



STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
*Economic Services Administration*  
Post Office Box 45070, Olympia WA 98504-5070

May 6, 2019

**TO:** Cheryl Strange, Secretary  
Department of Social & Health Services

**FROM:** David Stillman, Assistant Secretary  
Economic Services Administration

**SUBJECT:** **QUILEUTE TRIBE INTERGOVERNMENTAL TRIBAL TANF AGREEMENT**

*Handwritten signature of David Stillman and date 5/7/2019*

Please sign page 12 of the Intergovernmental Agreement (IGA), Contract # 1962-45863, between DSHS and the Quileute Tribe, as the prior IGA expired on April 30, 2019.

The IGA's State MOE Payment and Reporting Schedule (Exhibit B), reflects a State Fiscal Year annual award of \$553,143 for the period May 1, 2019 to April 30, 2022.

Thank you.



**INTERGOVERNMENTAL AGREEMENT**  
**TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)**  
**BETWEEN**  
**THE QUILEUTE TRIBE AND THE WASHINGTON STATE DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

**1. AUTHORITY**

**THIS AGREEMENT** is entered into between the Quileute Tribe (hereinafter the Tribe) and the Washington State Department of Social and Health Services (hereinafter the Department), pursuant to their respective governmental authorities. The Tribe is authorized to enter into this Agreement under the Tribe's Constitution. The Interlocal Cooperation Act, RCW 39.34, permits any State agency to enter into a cooperative agreement with an Indian tribe for their mutual advantage and cooperation. RCW 74.08A.040 requires the Department to coordinate and cooperate with eligible Indian tribes that elect to operate a Tribal Temporary Assistance for Needy Families (TANF) Program as provided for in Pub. L. 104-193 and 109-171 and to transfer a fair and equitable share of Maintenance of Effort funds (MOE) to the eligible Indian tribe. The Department and the Tribe desire to enter into this Agreement pursuant to their respective authorities, which include financial assistance and employment and training services to eligible, needy families in order to fulfill the purpose set out herein. It is the intention of the parties that this Agreement be liberally construed to effectuate its intent and purposes.

The Department and the Tribe each have jurisdiction over domestic relations, including providing comprehensive welfare reform services and additional supportive services.

The Department and the Tribe recognize that the Tribe has a compelling interest as a sovereign nation in promoting and maintaining the governmental and cultural integrity of the Tribe. The parties recognize their respective sovereignty and enter into this Agreement consistent with the government-to-government relationships affirmed by the Centennial Accord of 1989 and RCW 43.376.

Section 412 of the Social Security Act requires payment of federal TANF funds to Indian tribes with approved TANF plans. The Tribe will provide services under its approved TANF plan in a manner that best serves the needs of its service area and population.

**2. PURPOSE**

The Department and the Tribe enter into this Agreement to transfer a fair and equitable amount of state maintenance of effort funds (MOE funds) to the Tribe and to work in

partnership to coordinate state and tribal benefits and services. This Agreement is consistent with, and is intended to further, the declared national policy of helping needy families achieve self-sufficiency. At the same time, this Agreement also protects the best interest of families and children by providing an effective and efficient way by which these families and children receive resources available to both the Department and the Tribe.

This agreement honors the tribe's inherent right to design and operate culturally relevant and appropriate programs on behalf of the population served.

TANF programs help needy families achieve self-sufficiency. Families will be given access and input into all programs and services needed to reach the goal of self-sufficiency. During the transition from TANF to work, the personal dignity, pride and cultural identity of recipients will be protected through their opportunity to make life-changing choices.

### 3. DEFINITIONS

The Department and the Tribe agree for the purposes of this Agreement to the following definitions:

1. **Federal and State MOE Requirements (MOE Requirement):** All federal and state laws and regulations that pertain to a State's ability to classify funds as Maintenance of Effort (MOE). These requirements include, but are not limited to: 42 USC 601(a), 45 CFR 260.20, 42 USC 609(a) (7), 45 CFR 263, RCW 74.08A.040, WAC 388-315, OMB Circulars A-87 and A-133, and 45 CFR 92.
2. **IGA:** Intergovernmental Agreement
3. **Retrocession:** The process by which an Indian tribe or a state voluntarily terminates and cedes back (or returns) a TANF program to the other, consistent with federal regulations. Retrocession includes the voluntary relinquishment of the authority to obligate or spend previously awarded state and federal funds before that authority otherwise expires.
4. **State Maintenance of Effort Funds (MOE):** Per WAC 388-315-1050, state maintenance of effort is a federal TANF requirement that a state shall spend at least a specified amount, as required by 45 CFR 263.1, of state funds for benefits and services for members of needy families each year. A broad, but not unlimited, array of benefits and services for low-income families with children can count toward satisfying a state's maintenance of effort obligation
5. **Temporary Assistance for Needy Families (TANF):** A program authorized by the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) (Pub. L. 104-193), reauthorized under the Deficit Reduction Act of 2005 (DRA) (Pub. L. 109-171), and codified in title IV-A of the Social Security Act, operated by states and Indian tribes to provide financial assistance and employment and training services to eligible, needy families.

6. **TFAP (Tribal Family Assistance Plan)**: The plan for implementation of the Tribal TANF program under Section 412(b) of the Social Security Act.
7. **Tribal TANF Program**: A TANF program developed by an eligible Indian tribe, or consortium of tribes, and approved by the Administration for Children and Families under Section 412 of the Social Security Act.
8. **WorkFirst**: The state's welfare reform program which provides support services and activities to TANF recipients and low-income families so they can find jobs, keep jobs, and become self-sufficient.
9. **Annual Report**: A report consisting of all information, including operational and financial information, required by federal and/or state law for the contracted services and funds included in this Agreement or in subsequent amendments to this Agreement.
10. **Single Point of Contact**: The DSHS office designated by the Department and the tribal office designated by the Tribe to facilitate the flow of operational information, about this Agreement, between the Tribe and the Department.

#### **4. THE DEPARTMENT AND THE TRIBE AGREE TO THE FOLLOWING**

The Department and the Tribe engaged in negotiations to determine the:

1. Amount of State MOE funds and other monetary and non-monetary enhancement that would be provided by the Department to assist the Tribe's TANF program.
2. Requirements for the use and reporting on state MOE funds, terms of a data share agreement, and measures of success for the Tribe's TANF program.
3. IGA Amendment Form (See attached and incorporated Exhibit E): A tribe must provide detailed information to the DSHS Economic Services Administration (ESA) for each statutory or regulatory waiver it seeks. This includes the exact citation, the reason for the waiver request, and a detailed description of the tribe's proposed alternative to the statute or regulation.

##### **a. Federal Waivers**

DSHS will support a tribe in its efforts to petition the federal government to waive program requirements a tribe finds burdensome, unless DSHS finds that such a waiver is in direct conflict with federal statutes or inconsistent with the purposes of the program or the statute from which the program derives its authority. See 45 CFR 25 Chapter V, Part 900, Subpart K, Waiver Procedures, for guidance.

##### **b. State Amendments**

DSHS will support a tribe in its efforts to petition the state legislature to amend

statutory provisions that a tribe finds burdensome unless DSHS finds that the provisions are inconsistent with the purposes of the program, or in conflict with program goals.

**c. State Waivers**

DSHS will support a tribe in its efforts to obtain waivers to departmental regulations in accordance with WAC 388-440-0001. See Exhibit E.

- i. To petition for a regulatory waiver, the Tribe will submit a written waiver request to the DSHS Economic Services Administration (ESA). The request must identify the regulation to be waived and the basis for the request. The request must explain the intended effect of the waiver, the impact upon the Tribe if the waiver is not granted, and the specific programs(s) to which the waiver will apply. It must also describe the policy, if any, the Tribe is adopting to replace the specific regulation to be waived.
- ii. The Secretary of DSHS or designee will make the final decision on all requests for exceptions to rules within ninety (90) days after the Secretary receives a written waiver request. The Secretary's decision will be in writing. Appeals may be conducted through the dispute mechanism in effect between the Tribe and DSHS.

**d. Single Point of Contact:**

Kala Jackson  
TANF Coordinator  
Quileute Tribe  
PO BOX 279  
La Push, WA 98350  
(360) 374-0336  
Kala.jackson@quileutenation.org

Martin Bohl  
Tribal Relations – TANF  
DSHS –ESA  
Community Services Division  
PO BOX 45857  
Olympia, WA 98504-5857  
(360) 725-4656, BohlMC@dshs.wa.gov

- e. **Technical Assistance:** The ESA and the Office of Indian Policy (OIP) are responsible for providing technical assistance to tribes relating to the elements included in this agreement. Routine program related communications may continue among DSHS and tribal program staff and need not go through OIP; however, it is advisable to inform OIP of significant issues, should they arise.

## **5. TFAP AND SERVICE POPULATION**

The Tribe has a United States Health and Human Services approved Tribal Family Assistance Plan (TFAP), which is incorporated by reference. The TFAP is effective from May 1, 2019 through April 30, 2022.

There have been no changes in the Tribe's service area and the scope of the TANF plan will not be substantially changed in its TFAP. The effective date of the Tribe's TFAP is May 1, 2019. Consistent with its federally approved TFAP, the Tribe agrees to continue to serve all Indian families residing in the Forks Community Services Office (CSO) service area except those residing on the Quinault or Makah reservations. This specifically includes all Indian families residing on the Quileute and Hoh reservations.

The Department and the Tribe determined that there were 185.8 tribal families receiving public assistance benefits in 1994, based on the Tribe's identified service population as identified in their TFAP.

The Tribe has received federal approval of their TFAP indicating that they have complied with the requirements of the federal policy (TANF-ACF-PI-2018-02, December 21, 2018 Program Instruction) relating to serving Indian families on or near the reservation service areas, including the policy provisions relating to notification of other tribes with overlapping near reservation areas. If there is a change to the Tribe's service population under their federal TFAP and associated federal funding, the Tribe will notify the Department. The Department will adjust the State funds and the Intergovernmental Agreement with the Tribe accordingly to reflect these changes.

## **6. TRANSFER OF STATE FUNDING**

- 1) For purposes of this Agreement, the state fiscal year (SFY) is July 1 to June 30.
- 2) Subject to availability of state MOE funds, and the provision of subsection 6 below, the Department agrees to transfer to the Tribe for the period May 1, 2019 – April 30, 2022, up to the amount of \$1,659,429 in State MOE funds. Payments will be made in accordance with the State MOE Payment Schedule, Exhibit "B", attached hereto and incorporated herein.
- 3) The Department agrees to pay the annual MOE amounts to the Tribe in State Fiscal Year lump sum annual payments, after the receipt and acceptance by the Department of the completed A 19-1A Invoice Voucher and receipt and acceptance of the reports required under Section 8 of the IGA. Payment shall be considered timely if made by the Department within thirty (30) calendar days after receipt of properly completed A 19-1A and reports.

- 4) The Department agrees to review submitted reports within twenty (20) days and immediately contact the Tribe regarding any missing information or documentation.
- 5) For each SFY's payment, the Tribe may submit an A 19-1A invoice voucher and required reports as early as July 1 of the SFY for which the Tribe is requesting payment. However, each annual A 19-1A must be submitted to the State TANF point of contact no later than thirty (30) days after the end of the requested reimbursement state fiscal year. Annual A 19-1As submitted to the Department after these dates shall not be paid, unless authorized by the Secretary of the Department.
- 6) For each state fiscal year (SFY), if the Tribe does not spend MOE funds in an amount equal to the MOE funding awarded under this IGA for this annual period, the Tribe will return unspent funds to DSHS.
- 7) If there are any legislative changes impacting either Party, each reserves the right to renegotiate this Agreement.
- 8) Payments are subject to availability of state legislatively appropriated funds.
- 9) In addition to formal Tribal consultation, the Department will notify the Tribe of any projected or anticipated budget increase or decrease that affects any program or service contained in its TFAP as soon as they are informed of the projected or anticipated change. This includes one-time surplus funding that could be obligated for unmet needs in services and program development.
- 10) The Tribe will not charge the Department for services if the Tribe has charged or will charge the State of Washington or any other party, under any other contract or agreement, for the same services.

## **7. EXPENDITURE OF STATE MOE FUNDS**

The Tribe agrees to spend all funds received under this Agreement consistent with federal and state MOE requirements. The Tribe shall comply with all applicable federal and state laws and regulations and OMB circulars governing the use of state MOE funds. MOE funds must be spent on eligible families and for the four (4) allowable TANF purposes. The four (4) TANF purposes are listed in law at 42 USC 601(a) and regulation at 45 CFR 260.20. The law and regulations defining federal and state MOE requirements are 42 USC Section 609(a) (7), 45 CFR 263, RCW 74.08A.040, and WAC 388-315. In addition to following these provisions, the Tribe must also comply with the federal Office of Management and Budget (OMB) Circulars A-87, A-133 and 45 CFR 92.

## **8. REPORTING ON THE USE OF STATE MOE FUNDS AND CASELOAD**

The Tribe agrees to provide reports regarding its expenditure of State MOE funds to the Department according to the State MOE Payment Schedule, Exhibit "B". Reports from the Tribe are mandatory to meet State reporting requirements regarding the use of state MOE funds, as outlined in the November 27, 2000 TANF Policy Announcement (TANF-ACF-PA-2000-04) issued by the United States HHS, WAC 388-315-3000, and incorporated by reference.

To report the State MOE funds expended and the number of families served, as well as performance measure data and fiscal data, the Tribe will complete and submit quarterly reports to the Department. Exhibit C (Caseload and Performance Reports) must be submitted to the State TANF contact no later than forty (40) days from the end of the quarter – i.e., by September 9<sup>th</sup>, December 10<sup>th</sup>, March 12<sup>th</sup> and June 9<sup>th</sup>. The Fiscal Report ACF-196T (Exhibit D) is due at the same time as required by ACF: within 45 days after the end of each quarter of the federal fiscal year – i.e., by February 14<sup>th</sup>, May 15<sup>th</sup>, August 14<sup>th</sup> and November 14<sup>th</sup>.

Any funds received by the Tribe under this Agreement shall remain subject to the reporting requirements of this section at all times, notwithstanding the termination or conclusion of the funding period provided under this Agreement.

To the extent that the Tribe retains and spends any funds subsequent to the termination or conclusion of the funding period under this Agreement, the Tribe shall submit all required reports no later than forty (40) days after the end of the calendar quarter in which State MOE funds are expended.

The reports will include the following:

1. **Caseload Report:** A caseload report will enable DSHS to know the number of eligible families served with the funds.
  - a. The Tribe will use the WA-TT-CR-01 Tribal TANF Caseload Quarterly Report form. See Exhibit C.
2. **Performance Report:** A performance measure report will enable DSHS to know the number or rate of participants meeting goals under the Tribal Family Assistance Plan.
  - a. The Tribe will use the TANF WA TT-04 Performance Measure Report form. See Exhibit C, page 2.
3. **Fiscal Report:** A fiscal report will enable DSHS to know how the Tribe has used the provided MOE funds.
  - a. The Tribe will use the ACF-196T Tribal TANF Financial Report Form. See Exhibit D.

- b. The Tribe will report on only State MOE funds utilizing the ACF-196T Tribal TANF Financial Report Form.

## **9. INCORPORATION OF GENERAL TERMS AND CONDITIONS**

This Agreement incorporates the current and future Indian Tribe and DSHS Agreement on General Terms and Conditions entered into by the Department and the Tribe by reference. To the extent that this Agreement may conflict with the terms contained within the Indian Nation and DSHS Agreement on General Terms and Conditions, the terms contained within this Agreement control.

## **10. COMPLIANCE AND AUDITS**

The Tribe shall comply with all applicable federal and state laws and regulations governing the use of federal and state MOE funds and document and report that MOE funds are spent appropriately. The Tribe shall provide TANF services as described in its federally approved TFAP.

The Department and the Tribe agree the Tribe will provide a copy of the Tribal TANF Program's section of the most recent federally-required A-133 Single Audit Report to the Department, within thirty calendar days of the Tribe's submission of the report to the federal government.

## **11. SERVICES PROVIDED UNDER THE PLAN (TFAP)**

Consistent with its federally approved TFAP, the Tribe shall make the final determination of tribal membership of families applying for Tribal TANF services. The Tribe shall also determine whether such families meet the eligibility criteria for Tribal TANF services.

Included in the TFAP, the Tribe shall provide the Department with a list and description of the current eligibility criteria for Tribal TANF services. If and when changes or revisions of such eligibility occur, the Tribe shall promptly inform the Department of these changes or revisions.

If the Tribe requests an amendment to its TFAP which would have a significant financial impact on the Department, the Tribe shall also notify the Department of such request and provide a copy of the proposed amendment. The Department and the Tribe shall negotiate and reach agreement regarding any amendments to the TFAP, which would have an impact on this Agreement before the Tribe implements the amendment. The Tribe agrees to give the Department notice when such amendments are approved.

## **12. IMPLEMENTATION AGREEMENTS**

The Department and the Tribe shall update an Operating Agreement describing the working relationship between the Department's local Region and the Tribe, including procedures for the effective transfer of cases and coordination of services that shall be performed by each party. This Operating Agreement shall also include provisions to ensure that a family receiving assistance under the Tribe's plan may not receive assistance from other state or Tribal TANF programs.

The Department shall work in cooperation with the Tribe to provide Tribal TANF recipients with access to Basic Food (Food Stamps), and Medical Assistance.

As applicable, the Tribe shall work with the Division of Child Support to address child support.

As a condition of receiving State MOE funds under this Agreement, and to provide for the transfer of information on Tribal TANF cases and for the ongoing coordination of services for these families, the Department and the Tribe will ensure that a current data share agreement is in place.

## **13. LIABILITY OF TRIBE FOR FAILURE TO COMPLY WITH FEDERAL AND STATE MOE REQUIREMENTS**

Where the Tribe expends funds in a manner inconsistent with federal and state MOE requirements or cannot demonstrate that it spent funds consistent with State MOE requirements, the Tribe shall be liable to the Department in an amount equal to such funds as were improperly expended or are unaccounted for.

## **14. FUNDING REMEDIES**

The Department may withhold funding under this Agreement for any of the following reasons:

1. The Tribe does not provide the Department with reports required under this Agreement in a timely fashion.
2. Reports provided by the Tribe lack required information.
3. The Department has a credible basis to believe that the Tribe is spending or has spent funds provided under this Agreement inconsistent with federal and state MOE requirements. Prior to withholding funding, the Department shall provide the Tribe with forty-five (45) days advance written notice.
4. The Tribe is unable to timely demonstrate that it spent funds under this agreement consistent with federal and state MOE requirements.

5. An A-133 audit or federal site visit concludes that the Tribe is either misusing federal funds, cannot properly document that expenditures were proper, or is out of compliance with federal TANF requirements.
6. The Tribe otherwise does not comply with the terms and conditions of this Agreement.

The Department must first notify the Tribe in writing of the compliance issue and give the Tribe ninety (90) days in which to cure the noncompliance.

In the event that the dispute is not resolved, the Tribe may utilize the dispute resolution process described in Section 15. Action taken under this section shall be suspended pending the outcome of any dispute resolution process.

### **15. DISPUTE RESOLUTION**

The Department and the Tribe agree to resolve disputes that arise as follows:

1. The Department and the Tribe shall first attempt to resolve the matter through informal discussions and negotiations.
2. If informal discussions prove unsuccessful, the Department and the Tribe agree to refer the matter to non-binding mediation. Either party may request that a matter be submitted to a mediator to assist in resolving a dispute. The mediator shall be jointly selected and shall be approved by the Department and the Tribe. The cost shall be born equally by the Department and the Tribe.
3. If mediation does not resolve the dispute, then the parties agree to submit their dispute to arbitration before a Dispute Resolution Board. The Dispute Resolution Board shall consist of three (3) individuals, one (1) selected by the Department, one (1) selected by the Tribe and a third party to be chosen by the first two. The Dispute Resolution Board shall review all issues, concerns and conflicts with a goal to determine acceptable solutions for both parties. The decisions of the Dispute Resolution Board shall be final and binding on both parties.
4. Nothing in this section is, or shall be deemed to be, a waiver of the Quileute Tribe's sovereignty immunity to an action in any administrative or legal forum or to the payment to the state of any funds owned, held, or administered by the Quileute Tribe, other than State MOE funds transferred under this agreement.

## **16. AMENDMENT, WAIVER AND TERMINATION**

This Agreement or any provision may be altered, amended, or waived by written agreement signed by both parties. The parties may use the amendment form attached as Exhibit "E".

The funding under this Agreement is for the period May 1, 2019 to April 30, 2022, but is subject to any additional restrictions, limitations, or conditions imposed by state or federal laws or regulations during this time. Payments are subject to the availability of adequate federal and state MOE funds.

If there are changes to the federal or state TANF legislation, regulation, or funding structure that impacts either party, each reserves the right to terminate the funding and renegotiate this Agreement. The Department agrees to notify the Tribe in writing as early as possible of any potential funding or other issues that may require termination of this Agreement.

Either party may terminate the Agreement by giving the other party forty-five (45) calendar days' written notice.

Termination under this Agreement is the termination of funding, which means the Department's obligation to provide future payments of state MOE funds under Exhibit B ends, as does the Tribe's obligation to provide services with the future MOE funds.

This Agreement shall remain enforceable until the last A-133 audit of the funding provided under this Agreement either has no findings or all findings are satisfactorily resolved.

## **18. RETROCESSION**

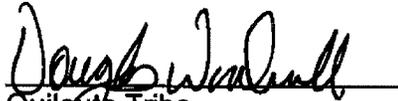
If the Tribe chooses to retrocede its Tribal TANF program prior to the end of its three-year plan, it agrees to provide the Department with notification at the same time that it notifies the Secretary of HHS. All future scheduled State funded payments shall be discontinued and any State MOE funds not expended or obligated on Tribal TANF activities as of the retrocession date shall be returned to the Department within forty-five (45) calendar days of the retrocession date.

## **19. PERIOD OF FUNDING AND ENFORCEMENT**

The funding period under this Agreement shall be from May 1, 2019 to April 30, 2022 unless otherwise extended or terminated under this Agreement.

**20. EXECUTION**

The following in their representative capacities hereby approve this Agreement.

  
\_\_\_\_\_  
Quileute Tribe

Date 4-25-19

  
\_\_\_\_\_  
Secretary  
Department of Social & Health Services

Date 5/14/19

  
\_\_\_\_\_  
Assistant Secretary  
Economic Services Administration

Date 5/7/2019

**Exhibits:**

- A – Quileute Tribal TANF Plan
- B - State MOE Payment Schedule
- C - WA-TT-CR-01 Tribal TANF Quarterly Caseload Report and TANF WA-TT-04 Performance Measure Report
- D - ACF 196T Tribal TANF Financial Report
- E – IGA Amendment

**Exhibit A**

**IGA Performance Plan & Budget or Quileute Tribal TANF Plan**



**QUILEUTE  
TRIBAL TANF  
PROGRAM PLAN**

**Effective May 1, 2019 – April 30, 2022**

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## **QUILEUTE INDIAN TRIBE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES**

Section 412 of the Social Security Act, as amended by Title I of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), provides the methodology by which Indian Tribes may operate their own Family Assistance Programs. The Quileute Tribe, pursuant to the provisions of this act, implemented a Tribal Temporary Assistance for Needy Families (TANF) Program effective May 1, 2001. The Tribe assures that it will maintain a Program consistent with the provisions of Title I of PRWORA and all other applicable Federal laws and regulations, specifically 45 CFR 286. The following sections describe the essential features of the Program and constitute the Tribe's TANF Plan, a three (3) year plan effective May 1, 2019 through April 30, 2022.

### **SECTION 1. Quileute Tribe's Approach: Provision of Welfare-Related Services**

The Quileute Tribe has four primary goals they plan to achieve through the implementation and operation of the Tribal TANF Program.

- 1) To provide assistance (or other forms of support) to needy families so that children may be cared for in their own homes or in the homes of relatives;
- 2) To end dependence of needy parents on government benefits by promoting job preparation, work and marriage;
- 3) To prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and
- 4) To encourage the formation and maintenance of two-parent families.

To measure the achievement or progression toward these overall goals, the Program will track and maintain relevant data in cooperation with other agencies. This data will include the number of persons receiving assistance, duration and type of assistance received, employment data such as placement rates, wages, occupations, educational levels, activity completion status, and participation rates. This information is currently being entered into the Tribal Assistance System (TAS) database. Federal and State quarterly reports are currently submitted in a timely manner.

This is the sixth renewal period for the Quileute Tribal TANF Program.

There was a 45-day period of opportunity for the public to submit comments regarding the new draft of the Plan. Copies of the proposed Plan were made available to all individuals, upon request, at the TANF office. Any comments or suggestions that an individual wanted to make were accepted in written form, or transcribed by staff for those who were unable to write. At the end of the review and comment period the Human Services Director, TANF Coordinator and Program Staff met to review the comments and create responses or make appropriate edits to the Plans.

The final draft of the TANF Plan was then reviewed by the General Manager and all members of

Tribal Council. Amendments were made as necessary and appropriate, and the Plan was approved by Tribal Council for submission to Washington D.C.

## **SECTION 2. Agreements regarding Provision of Welfare-related Services**

The Quileute Tribal TANF Program will be responsible for administering all TANF services. The TANF office is housed under the Quileute Department of Human Services (QDHS) which oversees provision of Emergency Food Assistance Program (EFAP), Low Income Housing Energy Assistance Program (LIHEAP), Tobacco Prevention, Indian Child Welfare (ICW), General Assistance (GA) through the BIA. The Quileute Tribe also has Commodities, Early Childhood Education, Head Start, Yourh Programs, Higher Education, Kinship Program, and Senior Nutrition Programs housed under QDHS.

Other welfare-related services, including childcare subsidies, and food stamps are provided to TANF clients through the State Community Services Office (CSO). The appropriate referrals are made when a client applies for TANF. The processes for referring clients and exchanging information between offices are negotiated through an Interagency Agreement with the Forks CSO and a Data Share Agreement with Washington State Department of Social and Health Services (DSHS). These agreements are negotiated on the same timeline as the Federal TANF Plan.

The Quileute TANF Program is currently working closely with the Division of Child Support (DCS). Quileute TANF clients are required to complete a Child Support Referral and assign child support to the tribe upon application for cash assistance services unless there is a court approved Parenting Plan in place that includes stipulations for child support payments. These cases are then marked by the State as Quileute Child Support Cases. Any child support collected is passed on to Quileute Tribal TANF and passed through to the custodial parent. When a TANF case is closed, the assignment of child support returns to the State. The requirement to cooperate with child support enforcement and assign child support to the Tribe will be waived in the case of rape, incest and/or in a domestic violence case where there is potential for further risk of domestic violence.

Further agreements between Quileute Tribal TANF and other programs that provide services to families in need are documented with Memorandums of Understanding or Letters of Agreement, as applicable. Other programs providing services that assist TANF families include, but are not limited to, Olympic Community Action Program (OlyCAP), the Caring Place, Forks Abuse Program, Clallam County Health Department, Women Infants and Children, Quileute Child Care and B-3 Program, Quileute Health and Dental Clinic, Quileute Counseling and Recovery Services, and West End Outreach.

The Quileute TANF Program utilizes the TAS computer program to track all TANF cases, including work participation, grant payments, support services and months of assistance. The TAS program keeps all data on each TANF family on a secure server, accessible only to TANF Program staff.

## **SECTION 3. Eligible Population and Service Area**

It is the intent of the Quileute Tribal TANF program to provide services to all eligible members of a Federally-recognized Indian Tribe or Alaska Native Village, living within the service area.

The Tribe intends to serve children in out-of-home placement whose parent(s) are members of a Federally-recognized Indian Tribe or Alaska Native Village. With proof of parent membership and accompanying documentation from partner agencies, the Quileute TANF Program will provide services to children placed in caretaker relative homes.

The Tribe further intends to serve otherwise eligible families with an adult Head Of Household (HOH) who has exceeded the 60-month Federal time limit and is not otherwise eligible for exemption due to hardship, domestic violence or the TANF 50% Not Employed Disregard. These clients will be served with non-comingled State Maintenance of Effort (MOE) funds as included in the current Intergovernmental Agreement between the State of Washington and the Quileute Tribe. Clients placed on this program will receive enhanced case management and support designed to bring them to self-sufficiency and assist them with navigating other systems or services for which they may be eligible.

The geographical service area of this TANF program includes the Quileute Indian Reservation and surrounding near-reservation service areas in Clallam County. The attached map illustrates the boundaries of the Quileute TANF service area (see Illustration A).

The Quileute TANF Program service area is defined as those areas serviced by the Forks CSO including the Hoh Reservation; to the north and east along Highway 101 as far as Lake Crescent, and along Highway 113 through Clallam Bay and Sekiu, as far as the Makah Reservation boundary, and specifically including zip codes 98350 (La Push); 98305 (Beaver); 98326 (Clallam Bay); 98381 (Sekiu); and 98331 (Forks).

The Quinault and Makah Reservation areas are specifically excluded from the TANF service area. The Tribe is capable of administering such a service area as demonstrated by the administration of a TANF Program for the last eighteen years, its lengthy administration of a Head Start program under the Administration of Children and Families and operation of a Tribal Health Clinic in association with Indian Health Services.

## ELIGIBILITY

Eligibility for TANF assistance and services is as established in the Tribe's approved TANF plan.

Only needy families, as defined in the TANF Plan, may receive: (a) any form of Federally or State MOE funded "assistance" (as defined in 45 CFR 286.10); or (b) any benefits or services pursuant to TANF purposes 1 or 2. "Needy" means financially deprived, according to income and resource (if applicable) criteria established in the TANF Plan by the Tribe to receive the particular "assistance," benefit or service.

The Tribe may use segregated Federal Tribal TANF funds to provide services (and related activities) that do not constitute "assistance" (as defined in 45 CFR 286.10) to individuals and family members who are not financially deprived but who need the kind of services that meet TANF purposes 3 or 4.

An eligible family or assistance unit is one that includes at least one child or pregnant woman. A

family assistance unit is defined as

- 1) a pregnant woman, or
- 2) one or two parents and eligible child(ren), or
- 3) one biological parent, one adult living as the second parent and eligible child(ren), or
- 4) a relative or non-relative caretaker and eligible child(ren) with acceptable documentation from a partner agency (only the child is served in this case)
- 5) an eligible child or children whose parents are ineligible for reasons listed below (only the child is served in this case)

Use of State MOE funds to pay for non-assistance pro-family activities for individuals or family members, regardless of financial need, will be included in the current Intergovernmental Agreement between the State of Washington and the Quileute Tribe.

Family assistance units may not include more than two adult members, unless another family member 18 years of age is a child attending school. Children 18 years of age attending school may continue to be on the grant until they turn 19. The spouse, or person living as spouse, of an adult HOH is required to submit their information to the Quileute TANF Program, regardless of citizenship or parental status. If they are citizens, they will also be required to comply with any and all work participation requirements. Non-US Citizens will not be added to the grant, but their income will count towards the household.

The Quileute TANF Program conditions eligibility of a Family Assistance Unit on enrollment or pending enrollment of at least one member of the Family Assistance Unit with a Federally-recognized Indian Tribe or Alaska Native Village. In the case of children in caretaker relative placements, documentation of the child(ren)'s biological parent(s) enrollment in a Federally-recognized Indian Tribe or Alaska Native Village will suffice.

The Quileute Tribal TANF program will service Family Assistance Units who meet income and resource limits and live within the designated service area that have:

- 1) at least one adult member of the family who is enrolled or pending enrollment in a Federally-recognized Indian Tribe or Alaska Native Village, or
- 2) at least one child who is enrolled in or pending enrollment in a Federally-recognized Tribe, or
- 3) at least one adult member or child who provides to the program documentary BIA evidence of Indian or Alaska Native status, or
- 4) a pregnant woman who is enrolled or pending enrollment in a Federally-recognized Indian Tribe or Alaska Native Village, or
- 5) proof of parent(s) enrollment in a Federally-recognized Tribe or Alaska Native Village, for children in caretaker relative placements only. Tribal enrollment of the caretaker relative is not a condition of eligibility.

The following are not eligible for TANF assistance under this plan.

- 1) Any minor or dependent child of an otherwise eligible Family Assistance Unit, who is

absent from the household for a period longer than 180 days, unless attending a Federally-supported primary or secondary school.

- 2) Teenage parents (17 years of age or younger) not attending high school or an approved training program.
- 3) Teenage parents (17 years of age or younger) not living in adult supervised households, unless legally emancipated or on a case management plan that includes a payee.
- 4) Fugitive felons, individuals with open warrants, or persons who are not in compliance with any court-ordered parole or probation.
- 5) Any person who makes a fraudulent misrepresentation to obtain assistance from the TANF program.
- 6) Persons residing in a household who are not a minor or dependent child, the spouse, or person living as the spouse of the Family Assistance Unit's HOH.
- 7) Persons who are not U.S. Citizens, in accordance with applicable laws and regulations mentioned in TANF-ACF-PA-2005-01, including USCIS 8 CFR Parts 289, 244, and 214 and Title 8 Chapter 14 of the U.S. Code

In the interest of promoting healthy families and providing assistance (or other forms of support) to needy families so that children may be cared for in their own homes or in the homes of relatives, Quileute Tribal TANF will continue to serve a parent or parents receiving TANF even if one or more children has been removed from the home by Indian Child Welfare (ICW) or Child Protective Services. The child's amount will be deducted and only the adult portion will be distributed. The child's amount will be reallocated to the caretaker relative assigned by the courts. Quileute TANF will serve adult HOHs and their spouse, or person living as spouse, for a period not to exceed six months, provided they are in compliance with their court-approved reunification plan determined by ICW or Child Protective Services (CPS). Adult HOHs who fall under this category will be held to the 25 hour weekly requirement for single parents or the 40 hour weekly requirement for a two-parent household as applicable. Parents without children in their household are ineligible for TANF cash assistance, however they may be eligible for non-recurrent short-term benefits that align specifically with a court approved reunification plan.

Non-custodial parents may be eligible for subsidized employment to fulfill their child support obligation, case management, and non-recurrent short term benefits.

Quileute Tribal TANF will further serve teen HOH on payee status only. Teens must be attending school regularly, engaged in family or parenting activities, and provide an adult point of contact.

The plan regulations for determining the earned income and resource limits for eligibility of a Family Assistance Unit are attached as Tables I and II. All forms of income must be reported. If it is found that a Family Assistance Unit exceeds resource limits, the value of the resource will be counted as income for eligibility. Funds provided by sources specifically excluded by law will not be counted.

Household income is not a condition of eligibility for caretaker relative placements. When applying, caretaker relatives are not required to report income, unless the income is for the child (such as child support, per capita not going into Trust, or survivor's benefits). Only the child's income will be considered for eligibility but will not be counted against the cash grant on a monthly basis, a child's

earned income will be disregarded.

Child support income is not considered when determining eligibility, unless the amount of child support received, combined with all other income sources exceeds 150% of the Federal Poverty guidelines for the family unit size. Child support income is also passed through to the parent each month and is not deducted from the grant amount.

All individuals required to participate must complete a Family Service Plan (FSP) with their assigned case manager. Monthly eligibility reviews based on the Monthly Report forms will serve as eligibility redetermination for the family assistance unit.

The service provided to each recipient or Family Assistance Unit shall be determined on a case-by-case basis. The Family Service Plan is a working document, agreed upon by the family and the case manager. The FSP shall contain all the requirements and strategies to move the family towards self-sufficiency.

All adult applicants and/or teen HOHs are required to complete a urine drug screening, sign up for budgeting class, and submit any applicable information from other service providers they may be working with. Urine drug screen results will remain with the Chemical Dependency Specialist or health care staff member. Applicants may be referred for additional testing as needed, and/or referred for additional services including but not limited to a comprehensive Drug and Alcohol evaluation, if required by the Chemical Dependency Specialist or health care staff member. This information will be used to develop the most comprehensive and applicable FSP possible. All adult members of the Family Assistance Unit shall be required to sign their FSP. The TANF case manager will sign the FSP on behalf of the Quileute Tribe.

Non-compliance with the FSP shall initially result in an opportunity for the client to meet with their case manager to review their goals and objectives. Failure to meet with the case manager or further non-compliance, after revisions, shall progressively result in sanction, suspension of services and closure of the client's TANF case.

The sanction process will begin with a sanction of the adult portion of the grant. The adult portion is defined as the TANF amount paid on behalf of the parent(s) or other caretaker-relative with whom the TANF child resides, including a minor parent. This amount is the difference in the standard of assistance for a family size which includes the adult and the standard of assistance for a family size of one less person. In a single parent family, the adult portion is \$103.00. In a two parent family, the adult portion is \$206.00. Once the sanction has been initiated, the client will have 30 days to lift the sanction. Sanction can only be lifted once client has met with case manager to fix the non-compliance instance. Continued non-compliance after the 30 days with the FSP will result in case closure, and the individual will not be able to reopen their case for a minimum of 60 days.

At any time during this process, the client and case manager can meet to discuss the case status and to determine the necessary steps to lift the sanction/suspension. The case may also be closed during sanction/suspension if there is no case manager contact for over 30 days. Notification in writing will be made to participants as the status of their case changes, this includes but is not limited to non-compliance, sanction, and case closure. If a case is closed at any time during sanction/suspension

status, the 60 day block must still be applied.

Clients applying for services after being closed in non-compliance must correct the sanction conditions, and complete any evaluations, service plans and attend a budgeting class prior to being eligible for a TANF cash grant or any supportive services, as further defined in the manual.

#### **SECTION 4. Assurances**

With the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), the Tribe saw an opportunity to develop a program that would be beneficial to its members who receive public assistance and that would promote self-sufficiency for them and for their communities.

Quileute Tribal TANF Program will work with other TANF programs to protect the integrity of resources. Individuals cannot received TANF benefits from the Quileute Tribal TANF Program and any other state or tribal TANF program in the same month funded under Part A, of Title 1 of the PRWORA of 1996, P.L. 104-193, U.S. 601 et seq.

#### **SECTION 5. Employment Opportunities**

The Quileute people and their government have been actively involved in creating the means to provide jobs and enhance the economic well-being of their people. The Quileute Tribe is one of the major employers of the area, and provides many placements for Work Experience positions within the tribe. The Quileute Tribe also operates an Enterprise division that includes many entry level and mid-management positions. In addition to the Quileute Tribe, other major employers in the area include the Tribal School, Quillayute Valley School District, the nearby prison facilities, and local logging companies. In addition to the larger employers, there are small business in the area that service both tourist and resident populace. Many Quileute members continue to exercise their treaty rights for subsistence and harvesting of natural resources to provide for their families.

#### **SECTION 6. Fiscal Accountability Provisions**

The Quileute Tribe recognizes and acknowledges the responsibility associated with the exercise of sovereignty. The Tribe has an annual audit performed in accordance with generally accepted auditing standards and the standards applicable to financial audits contain in The Government Auditing Standards, issued by the Comptroller General of the United States and the additional analysis as required by the U.S. Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. The Tribe has the expertise, systems and procedures in place to effectively and appropriately administer the proposed TANF program. The Tribe assures that, for each year in which the Tribe receives or expends TANF funds, it will continue to apply the fiscal accountability provisions of section 5(f)(1) of the Indian Self-Determination and Education Assistance Act [25 U.S.C 450c(f)(1)], relating to the submission of a single-agency audit report required by Chapter 75 of Title 31, United States Code.

#### **SECTION 7. Minimum Work Participation Requirements**

Helping parents find employment will be the primary goal of the Tribe's TANF Program. It should, however, be understood that not all Tribal TANF recipients are able to engage immediately in suitable employment and may need to participate in other work related activities in order to empower them to be successful in the current job market. For this reason, barrier removal and participation in programs that provide basic skills and training for successful employment may initially make up the bulk of a client's Family Service Plan.

The Quileute TANF Program would like to propose the following minimum work participation rates, as the required rates to be reported for the next three fiscal Program years.

#### ALL FAMILY PARTICIPATION RATES

<u>Year</u>	<u>Minimum Participation Rate</u>
FY 2019	40%
FY 2020	40%
FY 2021	40%
FY 2022	40%

The Quileute Tribe has had a long history of high unemployment and underemployment with the decline of the fishing and timber industries. Recent improvement in unemployment rates in Washington State's urban areas has not extended to rural area, especially resource-development areas such as the western parts of Clallam and Jefferson Counties. Within those rural areas, the highest unemployment rates are experienced on the Quileute, Makah and Hoh Indian Reservations and by Native Americans living near those reservations. In light of these unemployment rates and the limited number of available jobs, the Quileute Tribe finds that these proposed participation rates are reasonable enough for the seasonal nature of the service area's economy.

For the purpose of the Tribe's TANF program the minimum number of hours that parents will be required to participate in work activities to meet their individual participation requirements are as follows:

- 1) Single Parents. Single parents must participate a minimum of 25 hours per week in a work activity as defined in the Tribe's TANF Plan.
- 2) Two-Parent Families: Unless the family cannot find appropriate child care or one adult is disabled or caring for a disabled family member, both parents must participate a minimum of 40 hours per week combined. If one parent is exempted from work participation, for any reason, the other adult is responsible for participating a minimum of 25 hours per week

#### AVERAGING HOURS OF WORK PARTICIPATION.

It is understood that there may be some instances in which an individual may not be able to participate in a work activity for the required amount of time in a given week. For this purpose, the

parents (single or two-parent) will be able to add their total hours during a the reporting month to determine an average of hours of participation. When divided by the number of weeks in the month, the average hours must equal the weekly requirement.

#### **LIMITATIONS AND SPECIAL RULES APPLIED TO PARTICIPATION.**

Under the Tribe's TANF Plan there are exceptions, limitations and special rules that will be applied to the work participation requirements.

##### **1) AMOUNT OF TIME SPENT IN JOB SEARCH.**

The amount of time an individual may spend in job search, as a sole work participation activity, is limited to a total of six weeks per program year. If the average unemployment rate in the service area exceeds the United States unemployment rate by more than 50% then the activity will be extended to an allowable twelve weeks per program year, as an individual's sole work participation activity. There are no limits for individuals who participate in job search or job readiness in combination with other work participation activities.

Due to the rural nature of the service area, the limited number of employers, and the high rate of unemployment, the Tribe will consider participation of the individual in job search for three eight hour days during the week as a week of participation in this activity. This will include time spent in independent job search activities, classroom or group job search activities, and travel time required for activities. The remaining one hour of required work participation will be accounted for in the Family Service Plan.

##### **2) SINGLE PARENTS WITH A CHILD OR CHILDREN UNDER AGE 6.**

A single parent who has a child under age 6 will be considered as meeting their individual work requirements if they participate in a work activity for an average of 20 hours per week during the month.

##### **3) EXEMPTION FROM WORK RESPONSIBILITIES**

The Quileute TANF Program requires the adults in the TANF family to participate in work responsibilities, unless exempted by the provisions of this Plan. There may be times when this requirement would provide a hardship to the family. Accordingly, the Tribe exempts the following individuals from work responsibilities:

- a) Pregnant women in their last trimester
- b) Postpartum women for one year following the birth of their child
- c) Temporary health disability as defined by a physician.
- d) Enrolled Tribal members over the age of 50 (the age in which an enrolled Tribal member is recognized as an Elder)
- e) Persons over the age of 62 who are not enrolled Tribal members (generally the age at which persons are recognized as a Senior Citizens and can draw Social Security benefits)

- f) Special circumstances (e.g. care for a disabled family member, death in family or court action) at the discretion of the TANF Program Coordinator
- g) Lack of available, affordable and appropriate child care within a reasonable distance of the home or work site (only one-parent families with a child under the age of 6 years )

The State of Washington sets forth standards of reimbursement, licensing, and qualifications for childcare facilities, and home providers. Quileute TANF may reference these standards and those of tribal licensing agencies for guidance regarding determination of affordability, appropriateness, suitability of informal care. Reasonable distance to access childcare is a 30 minute commute time, one way.

If a parent wishes to claim exemption from Work Participation based on lack of available, affordable and appropriate childcare they must submit written documentation that at least one of the following statements is true:

- Appropriate child care within a reasonable distance from the home or work site is unavailable;
- Informal child care by a relative or under other arrangements is unavailable or unsuitable; or
- Appropriate and affordable formal child care arrangements are unavailable.

Parents must submit a written request to their assigned case manager. The request will be staffed with the TANF Coordinator to determine if it meets the criteria for work participation exemption.

Documentation of reason for exemption status will be case noted in TAS and placed in the client's file.

#### 4) TRANSPORTATION TIME

Reasonable transportation time will be included in an adult's weekly hours in accordance with CFR 286.80. Reasonable is defined as the realistic length of time that it would take an individual to travel from their home to their work site, including any necessary stops along the way (i.e. childcare). Travel times will vary on a case-by-case basis. A client who takes the bus will have a considerably different travel time in comparison to an individual who owns a car.

The Quileute Reservation is 20 minutes from Forks. Individuals in Clallam Bay and Sekiu area can live as many as 150 miles round trip from the La Push TANF Office. To ride the transit bus from Clallam Bay to La Push and home again is an 11 hour day. In considering the length of time and cost of gasoline, it is only reasonable to credit clients who have the motivation to overcome the hurdle of travel time. Experiencing and enduring a commute is a large step towards understanding what a job will be like and becoming self-sufficient.

## **ALLOWABLE WORK ACTIVITIES**

Quileute Tribal TANF defines allowable work activities in accordance with Section 286.100, including, but not limited to, unsubsidized or subsidized employment; work experience or on-the-job-training; job search either supervised or job readiness assistance; community service programs; providing child care for participants engaged in community service; vocational training; job skills training directly related to employment; education directly related to employment for those who have not received a high school diploma or GED; and high school or equivalency

Quileute Tribal TANF also recognizes activities that are aimed towards successful, full time, permanent employment, including, but not limited to, college classes, military reserves, Job Corps, and AmeriCorps.

The Quileute Tribal TANF also recognizes activities related to a recipient's rights under treaties to "hunt, fish and gather" as defined under Tribal statutes, treaties or other applicable law and when by exercising those rights, Recipients/participants may count up to 6 weeks or 240 hours per year toward their participation requirements. Participation in cultural activities that generate revenue must be reported separately than activities that generate goods for home use.

Quileute TANF also recognizes activities that strengthen the Family Assistance Unit and ensures the health and safety of the children, including but not limited to, attending medical and dental appointments, attending family or marriage counseling, participating in home visits and conferences with other agencies or schools and volunteering in children's classrooms and with coaching of children's sports activities. Approval of these activities will be made on a case by case basis and cannot exceed 8 hours per week unless approved by the case manager. All activities must be documented in the Family Service Plan in order to be counted towards work participation.

## **GOOD CAUSE EXCEPTIONS FOR FAILURE TO SUCCESSFULLY PARTICIPATE**

One of the following exceptions must be met to show "good cause" for failure to participate in work activities and/or to be successful in employment:

- 1) The work adversely affects participant's physical health as documented by a qualified health professional.
- 2) The work site violates Federal or Tribal health and safety standards.
- 3) The wages do not meet Federal minimum wage standards.
- 4) The job is vacant due to strike, lockout or other labor dispute.
- 5) The referral or employer is discriminatory.
- 6) Client did not understand the requirements (one time only).
- 7) Client cannot access affordable and appropriate childcare (one parent family only)
- 8) Vehicle breakdown or difficulties, for a reasonable time, until this can be remedied, must include reason why public transportation cannot be utilized.
- 9) Serious illness in the immediate family that necessitates medical care for up to 5 days, exceptions will be made on a case by case basis and must be approved by the TANF Coordinator.
- 10) Extreme weather conditions that prevent safe travel.

- 11) Other emergencies or events, approved by the case manager and Program Coordinator.

In accordance with 45 CFR 286.110, clients will not fill a position that would or has displaced other workers. An adult or minor head-of-household taking part in a work activity cannot fill a vacant employment position if:

1. Any other individual is on layoff from the same or any substantially equivalent job; or
2. The employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction in its work force in order to fill the vacancy with the TANF participant.

Should a person want to file a grievance to resolve complaints of alleged violations of this displacement rule, the person shall submit an appeal to the TANF Coordinator and the TANF appeal process will be followed as outlined in Section 10. This regulation does not preempt or supersede Tribal laws providing greater protection for employees from displacement. The TANF Plan is made available to the public at all TANF Office locations for the public to be informed of this section.

### **SECTION 8. Time Limits**

The Quileute Tribe will comply with Regulation 286.115 and will not use Federal funds to provide assistance to any family that includes an adult who has received assistance for 60 months (whether or not consecutive) except as provided in this section.

#### **EXEMPTIONS FROM TIME LIMITS**

In developing their TANF Plan, the Tribe has taken into consideration that there are circumstances, which would make it a hardship if not an impossibility to limit certain individuals to a maximum of 60 months.

- 1) Under Section 286.115(c)(3), in determining the number of months for which an adult has received assistance under a State or Tribal program funded under this part, the State or Tribe shall disregard any month during which the adult lived in Indian Country or an Alaska Native Village if the most reliable data available with respect to the month (or period including the month) indicate that at least 50% of the adults living in Indian Country or an Alaska Native Village were not employed.
- 2) Minor Parent Exception: In determining the number of months for which an individual who is a parent or pregnant has received assistance under the TANF program, the Tribe shall disregard any month for which assistance was provided with respect to the individual and during which the individual was:
  - a) a minor parent; and
  - b) not the head of a household or married to the head of household.

- 3) **Hardship Exemption:** Up to 20% of the total caseload may be exempt for hardship. Hardship is defined as extraordinary, temporary family circumstances, which under Tribal tradition or the determination of the TANF staff and approval of the Coordinator, would make participation in work unconscionable.
- 4) **Family Violence Option:** Pursuant to 45 CFR Section 286.140 the Quileute Tribe hereby elects the Family Violence Option as a part of its TANF Plan. The Family Violence Option may result in the exemption from time limits of individuals receiving FVO waivers.
- 5) **Child-Only and Caretaker Relative:** Cases in which the family unit does not include an adult head of household.

Cases of clients exceeding the 60-month time limit, and not eligible for Hardship Exemption or Family Violence Option, will be served with non-comingled State Maintenance of Effort funds.

### **SECTION 9. Family Violence Option**

The Family Violence Option (FVO) applies to adult household or minor parent household members that are a victim of domestic violence who may be granted waivers of program requirements to include but are not limited to GED attendance, employment, time limits, and for child support assignment and establishing paternity in cases where compliance would make it more difficult for such individuals to escape domestic violence or unfairly penalize those who are or have been victimized by domestic violence or who are at risk of further domestic violence. There is no limit on length of time that a participant may be granted a waiver under the FVO, however, a redetermination will be done no less than every six months.

Records from agencies, or the Family Violence Screening Tool adopted in the orientation can be used to determine whether an individual is a victim of domestic violence. Participants under FVO will be referred to counseling services and a domestic violence support services agency. A client who qualifies for FVO may opt to work, in which case they will not be required to hand in documentation of hours, but their income will still be counted against their grant as applicable.

The TANF Program will ensure:

- 1) The FVO and support services are known to all TANF recipients through the orientation process. The orientation process includes a domestic violence screening tool. Support services will include the option of financial assistance to relocate out of the area due to safety reasons.
- 2) That participants under the FVO have an FSP that documents participation with a domestic violence agency or program.
- 3) As with all cases, confidentiality will be upheld for the individuals that are receiving services under the FVO.

## **Section 10. Penalties against Individuals**

According to Section 286.135, the Quileute Tribe will enforce penalties upon those individuals who refuse to engage in work activities, without good cause.

The Quileute TANF Program determines monthly cash assistance using three-month logic. In non-compliant instances, cash grant payments are sanctioned by the adult portion. In a single parent family, the adult portion is \$103.00. In a two parent family, the adult portion is \$206.00. The full sanction process is summarized in Section 3.

### **TERMINATION DUE TO FRAUD**

When the TANF office receives valid documentation of evidence of fraud, sanction procedures will be followed, when appropriate, and services for the adult participant can be refused for a period of up to one year. Clients have the right to present further information and create a repayment plan, if applicable. Clients who cooperate with the Program will continue to be eligible for services while repaying any overpayments as a result of any misrepresentation.

Clients who do not cooperate will be referred to the Tribal Court or the State fraud investigator, when appropriate. The Quileute Tribal TANF program shall terminate a family due to a finding of fraud in any proceeding of a governmental agency or court of competent jurisdiction, for reasons including but not limited to, collecting TANF benefits from multiple sources, providing false income information or failure to report all income. The sanctions under this section can be imposed in addition to any criminal penalties under applicable law.

### **RIGHTS AND DUE PROCESS**

Written notice of all actions will be sent to clients and applicants within 10 working days, following receipt of all documentation. In the event that benefits are denied or reduced, a client can file a written appeal with the TANF Coordinator. A claimant has the right to a hearing with the TANF Coordinator and other requested persons, no later than 30 days after an appeal is filed. The client will be contacted within 10 days of the receipt of appeal to schedule a hearing appointment. Results of the hearing may be appealed at a higher level, as appropriate and allowable and the Program must abide by chain of command when addressing disputes. Chain of command can be referenced on Illustration B. Decisions regarding appeals must be made in accordance with Tribal, State and Federal laws. The Quileute TANF Program must remain within the guidelines of the Plan and 45 CFR 286 when determining the final result of client appeals.

## **SECTION 11. TANF Program Assistance and Services**

**Cash assistance grants** will be issued to eligible recipients monthly. Supplemental benefit payments shall be made if it is determined that for one of the following reasons a recipient received a lesser amount than that for which he/she was eligible:

- 1) a change that would cause an increase in benefits was reported too late for adjustment to the applicable payment period.

- 2) an administrative underpayment occurred due to an error by Tribe's TANF staff.
- 3) a hearing decision ordered restoration of benefits; or
- 4) the repayment by the recipient of an overpayment was in excess of the amount due.

A reduction in benefits shall be made to recover overpayment if TANF staff determines that a recipient received a higher amount than he/she was eligible to receive. The recipient shall have the opportunity to discuss the recovery with TANF staff prior to any adjustment to benefits. The reduction should not exceed fifty (50%) of the adult portion of the cash benefit in any given month, unless the amount is agreed upon by the client or the overpayment is a result of fraudulent misrepresentation.

**Payee services** will be provided by the TANF Program or in partnership with another agency for clients, by request or by indication of need as determined to provide for children in accordance with the first purpose of TANF.

**Support services** will be provided to eligible families who are otherwise in compliance and can provide documentation of need. Services can only be in voucher or vendor payment form. Costs cannot be reimbursed. Supportive services must meet the criteria defined in 45 CFR 286.10 (b) (1) for Nonrecurring Short-Term Benefits: 1. Designed to deal with a specific crisis situation or episode of need 2. Are not intended to meet recurrent or ongoing needs, and 3. Will not extend beyond four months. Limitations are outlined in the TANF Manual.

**Incentive services** will be provided to eligible clients who are in compliance and have accomplished a positive milestone towards self-sufficiency. Services can only be in voucher or vendor payment form. For further information, and guidance are outlined in the TANF Manual.

**Emergency services** will be provided to eligible families who are otherwise in compliance and can provide documentation of an emergency situation that necessitates services above and beyond support service limits. Emergency services are defined as non-recurring short term benefits, not to exceed four consecutive months, designed to deal with a specific crisis situation (e.g. car repairs, expenses resulting from extraordinary circumstances beyond the client's control, etc.), and are not intended to meet recurrent or ongoing needs. Recipients will have to provide documentation of crisis situation at hand. Services can only be in voucher or vendor payment form. Costs cannot be reimbursed. Emergency services will be determined based on supportive services provisions as outlined in the TANF Manual

**Transitional services** will be provided to families and youth, who are otherwise eligible for TANF, who have closed their TANF case in compliance due to income ineligibility or gainful employment within the last two years. These services will be provided in the minimum amount necessary to support the family or youth during transition and ensure that they remain self-sufficient. Eligibility for transitional services under this plan will be available for 24 months from the date of case closure. Services and incentives can only be in voucher or vendor payment form. Costs cannot be reimbursed. Transition services cannot exceed four months in a one-year period. Support service and incentive limits are outlined in the TANF Manual.

**Diversion services** will be provided to families who are over income for cash assistance, but under 300% of the current Federal Poverty Level, and otherwise eligible for TANF, as funds are available (determined on an annual basis). Families requesting diversion who meet financial eligibility for regular TANF services will be denied diversion benefits. The amount approved will be the minimum amount necessary to assist the family through a crisis situation or to facilitate relocation fees, equipment or short-term training costs necessary for employment and keep them from becoming dependent upon TANF. Services can only be in voucher or vendor payment form. Costs cannot be reimbursed. Diversion services cannot exceed four months in a one year period. Clients receiving Diversion services who apply for TANF assistance prior to the end of the one year period (12 full months from the end of the final month of diversion services) will be required to pay back a prorated amount of the benefits previously received. Support service and incentive limits are outlined in the TANF Manual.

**Work Experience (WEX) placements** will be made as appropriate and available for clients who have or are working towards their GED or high school diploma. The Quileute TANF Program signs Work Site Agreements with all prospective employers who are willing and able to train individuals in a certain vocation or skill. Clients who are on a WEX, will be provided a stipend equivalent to the current minimum wage for a maximum of 8 hours per day and 40 hours per week, by the TANF Program. Clients on a WEX without their GED or diploma will be provided a stipend equivalent to the current minimum wage for a maximum of 25 hours per week and will be required to participate in GED activities for a minimum of 6 hours per week. Income from a WEX placement will be considered cash assistance in lieu of a TANF grant payment. TANF clients on a WEX must follow all Tribal Personnel Policies and Procedures. Clients will be placed in a WEX that aligns with a job skill or trade that they are interested in learning when available. WEX placements will not exceed 1040 hours per placement. All WEX placements are closely monitored and supervised to ensure maximum benefit of the client.

In accordance with 45 CFR 286.110, clients will not fill a position that would or has displaced other workers. See Section 7 for additional information about displacement.

**Subsidized Employment** will be arranged for clients who have just completed a WEX or who were recently in the workforce prior to application for TANF. Clients must have their GED or high school diploma in order to be eligible for subsidized employment. The Quileute TANF Program signs Subsidized Employment Agreements with all prospective employers who are willing and able to train individuals in a certain vocation or skill. All wages and benefits must be paid by the employer. Agreements will outline the length of time and percentage of reimbursement. Income from subsidized employment will be treated as any type of earned income and deducted from the client's cash grant as applicable. In accordance with 45 CFR 286.110, clients will not fill a position that would or has displaced other workers, see Section 7 for additional information.

**Youth Programming** including but not limited to subsidized employment, prevention services, and employment readiness services will be provided by the Quileute Tribal TANF Program in the form of direct services and partnerships with community agencies, departments, and schools to shared at-risk youth within the community and service area. The TANF Program is committed to serving youth in accordance with the Quileute Tribe's commitment to alleviating unemployment, prevention

of generational poverty, increased access to trauma informed services, and increasing prospects of future employment for the tribal community's at-risk youth. Guidelines have been established in collaboration with other tribal programs and entities.

### **Section 12. Confidentiality**

Quileute Tribal TANF recipient information is confidential. The Tribal TANF program will restrict the use and disclosure of information about individual families receiving services. The Tribal TANF program will not release individual family information except as specifically authorized by Tribal law, administrative rule, or as ordered by a court of competent jurisdiction.

The Quileute TANF Program maintains all necessary Data Share Agreements and updates client Consent for Release of Confidential Information, as necessary. The Tribal TANF Program discloses and/or requests information as necessary and allowable to determine eligibility for services and to ensure seamless provision of services for clients.

All Tribal TANF staff and Tribal accounting departmental staff and or individuals affiliated with the programmatic information are required to sign a Confidentiality Statement in order to protect the TANF client and safeguard client information.

### **SECTION 13. Data Collection and Reporting**

The Quileute Tribe will comply with all statutory and regulatory reporting requirements pertaining to the Tribal TANF Program.

### **SECTION 14. Retrocession**

The Quileute Tribe has the right to retrocede the TANF program. If the Quileute Tribe chooses to terminate its Tribal Family Assistance Grant prior to the end of the next three year renewal period, the Tribe will follow the guidelines set forth in 45 CFR Section 286.3

<b>Table I</b>		
<b>Quileute TANF Payment Standards and Earned Income Limits</b>		
<b>Family Unit Size</b>	<b>Payment Standard</b>	<b>Gross Monthly Income Limit*</b>
1	\$399.00	\$1040.00
2	\$502.00	\$1409.00
3	\$605.00	\$1777.00
4	\$708.00	\$2145.00
5	\$811.00	\$2514.00
6	\$914.00	\$2883.00
7	\$1017.00	\$3251.00
8	\$1120.00	\$3619.00
9	\$1223.00	\$3988.00
10	\$1326.00	\$4356.00

Earned and unearned income from non-US citizens who are not part of the TANF grant but reside in the home will be considered for eligibility purposes and monthly thereafter.

The first \$250.00 of income is disregarded, in the following order.

- 1) Unearned income over \$250.00, unless specifically disregarded, is deducted dollar for dollar
- 2) Any earned income over \$250.00 reduces the cash grant by \$.50 for each dollar.

\*The income limit is used when determining eligibility.

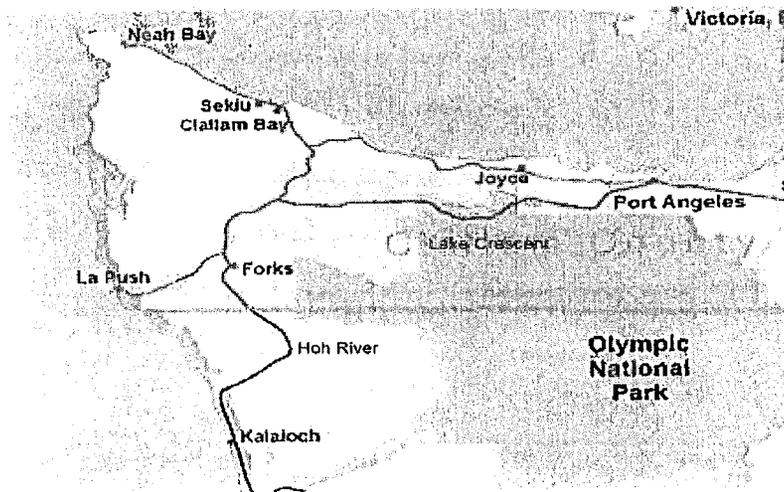
Family cap set at a family unit size of 10.

Child support received is not deducted from the grant.  
Any income earned through employment with the United States Census Bureau in 2020 will be fully disregarded.  
A child's earned income will be disregarded as further defined in the manual.

<b>Table II</b>		
<b>Resource Limitation Standards</b>		
<b>Resource Type</b>	<b>Guidelines</b>	<b>Exceptions</b>
One vehicle, up to \$10,000.00 trade-in value documented by "reputable automotive expert website" such KBB or NADA Guides	For one parent family	Vehicle value will not be disregarded if client is making payments that exceed 50% of the cash grant they are eligible for.
Second vehicle, up to \$9,000.00 trade-in value documented by "reputable automotive expert website" such KBB or NADA Guides	For two parent family	Second vehicle (of lower value) is disregarded if both parents are participating, unless car payments are being made that exceed 50% of what their cash grant would be on TANF
Additional Vehicles (including motor homes/travel trailers) up to \$10,000	Counted at 100% of trade-in value. If they are too old to be found on a site then the value of the vehicle would be excluded as a resource.	If sold, the sale amount must be reported and counted as unearned income in that month.
Home	One home is exempt	Equity will be considered if client has access to funds.
Property	Exempt, if home is built on the property or if the property is in Trust	Property not meeting this criteria will be calculated at current market value and prorated by month. Value cannot exceed 150% of poverty level per month.
Savings account or other accessible financial resources	With initial application, one month worth of backup funds in savings or checking will be exempted. Amount determined by budget worksheet.	Accrual of savings or checking after initial application will be disregarded at reevaluations as a resource, until amount exceeds three months' worth of back up savings.
Per Capita within last twelve months.	Money held in trust will be counted the year it is/was distributed. The amount will be divided by 12 and deducted each month.	Amounts and distribution guidelines vary by Tribe. Proof of enrollment and a signed release to the applicable Tribal per capita officer will be required.
Per Capita received monthly or quarterly.	Per capita received in combination with the approved grant amount and other income sources for the same month, exceeding 185% of the poverty level, will be divided by 12 and considered monthly for the next year.	Per capita, whether prorated or deducted semi-annually, will be treated as unearned income and deducted from the cash grant as such.

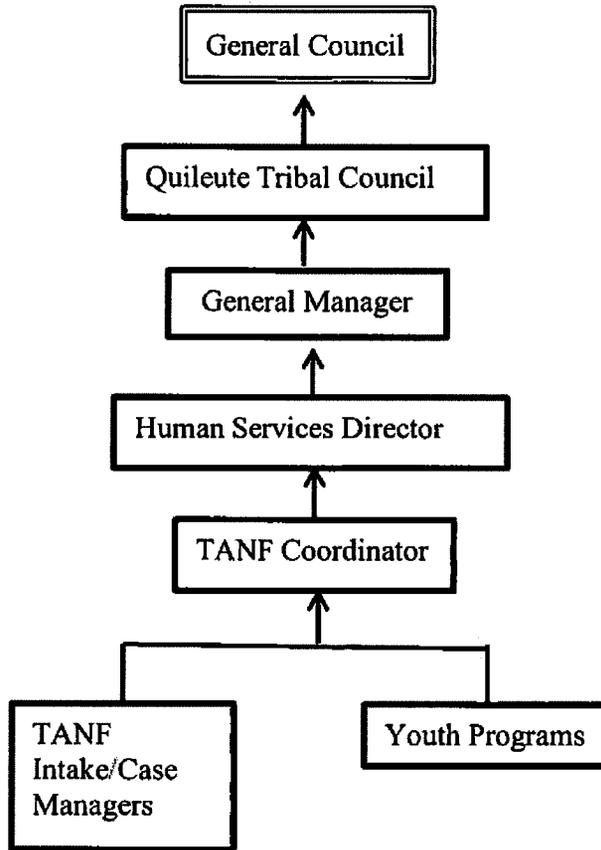
## Illustration A

**Illustration A: Map of Quileute TANF Service Area**



45 miles from La Push to Lake Crescent  
40 miles from La Push to Sekiu  
36 miles from La Push to Hoh  
15 miles from La Push to Forks

**Illustration B**



**Exhibit B**  
**State MOE Payment Schedule**

State Fiscal Year July 1 – June 30	Tribal TANF funding period	MOE Funding
<u>2019</u>	5/01/19 to 6/30/19	\$ 92,191
<u>2020</u>	7/01/20 to 6/30/21	\$ 553,143
<u>2021</u>	7/01/21 to 6/30/22	\$ 553,143
<u>2022</u>	7/01/22 to 4/30/22	\$ 460,952
<u>TOTAL 2019-2022</u>	7/01/19 to 6/30/22	\$ 1,659,429

**IGA Section 6.(3):** Payment shall be considered timely if made by the Department within thirty (30) calendar days after receipt of properly completed A 19-1A and reports.

**IGA Section 8.** Reports will be submitted to the State TANF contact no later than forty (40) days from the end of the quarter.

**Exhibit C  
State of WA Tribal TANF Quarterly Report – Page 1 of 2**

TRIBAL TANF			
STATE OF WASHINGTON TRIBAL CASELOAD & EXPENDITURE QUARTERLY REPORT			
NAME OF TRIBE: <input style="width:90%;" type="text"/>			
CURRENT QUARTER ENDING DATE: <input style="width:90%;" type="text"/>			
<b>CASELOAD COUNT FOR THIS QUARTER:</b>			
	<b>1<sup>ST</sup> Month of the Quarter</b>	<b>2<sup>ND</sup> Month of the Quarter</b>	<b>3<sup>RD</sup> Month of the Quarter</b>
All Cases: Unduplicated Case Count			
Child Only Cases: Unduplicated Case Count			
Single Parent Case: Unduplicated Case Count			
Two Parent Cases: Unduplicated Case Count			
STATE MOE EXPENDITURE DATA FOR THIS CURRENT QUARTER			
State Funds Expended by Tribe: <input style="width:80%;" type="text"/> \$			
<b>SINCE INCEPTION OF THE TRIBAL TANF PROGRAM</b>			
Total Unspent State Funds: <input style="width:80%;" type="text"/> \$			
<b>THIS IS TO CERTIFY THAT THE INFORMATION REPORTED ON BOTH PAGES OF THESE FORMS IS ACCURATE &amp; TRUE TO THE BEST OF MY KNOWLEDGE &amp; BELIEF</b>			
SIGNATURE: TRIBAL OFFICIAL		TYPED NAME, TITLE	
DATE:		PHONE NUMBER:	
Form # WA-TT-CR-01			

**Exhibit C  
State of WA Tribal TANF Quarterly Report – Page 2 of 2**

**TANF WA-TT-04 Performance Measure Report**

<b>TANF WA-TT-04 Performance Measure Report</b>			
Reporting Year:		Reporting Quarter:	
	First Month of the Quarter	Second Month of the Quarter	Third Month of the Quarter
1. Work Participation: Monthly work participation percentage rate as references in the Tribal Family Assistance Plan TFAP.			
2. Work Experience and Subsidized Employment Participation: Percentage of clients required to work who are participating in the WEX or Subsidized Employment Programs.			
3. Engaged in TANF Employment & Training (E&T) Program: To include Job Readiness, On the Job Training, Classroom Training, and Life skill courses.			
4. Unsubsidized Employment Participation: Percentage of clients required to work who are employed in some capacity.			

### Exhibit D

## U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION FOR CHILDREN AND FAMILIES

### TRIBAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) ACF - 196T FINANCIAL REPORT

GRANT AWARD YEAR:		SUBMISSION:	
REPORTER ID NUMBER (EFT):	REPORT PERIOD:	ORIGINAL [ ] or REVISED [ ]	
	From:	QUARTERLY [ ] or FINAL [ ]	

REPORTING ITEMS	COLUMN (A) FEDERAL ITAG FUNDS	COLUMN (B) STATE CONTRIBUTED MOE FUNDS	COLUMN (C) TRIBAL FUNDS
1. TOTAL FEDERAL FUNDS AWARDED	\$		
<b>EXPENDITURES ON ASSISTANCE</b>			
2a. Cash Assistance Payments	\$		
2b. Other Assistance Expenditures	\$		
2c. TOTAL ASSISTANCE EXPENDITURES	\$		
<b>EXPENDITURES ON NON-ASSISTANCE</b>			
3a. Administration	\$		
3b. Systems	\$		
3c. Other Non-Assistance Expenditures	\$		
3d. TOTAL NON-ASSISTANCE EXPENDITURES	\$		
<b>TOTALS</b>			
4. Total Expenditures	\$		
5. Unliquidated Balance	\$		
6. Unobligated Balance	\$		
7. Tribal Replacement Funds	\$		

THIS IS TO CERTIFY THAT THE INFORMATION REPORTED ON ALL PARTS OF THIS FORM IS ACCURATE AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF	
SIGNATURE: TRIBAL OFFICIAL	TYPED NAME, TITLE
DATE SUBMITTED:	PHONE NUMBER:
CONTROL NO. 9170-0345	EMAIL ADDRESS:
EXPIRATION DATE: 02/29/2020	

**Exhibit E  
IGA Amendment Form**

**Intergovernmental TANF Agreement Amendment Form**

Indian Nation:

Tribal Plan Contract Number:

Amendment Number:

ACD Amendment Number

Amending: (check all that apply)

IGA

Plan

Budget

Other

Administration/Program and Page of agreement: See below

Reason for change:

Change:

By their signatures below, the parties agree to and certify that they are authorized, as representatives of their respective governments, to sign this Amendment regarding the TANF Intergovernmental Agreement and the Contract Consolidation Project.

\_\_\_\_\_ **Date:** \_\_\_\_\_

Quileute Tribe

\_\_\_\_\_ **Date:** \_\_\_\_\_

Washington State Department of Social and Health Services

