Indian Child Welfare Policies and Procedures

24. Payment for Services for Children in Tribal Custody

Original Date: September 12, 2016
Revised Date: January 2, 2024
Sunset Review Date: January 31, 2028
Approved by: Frank Ordway, Chief of Staff

Purpose

The purpose of this policy is to provide guidance when tribes are requesting payment for services for Indian children who are in the custody of a Washington State federally recognized Indian tribe. Services include:

- Preventative and in-home services when tribes complete their own Child Protective Services (CPS) Family Assessment Response (FAR) interventions.
- Child and Family Welfare Services (CFWS).
- Family Voluntary Services (FVS).

Laws

RCW 13.38.030	Findings and intent
RCW 74.13.031	Duties of department-Child welfare services-Children's services advisory committee.

Scope

This policy applies to Department of Children, Youth, and Families (DCYF) employees.

Policy

DCYF must process payments for services when requested by federally recognized tribes when Indian children:

1. Are in their custody.
2. Subject to the same eligibility standards and rates of support to other children and youth for whom DCYF purchases care.

Procedures

1. Intake workers must create an intake for open and closed case when Washington State federally recognized Indian tribes request services. For:
    a. Payment only services, assign the intake to the appropriate local DCYF office to be assigned to a tribal payment only (TPO) worker.
    b. Placement services for Indian children in a DCYF tribal licensed, unlicensed, or suitable person placement:
        i. Document the tribal placement preferences, if applicable.
        ii. Assign the intake to the appropriate local DCYF office TPO worker.
2. TPO workers must complete the following when assigned to TPO cases:
    a. Follow the Providing Confidential Records to Tribes policy when providing tribes with case records related to offered services to the family.
    b. Verify service providers send all relevant documentation directly to the tribe.

3. When TPO cases are opened for:
    a. Payment only services:
        i. TPO workers must:
            A. Create a legal record in FamLink, including placement and care authority (PCA) as "Tribe with an IV-E Agreement" or "Tribe without an IV-E Agreement, when the tribe has an open dependency case.
            B. Request the following from the tribes and upload in FamLink, if received:
                I. The tribal court orders for all placements in out-of-home care.
                II. The tribal court orders from each review hearing.
            C. Consult with the Office of Tribal Relations (OTR) regional Indian Child Welfare (ICW) consultant if the tribe does not respond with the tribal court order within 60 calendar days.
            D. Complete service referrals in FamLink and send to the supervisor for approval. If
                I. Approved, submit referrals to the contracted providers with a copy to the tribal worker.
                II. Denied:
                i. Inform the tribe and include the reason for denial.
                ii. Follow the Chapter 15. Impasse Procedures policy if there is a disagreement.
        ii. Supervisors must review service referrals for approval.
            A. If approved, return to the TPO worker.
            B. If not approved, return to the TPO worker with the reason for denial.
    b. Placement and service payments:
        i. TPO workers must:
            A. Send the Child Information/Placement Referral DCYF 15-300 form received from the tribe to the placement coordinator if a tribe requests placement.
            B. Complete the following if the tribe identifies the placement and:
                I. Needs a provider number. This includes:
                i. Completing the Placement Entry Tool (PET) DCYF 15-489 form in FamLink.
                ii. Sending a completed Provider File Action Request DCYF 06-097 form to clerical to request a provider number be created.
                II. Has the provider number, complete the placement information in the Child Location app or PET within three calendar days.
            C. Complete the Child Location app within three calendar days of receiving the provider number.
        ii. Regional placement desk coordinators must complete the following once the Child Information/Placement Referral DCYF 15-300 form is received:
            A. Identify the placement.
            B. Send the supporting documentation, e.g., any medical or behavior treatment, to the tribal worker, caregiver, and TPO worker.
        iii. As soon as the TPO worker learns an Indian child is placed out of the home, they must:
            A. Create a legal record in FamLink, including placement and care authority (PCA) as "Tribe with an IV-E Agreement" or "Tribe without an IV-E Agreement."
            B. Request tribal court orders from the tribes and upload, if received:

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I. For all placements in out-of-home or in-home care, or termination of parental rights.
II. From each six-month review hearing. If the tribe does not respond within 60 calendar days consult with the regional ICW consultant.

C. Follow the Child Welfare Caregiver Support Level and Foster Care Rate Assessment Determination and input information from the Caregiver Support Level Tool DCYF XX-XXXX form received from the tribes into the Foster Care Assessment tab under the Placement icon in FamLink and assist them in re-assessing the Caregiver Support Level Tool DCYF XX-XXXX form every six months using the:
   I. Caregiver Support Level Tool DCYF XX-XXXX form.
   II. Caregiver Support Level Tool Guide CWP_0038.
   III. Foster Care Rate Assessment WACs 110-50-0400 through 110-50-0550.

D. Document placement changes, when applicable, under the Placement tab in FamLink. This includes when Indian children:
   I. Return home.
   II. Are in an unlicensed home or with suitable person.

E. Provide Washington State federally recognized Indian tribes with case records related to the Indian child and services provided.

F. Verify service providers are sending all relevant documentation directly to the tribes.

G. Consult with:
   I. IV-E specialists to determine IV-E eligibility.
   II. Regional Guardianship Assistance Program (GAP) gatekeepers to determine eligibility for the GAP subsidy.
   III. Regional Extended Foster Care (EFC) leads if there are questions about eligibility for EFC.
   IV. OTR regional ICW consultants if there are questions about other payment processes.

H. Follow the Child Welfare Private Child Placing Agencies (CPA) policy and submit a completed Child Placing Agency (CPA) Referral DCYF 10-402 form to a Financial and Business Services Division (FBSD) fiscal analyst if an Indian child is placed with a private CPA.

iv. FBSD Fiscal analysts must process placements and payments in FamLink within three calendar days once the Child Locator app or the PET is complete.

4. TPO workers must:
   a. Adhere to the following child welfare policies:
      i. Administrative Approvals when either:
         A. A policy indicates an administrative approval is required.
         B. An exception to a policy is needed.
         C. Reimbursement or supports is needed for a licensed caregiver beyond what the foster care rate assessment or policy allows.
      ii. Child Care to authorize child care and complete a service referral in FamLink when receiving tribal requests for child care.
      i. Placement Out-of-Home and Conditions for Return Home when the Indian child is in DCYF PCA.
      ii. Extended Foster Care (EFC) Program when Indian children are placed in extended foster care.

iii. Guardianship when Indian children are placed in either of these guardianships, chapter:
    A. 13.36 RCW
    B. 11.130 RCW
iv. Private Child Placing Agency (CPA) when using in-state private child placing agencies.

b. Concrete Goods when approving concrete goods requests. Review opened services and placements to prevent overpayments every six months.

c. Close the TPO case when tribes request or confirm payment is no longer necessary and there is an updated tribal court order, if received and one of the following apply:
    i. Placements and services are closed.
    ii. Payments are cleared.

5. FBSD fiscal analysts must process service and placement payments.

Forms

Caregiver Support Level Tool DCYF XX-XXXX
Child Information/Placement Referral DCYF 15-300
Child Placing Agency (CPA) Referral DCYF 10-402 form (located in the Forms repository on the DCYF intranet)
Placement Entry Tool (PET) DCYF 15-489 (located in the Forms repository on the DCYF intranet)
Provider File Action Request DCYF 06-097

Commented [MC(1]: Child Welfare policy being updated with new processes and forms. TPO and Tribes will be trained together. We need to loop in the Alliance.

Resources

Caregiver Support Level Tool Guide CWP_0038
Child Welfare Administrative Approvals policy
Child Welfare Behavior Rehabilitation Services (BRS) policy
Child Welfare Child Care policy
Child Welfare Concrete Goods policy
Child Welfare Caregiver Support Level and Foster Care Rate Assessment Determination policy
Child Welfare Placement Out-of-Home and Conditions for Return Home policy
Child Welfare Relative Guardianship Assistance Program policy
Child Welfare Private Child Placing Agency (CPA) policy
DCYF 7.01 American Indian policy
Evidence Based Practices-Description and Directory (located on the Child Welfare Providers page of the DCYF intranet)
Foster Care Rate Assessment WACs 110-50-0400 through 110-50-0550
Invoice and Adoption Support Pay Calendar for Deadline Dates
Providing Confidential Records to Tribes policy
Service Guide and Service Referral processes (located on the FamLink Knowledge Web on the DCYF intranet)

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