

2106 ISSUES For Tribes and Tribal Children

The impact of Performance Based Contracts includes the individual contracts that Tribes currently have with Children's Administration and goes beyond that to a number of additional issues concerning services for Tribal children. Although consideration and attention must be given to the process regarding current Tribal contracts and the government to government relationship, it must be noted that access to services, regardless of who is providing the service, must also be addressed and may be the most challenging to achieve.

These are some of the questions and areas of consideration regarding implementation of 2106 as they relate to Tribes.

Contracts

1. What will the impact, if any, be for the Tribes that have entered into consolidation with DSHS?

- Tribal consolidation contracts for Administrations within DSHS are managed through Indian Policy and Support Services. For Children's Administration these include the Indian Child Welfare contracts and the Independent Living Contracts. These contracts and others are under the Intergovernmental Agreements on a government to government basis.

Currently there are 10 Tribes who entered into consolidated contracting with an additional 3 in process.

2. How will CA recognize and develop Performance Based Contracting with Tribes regarding the Indian Child Welfare (ICW) contracts?

- The ICW contracts are managed by the ICW desk at HQ. These dollars are used by Tribes in a variety of ways from infrastructure development, staffing, direct services, or court costs depending on their individual contract language and social service structure. (These dollars could be regarded in a similar way to Title XX dollars that states receive for Social Services.)
- Accountability to the use of these dollars is based on the individual Tribal codes or policies of each Tribe. Quarterly or annual reports (from consolidated contract Tribes) are submitted to HQ related to services achieved for safety, permanence, and well being.

3. How will Federal pass through dollars be impacted?

- Currently IVE and Independent Living (Chaffee Act) dollars are passed through to Tribes. There are 4 Tribes contracting with the CA for IVE pass through and 22 Tribes contracting with CA for ILS.

4. How will specific service contracts with Tribes (Other than ICW and Independent Living) be impacted?

- CPA, BRS, FRS, ARS, Visitation, among others are based on the Indian Nation Agreement: General Terms and Conditions. These General Terms and Conditions are between the Indian Nation identified and the State of Washington Department of Social and Health Services. These General Terms and Conditions govern work to be performed under Program Agreements.

5. How will regional Tribal contracts be impacted?

- Impact of Local Agreements and Tribal/Regional contracts to address specific issues identified in the local agreement or regional/individual 7.01. See attached 7.01 Policy and Local Agreement Template

Services to Tribal Children

1. How will services be provided to children under the jurisdiction of Tribal Courts?

- Tribes currently provide case management and service coordination for children under the jurisdiction of Tribal Courts. CA pays for services for these children who are sometimes referred to as having “Tribal Payment Only Cases.”

2. What changes will there be for Tribal children who are under the jurisdictions of the state court?

- What would the role of the non-Tribal private provider be regarding LICWAC, 7.01 development and implementation, and relationship to Tribal ICW?
- How will private providers interact with IPAC and IPAC/ICW committee? Will providers have a voice for decisions?
- How will Tribes access services within their regions or other regions for children in their care of for those children that they are intervening with?
- What would the role of the Local Agreements have in relation to service access and implementation of the Agreements? For example, if a Tribe outside of the pilot sites have a child within the pilot site or vice versa, how would the process work?
- Will private providers be subject to CA ICW Case Review?