

# Child Welfare Policy Manual

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## Questions & Answers

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### 3.1I INDEPENDENT LIVING, Certifications and Requirements, Tribal

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**1. Question: Must the Tribes participate in the title IV-E program in order to access Chafee Foster Care Independence Program (CFCIP) funds and services? Is their participation in the title IV-E program a prerequisite for soliciting their input?**

**(Deleted 03/28/2019)**

**2. Question: Are entities other than "tribes" included in the requirements at section 477(b)(3)(G) of the Social Security Act?**

**Answer:** Yes. Any Indian Tribal Organization that is federally recognized is included.

- **Source/Date:** Questions and Answers on the Chafee Foster Care Independence Program
- **Legal and Related References:** Social Security Act - section 477(b)(3)(G)

**3. Question: How will the State document its compliance with the requirements to consult and coordinate with the Tribes?**

**Answer:** Section 477(b)(3)(G) of the Social Security Act requires the CEO of the State to certify that the State has consulted with every Tribe within the State and provide any additional information that the Secretary may require.

- **Source/Date:** Questions and Answers on the Chafee Foster Care Independence Program; (3/28/2019)
- **Legal and Related References:** Social Security Act - section 477(b)(3)(G)

**4. Question: Why is the requirement for States to consult with Tribes in the Chafee Foster Care Independence Act?**

**Answer:** The original bill, HR 1802, which required States to inform Tribes about the enhanced independent living program, was strengthened in the final law to require consultation with the Tribes about the programs to be carried out under the State plan. Included in the Congressional Record of the House, dated June 25, 1999 are remarks from one representative concerning the upgrading of this provision. "Tribes are in the best position to know the needs of Indian children and of possible local resources available for assistance,

and this amendment is a first step in recognizing the level of communication and coordination that is necessary for the provision of independent living services." The Department expects that consultation with Tribes will take place as explicitly required, that there have been efforts to coordinate the programs with such Tribes, and that benefits and services will be made available to Tribal youth as specified at section 477(b)(3)(G) of the Social Security Act.

- **Source/Date:** Questions and Answers on the Chafee Foster Care Independence Program
- **Legal and Related References:** Social Security Act - section 477(b)(3)(G)

**5. Question: Some Tribal representatives feel the wording for the assurance at 477(b)(3)(G) should indicate that "benefits and services under the programs will be made available to Indian youth in the State on *"an equal basis"* rather than on "the same basis" as to other youth in the State. Is the change in wording allowable?**

**Answer:** No. The certifications are taken directly from the law. "On the same basis" means that the State will provide program services equitably to both State and Indian children who meet the State's eligibility criteria. This is further supported by section 477(b)(2)(E) of the Act with the requirement that States must ensure fair and equitable treatment of benefit recipients.

- **Source/Date:** 7/25/02
- **Legal and Related References:** Social Security Act - section 477(b)(3)(E) and (G)