



## **DRAFT MEETING NOTES**

### **State-Tribal Income Workgroup Meeting (hosted by IPAC ESA/DVR Subcommittee)**

**Capital View II Building, Olympia, WA  
December 5, 2008**

**The IPAC ESA/DVR Subcommittee, State-Tribal Income Workgroup Meeting, convened on December 5, 2008 at the Capital View II Building in Olympia, WA.**

#### ▶ In Attendance

The following tribes/organizations were in attendance:

Squaxin Island Tribe and their guest, Northwest Justice Project, Northwest Portland Area Indian Health Board, Skokomish Tribe, Lummi Nation, Colville Tribes, Quileute Nation, Tulalip Tribes, and the Nooksack Tribe.

State representatives included staff from:

Aging and Disability Services Administration (ADSA), Health and Recovery Services Administration (HRSA), State Tribal Relations Office (STRO), Community Services Division (CSD), Attorney Generals Office (AGO), and the Health Care Authority (HCS).

Representatives from the DSHS Indian Policy Support Services (IPSS) were also in attendance.

#### ▶ Welcome & Introductions:

David Rendon, CSD Policy Office, welcomed everyone to the meeting and asked for introductions.

#### ▶ Goals, Purpose & Scope

David Rendon, reviewed the workgroup's goals, purpose and scope. ESA, HRSA and ADSA staff want to discuss how the state budgets tribal income and resources against cash, medical and food assistance benefits, then work with tribes to simplify and clarify state rules and provide better guidance to state staff.

#### ▶ Preliminary State Research:

State staff reviewed the state's preliminary research on exempt tribal income with the workgroup.

- If the preliminary research proves accurate, we may be able to exempt all per capita payments funded by a tribe's trust, judgment or settlement funds for cash, medical and food with only two (instead of 28) exceptions. Specifically, per capita payments from the Alaska Native Claims Settlement Act and Old Age Assistance Claims Settlement Act would only be partially exempt.

- The state shared a letter that allows us to use TANF exemptions for Basic Food benefits. This increases the exemptions for Basic Food.
- The state has some federal guidance that elder and disability payments are not considered per capita payments and, if funded by a tribe's trust, judgment or settlement funds, are only partially exempt. The state would be interested in exploring this further to see if we could justify treating elder and disability payments as a type of per capita payment so they qualify for a full exemption.
- The state has not found any federal exemptions for per capita payments funded by a tribe's economic development funds or for treaty rights income.

No decisions were made pertaining to the treatment of income. The meeting's goal was to give state staff the opportunity to share their thoughts and analysis with tribes. Other issues for future discussion include:

- Are there some cash, medical or food exemptions for "needs-based" payments from tribes?
- Do exemptions apply when the state determines eligibility or also to determining assistance benefit levels?
- Finding the most appropriate terms for tribal income (such as, use the term economic development funds).
- Are trust distributions "income"? (In federal law, there are some types of benefits that are not considered income or resources.)

► Defining Key Terms:

The workgroup listed some terms we may want to define in state rules: exemptions, trust, stipends, judgment/settlement, honorariums, per capita, Christmas gifts, individual payments, individual tribal member's trust income and treaty rights income. State staff may benefit from having some context for the use of terms like trust, judgment and settlement funds.

► Eligibility Determinations:

Tribal representatives caucused and then led the group in a discussion of how the state determines eligibility for tribal members. Areas of discussion include:

- What is the eligibility determination process like and how do state staff ask tribal members about their income? The workgroup decided to send out a survey to get feedback from CSO employees and tribes to learn more about this.
- The workgroup discussed whether tribal governments could take a larger role in the eligibility determination process.
  - One possible option is for tribes to declare payments they make to the state up-front so exempt status is pre-determined. However, this information would be available to the public.
  - Another possible option would be to develop MOU's and a single point of contact with each tribe with the tribal representative trained and authorized to determine or facilitate eligibility determinations. DCS, ICW and WCCC have developed models for this. Tribes determining financial eligibility for cash, medical and food assistance would require federal approval.

► Next Steps:

- The next meeting will explore the state application process from the state's and tribes' perspective.
- The second issue to be discussed by the workgroup will be how tribes might facilitate or determine disability and or financial eligibility, including verifying or qualifying tribes' payments to tribal members. There would need to be models for each tribe to opt in or opt out of taking this role.
- Other issues to explore in future meetings include:
  - Establishing liaisons and communication processes.
  - Definitions of income, exemptions and verification processes.
  - Cultural competence in the area of tribal income.
  - Improving state staff manuals and providing staff with training.
- **The next IPAC ESA-DVR Subcommittee State-Tribal Workgroup** meeting will be held on a Monday in February. The state will send out a suggested time and date with the minutes.

► Follow up assignments include:

- Schedule another IPAC ESA-DVR Subcommittee State-Tribal Income Workgroup meeting for a Monday in February, 2009.
- Send out minutes and a proposed survey to gather eligibility determination information from CSO staff and tribes.