7/16/96) for that month, if in that month the child had been living with such relative and application had been made;

b. meets all the requirements of Title XVI of the Act with respect to eligibility for supplemental security income benefits; or

c. is a child whose costs in a foster family home or childcare institution are covered by the foster care maintenance payments being made with respect to the minor parent of the child (as described in item A.3.c. above).

3. In the case of a child who is not an applicable child as defined, the child will be treated as meeting the requirements to receive adoption assistance payments if the child:

a. is a child with special needs (as defined in item A.2. above); and

b. is determined eligible for title IV-E adoption assistance payments with respect to a prior adoption; and

c. is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died; and

d. fails to meet eligibility requirements outlined in item A.3. above, but will meet such requirements if the child is treated as if the child is in the same financial and other circumstances the child was in the last time the child was determined eligible for title IV-E adoption assistance payments and the prior adoption is treated as never having occurred.

C. GENERAL ELIGIBILITY

1. Adoption assistance payments are made to adoptive parents who have entered into an adoption assistance agreement (pursuant to item 13.E below) with the title IV-E agency.

2. In determining the eligibility for adoption assistance payments of a child in a title IV-E legal guardianship arrangement, the placement of the child with the relative guardian involved and any title IV-E kinship guardianship assistance payments made on behalf of the child shall be considered never to have been made.

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D. PAYMENTS – AMOUNTS & CONDITIONS

Children subject to Tribal Customary Adoption shall have the same eligibility criteria as children adopted after TPR.

1. Payments will be made for non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a child with special needs, directly through the ICW Program or through another public or nonprofit private agency, in amounts determined through an agreement with the adoptive parents; and
2. In any case where the child meets the eligibility requirements for title IV-E adoption assistance payments, the Tribe may make adoption assistance payments to adoptive parents, directly through the ICW Program or through another public or nonprofit private agency, in amounts so determined through an adoption assistance agreement.
3. The amount of such payment:
 - a. will take into consideration the circumstances of the adopting parents and the needs of the child being adopted;
 - b. may be adjusted periodically with the concurrence of the adoptive parents to reflect changing circumstances; and
 - c. may not exceed the foster care maintenance payment which would have been paid during the period if the child with respect to whom the adoption assistance payment is made had been in a foster family home.
4. In determining eligibility for adoption assistance payments, there is no income eligibility requirement (means test) for the adoptive parents
5. Payments are terminated when the Tribe determines that:
 - a. the child has attained the age of 18 (or, where the Tribe determines that the child has a mental or physical disability which warrants the continuation of assistance, the age of 21); or
 - b. the parents are no longer legally responsible for the support of the child who has not yet attained the age described in item a.; or
 - c. the adoptive parents are no longer providing any support to the adopted child. .
6. the adoptive parents are required to inform the YSS of circumstances that would make them ineligible for adoption assistance payments or eligible for

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adoption assistance payments in a different amount.

7. No payments may be made to parents with respect to any applicable child for a fiscal year that:

- a. would be considered a child with special needs (as described in items 13.A. and B. herein);
- b. is not a citizen or resident of the United States; and
- c. was adopted outside of the United State or was brought into the United State for the purpose of being adopted.

8. A child that is not a citizen or resident of the U.S. and was adopted outside of the U.S. or brought into the U.S. for the purpose of being adopted may be eligible for adoption assistance payments if the initial adoption of the child by parents is a failure and the child is subsequently placed into foster care.

E. ADOPTION ASSISTANCE AGREEMENT

1. An adoption assistance agreement is a written agreement, binding on all parties, between YSS, other relevant agencies, and the prospective adoptive parents of a child with special needs, which at a minimum meets the requirements outlined in item E.2. below.

2. To meet title IV-E requirements, an adoption assistance agreement entered into on behalf of a child with special needs:

- a. is signed by the adoptive parents and a representative of the YSS and is in effect before adoption assistance payments are made under Title IV-E, but no later than the finalization of the adoption;
- b. specifies the duration of the agreement (up to 3 years and will be renewed);
- c. specifies the amount of the adoption assistance payments (if any) and the nature and amount of any other payments, services and assistance to be provided under the agreement (including non-recurring adoption expenses in agreements for expenditures incurred by the parents);
- d. specifies the child's eligibility for Title XIX and Title XX;
- e. specifies that the agreement remains in effect regardless of the State or Tribal Service Area (Del Norte County) of residence of the adoptive parents;
- f. contains provisions for the protection of the interests of the child in case the adoptive parents and child should move to another State or tribal service area (Del Norte County) while the agreement is in effect; and
- g. if a needed service specified in the agreement is not available in the new State or service area of residence, the Tribe making the original adoption assistance payment remains financially responsible for providing the specified service(s).

F. MEDICAID & SOCIAL SERVICES

1. For the purposes of Titles XIX and XX, any eligible child for whom there is an adoption assistance agreement in effect (whether or not adoption assistance payments are being made) is deemed to be a dependent child as defined in section 12(A)(1)(a) and is deemed to be a recipient of AFDC under part A of Title IV of the Act in the State in which such child resides.

3. In the event that the Tribe 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 title IV-E 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.

G. DEFINITION OF CHILD

For the purposes of the title IV-E adoption assistance program , the term 'child' means:

1. An individual who has not attained 18 years of age; or
2. at the option of the State/Tribal agency an individual
 - a. with respect to whom an adoption assistance agreement is in effect under Title IV-E, if the individual had attained age 16 before the adoption assistance agreement became effective;
 - b. who has not yet attained the age of 18, but has not yet attained 21 years of age, as the title IV-E YSS may elect; and
 - c. who meets any of the following conditions:
 - i. the child is completing secondary education or a program leading to an equivalent credential.

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- ii. the child is enrolled in an institution which provides post-secondary or vocational education;
- iii. the child is participating in a program or activity designed to promote, or remove barriers to, employment;
- iv. the child is employed for at least 80 hours per month; or
- v. the child is incapable of doing any of the above described activities due to a medical condition

H. Adoption Tax Credit

YSS informs every individual who is adopting or whom the State/Tribal agency is made aware is considering adopting, a child who is in foster care under the responsibility of YSS of the potential eligibility for a Federal tax credit under section 23 of the Internal Revenue Code of 1986.

I. INTERJURISDICTIONAL ADOPTIONS

YSS will not:

1. 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
2. fail to grant an opportunity for a fair hearing, as described in section fair hearing, to an individual whose allegation of a violation of part (1) of this subsection is denied by the State/Tribal agency or not acted upon by YSS with reasonable promptness.