

Child Welfare Policy Manual

Questions & Answers

9.3 TRIBES/INDIAN TRIBAL ORGANIZATIONS, Responsibilities of the Bureau of Indian Affairs

1. Question: Is it the State title IV-B/IV-E agency or the Bureau of Indian Affairs (BIA) that has responsibility for providing foster care and child welfare services to Indian children residing on or near an Indian reservation?

Answer: The BIA takes the position that its legislation and regulations make it the payor of last resort for Indian child welfare services, and that it will only provide assistance when it is not available from other sources (see 25 CFR 20.3). Therefore, the BIA does not become involved in paying for Indian child welfare services or foster care payments until the State and the Tribes have determined that assistance or services are not otherwise available. The availability of payments and services, however, must not be based on any discriminating practice which treats Indian children differently from other children.

- **Source/Date:** ACYF-CB-PIQ-88-02 (1/27/88)
- **Legal and Related References:** Social Security Act - sections 421, 422, 428 and 472; 25 CFR 20.3