



Quinault Indian Nation **TANF**

Non-Custodial Parent Program Plan

QUINAULT INDIAN NATION TANF Non-Custodial Parent Program Plan

APPROVED BY QUINAULT BUSINESS COMMITTEE
RESOLUTION # _____

Section 1: General Provisions

QIN TANF Statutory Authority: Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) authorizes Indian Tribes to manage, administer and operate a Temporary Assistance for Needy Families (TANF) program, formerly Aid to Families with Dependent Children (AFDC) and other new programs (Non-Custodial Parent Program). The Quinault Business Committee is the recognized governing body of the Quinault Indian Nation under the authority of the Quinault Indian Nation's constitution adopted by the General Council on March 22, 1975. The Quinault Indian Nation Business Committee adopted the QIN TANF plan by Resolution # 01-51-78 dated February 12, 2001. This plan addition to create the Non-Custodial Parent Program Plan under the TANF Umbrella of programs.

QIN TANF Administration: The Administrative Services Department of the Quinault Indian Nation will have overall administrative authority over the QIN TANF Program and the Non-Custodial Parent Program. Day to day program management responsibility will be delegated to the QIN TANF Management Team.

Non-Custodial Parent Program Purpose (NCPP): The primary goal of the Non-Custodial Parent Program is to help low-income non-custodial parents find more stable and better-paying jobs, pay child support on a consistent basis, and to assist through training and advocacy to become an integral part of their children(s) lives.

Non-Custodial Parent Program (NCPP) Designated Service Area: For the purposes of the Non-Custodial Parent Program, and in recognition of the geographic separation imposed on Jefferson County by the Olympic National Park, the designated service area of the Non-Custodial Parent program will be **Grays Harbor County and Western Jefferson County (Jefferson County from the western boundary of Olympic National Park to the Pacific Ocean)**. This is in accordance with the Code of Federal Regulations Title 25, Part 20 (25 CFR 20.1(r).)

Non-Custodial Parent Program Service Population: The Non-Custodial Parent Program service population shall be any non-custodial parent of an eligible child who is receiving services from QIN TANF within the boundaries of the Quinault Indian Reservation and all eligible Quinault family units within the QIN TANF service area.

Non-Custodial Parent Program Goals: The goals of the Non-Custodial Parent Program are to provide employment related activities and training to assist non-custodial parents to obtain employment and succeed in the workforce. Non-custodial parents will be given access and input into all programs and services needed to obtain stable and better-paying jobs, pay child support on a consistent basis, and them through training and advocacy to become an integral part of their children(s) lives.

Non-Custodial Parent Program Services: The QIN TANF Program provides basic services to assist eligible recipients and their families in achieving economic self-sufficiency. Services may include some or all of the following:

- Post-Secondary Education
- Counseling
- Job Training
- Job Search
- Supportive Services
- Referrals
- Other Barrier-Reducing Services

The type and amount of services is determined on a case-by-case basis and is determined after an assessment is completed. Once an applicant is eligible for services, the non-custodial parent will undergo an orientation process, and sign an Individual Responsibility Contract, then an Individual Service Plan (ISP) will be created that identifies the type and amount of services needed to accomplish the goal of the Non-Custodial Parent Program.

Intake and Referral System: When the QIN Non-Custodial Parent Program Application is completed; the application will be given to the Non-Custodial Parent Program Coordinator for review for eligibility and referral.

Coordination of Other Services: The Quinault Indian Nation Non-Custodial Parent Program will coordinate with the State of Washington Division of Support Enforcement and other referral sources to accomplish the goal of assisting non-custodial parents to secure stable and better-paying jobs, pay child support on a consistent basis, and to assist them through training and advocacy to become an integral part of their children(s) lives.

Coordination – Non-Duplication of Services: The Quinault Indian Nation will develop agreements with other tribes and the State of Washington to ensure that Non-Custodial Parents do not receive duplicate services.

Section 2: Other Program Services

Personnel:

- Western Washington Indian Employment and Training Program (WWIETP)
- Work Source
- Career Development
- College Internship Program

Roger Saux Health Clinic:

- Physician's services
- Mental Health, Individual, Parent/Child, Family, Group Counseling
- Community Health Representative (CHR)
- Domestic Violence Prevention & Counseling
- Diabetes Prevention
- Nutrition

Quinault Housing Authority:

- Department of Housing & Urban Development (HUD) Program
- Financial Management Classes

Private Non profit Programs :

- Grays Harbor Chamber of Commerce Employer Assistance Program
- Grays Harbor Career Transition Center (Workforce Development Board)
- Olympic Area Agency on Aging

State Programs:

- Food Stamps
- State Administered Medical Insurance Programs
- Support Enforcement
- Food Banks

Section 3: Employment Opportunities

Employment Overview: The Quinault Indian Nation's isolated geographic location provides a challenge in accessing employment opportunities for non-custodial parents. The Non-Custodial Parent Program is designed and operated with consideration given to the limited projected economic and employment opportunities in the service area.

Training Opportunities: The QIN Non-Custodial Parent Program will work with entities including, but not limited to, the following for providing training opportunities:

1. Coastal Community Action Program (CCAP)
2. Community Jobs
3. New Beginnings
4. Grays Harbor College
5. Grays Harbor Chamber of Commerce (Employer Assistance Project)
6. Grays Harbor Career Transition Center
7. Grays Harbor Transit Authority
8. Northwest Indian College
9. Quinault Beach Resort and Casino
10. Quinault Education Dept. (Education and Childcare)
11. Quinault Human Resources Dept.
12. Quinault Dept. of Natural Resources (Forestry, Fisheries, Ecology)
13. State of Washington (Employment Security Dept., Dept. of Social and Health Services, and others)
14. Tribal Employment Rights Ordinance (TERO)

Section 4: Transportation Issues

Public Transportation: The remote location of the Quinault Indian Nation Reservation and inadequacy of public transportation limits access to the job market. The Non-Custodial Parent Program has developed partnerships with local government, non-profit and private entities to provide sufficient public transportation to Non-Custodial Parent Program recipients.

Personal and Tribal Transportation: A priority of the Non-Custodial Parent Program is to provide subsidies for personal and tribal transportation in order to reduce barriers to employment, promote employment, and encourage training.

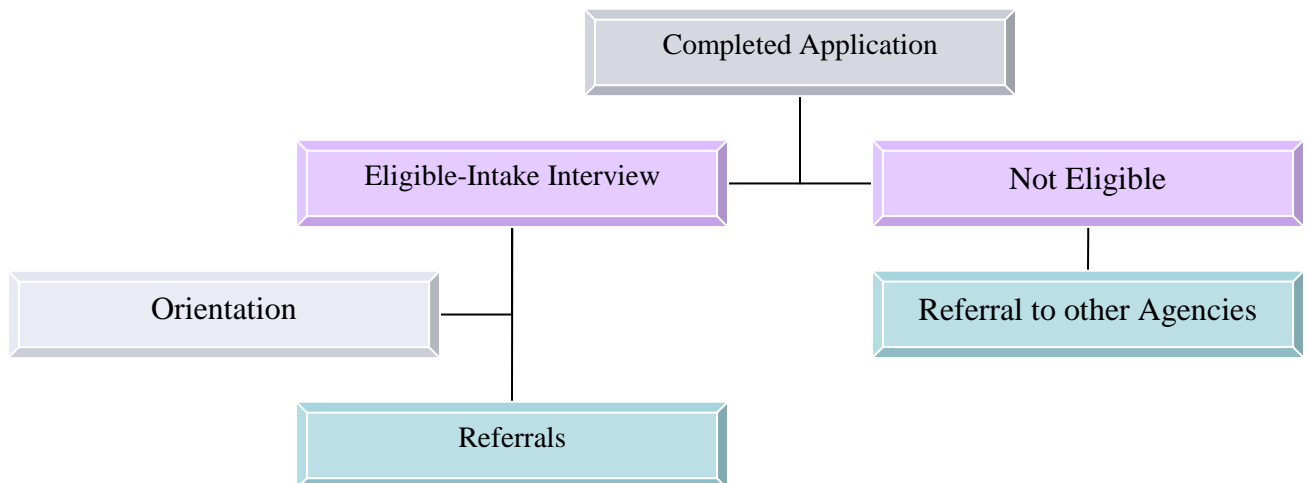
Section 5: Eligibility

Non-Custodial Parent Program Eligibility: The Non-Custodial Parent Program service population shall be any non-custodial parent of an eligible child who is receiving services from QIN TANF within the boundaries of the Quinault Indian Reservation and all eligible Quinault family units within the QIN TANF service area.

The following are not eligible for the Non-Custodial Parent Program assistance:

- Fugitive felons or persons who do not comply with any court ordered parole or probation.
- Any person who makes a fraudulent misrepresentation to obtain assistance from the Non-Custodial Parent Program.
- The QIN TANF Program may deny services to non-custodial parents who do not cooperate in establishing paternity, are not willing to sign an Individual Responsibility Contract and are not willing to begin repayment or payment of child support. Exceptions may be granted where good cause is found and on a case-by-case basis.
- Persons who do not meet the program requirements.

Client Flow



Local Agreement: Memorandums of Agreement **will be established** with the following:

1. Tribal Court
2. Roger Saux Health Clinic
3. Washington State Support Enforcement
4. Taholah School
5. QIN Head Start
6. QIN Social Services
7. QIN Chemical Dependency
8. QIN Housing Authority

Non-Custodial Parent Program Excess Child Support Payments: Procedures for ensuring that child support collections, if any, in excess of the amount of the QIN TANF Program assistance received by the family, must be paid to the family; and any amounts generated under an assignment and retained by QIN TANF will be used to further QIN TANF Programs, consistent with the final rule.

Non-Custodial Parent Program Resource Limitations: The Non-Custodial Parent Program determines resource limits on a case-by-case basis as outlined in appendix B attached hereto. (Resource limit same as QIN TANF limits)

Non-Custodial Parent Program Continued Eligibility: A non-custodial parents eligibility shall be reviewed a minimum of once every 90 days. The review will include, but is not limited to, re-negotiation of the Individual Service Plan.

Non-Custodial Parent Program Support Service Limitations

Support Service Limitations –
Based on a calendar year

Auto related expenses: - \$500.00 – For repairs, replacement of tires, windshields and or other related items. *And or one major auto repair per QIN TANF Lifetime.*

Clothing: - \$250.00 – Per family unit to be used for work related clothing and children’s clothing.

Food Costs: - \$150.00 – Per family unit to be used for emergency needs and only when all other resources have been exhausted.

Work related expenses: - \$600.00 –For the purchase of work boots, tools etc.

P.U.D. / Energy Assistance: - \$100.00—Per year and only after all other resources have been exhausted.

Water, Sewer and Garbage: - \$100.00--Per year.

Shelter Assistance: - \$450.00 --Per year to be used for any shelter related costs i.e. Window replacements, etc.

Education Related Cost – Adult: - Pursuant to E&T Rules

Gas Cards: - \$25.00 --Per month to be used for work related transportation needs only and under the E&T Rules.

Bus Passes: - Limit at one per month per member of TANF A/U.

Appliance replacement: - \$150.00— Per year to be used for Washer / Dryer, hot water tanks, etc.

Miscellaneous: - Open for discussion

Program Orientation

The **Non-Custodial Parent Program** Coordinator will provide an orientation, as needed, to accommodate all eligible NCP clients referred to the **Non-Custodial Parent Program**. The following topics/information will be covered at the Program orientation:

1. Goal of the Non-Custodial Parent Program
2. Services and activities available to participants
3. Attendance in program services, as mandated by ISP
4. Benefits of working and meeting their child support obligations
5. Program policy on time and attendance
6. Those who fail to participate will be referred back to Child Support Enforcement for traditional enforcement.
7. Grievance and complaint procedures
8. Other employment and training services available in the area.

Individual Service Plan

An Individual Service Plan (ISP) must be developed in consultation with the **Non-Custodial Parent Program**. The ISP is to set forth the **Non-Custodial Parent Program** employment goal and a plan for moving the **Non-Custodial Parent Program** into unsubsidized employment, educational/vocational training, and support services to obtain employment to satisfy his/her child support obligations.

The Individual Service Plan shall:

- Require non-custodial parents to accept and maintain employment as it becomes available. Wage progression and more responsible work will be encouraged;
- Contain work, work preparation, and work-related training activities;
- Require attendance at an ISP review every 90 days and weekly or bi-weekly contact with the caseworker;
- Require all recipients to receive training and information about the ISP;
- When applicable, require the non-custodial parent to take advantage of employment support and/or job retention services, or other programs or services identified as necessary to overcome barriers to employment and to aid the family towards self-sufficiency.
- Job Club

Program Completion

Successful program completion is defined as 6-month employment retention and child support payment in full and on time. All Non-Custodial Parent Program services, including supportive services, may be provided to non-custodial parents through the completion of the “Program”, or until the objectives of the ISP are completed. Post “Program Completion” employment and training services and incentives end at the 24 month from the first day of enrollment of the non-custodial parent into the Non-Custodial Parent Program.

Non-cooperation with Work Participation Requirements: Non-custodial parents who fail to participate in work activities contained in the ISP will be referred back to the referring agency and Washington State Division of Support Enforcement for traditional support enforcement.

QIN TANF Good Cause Criteria for Failure to Accept or Maintain

Employment: One of the following criteria must be met to show “good cause” for failing to accept or maintain employment:

1. The work adversely affects participant’s physical health as documented by a qualified health professional.
2. The work site violates federal or tribal health and safety standards.
3. The wage does not meet federal minimum wage or piecework standards.
4. The job is vacant due to strike, lockout, or other labor dispute.
5. The job referral or employer is discriminatory.

Section 9: Penalties

Non-Custodial Parent Program Penalties for Failure to Participate and Non-Cooperation: All non-custodial parents must meet the requirements of the program. Failure to comply with Non-Custodial Parent Program ISP requirements will result the non-custodial parent be referred back to the referring agency for traditional child support enforcement.

Section 10: Appeal Rights and Confidentiality

Right to Appeal: The Quinault Indian Nation has an interest in assuring its Non-Custodial Parent Program is administered, implemented, and enforced non-discriminatorily and consistent with basic principles of justice and fairness. To that end, all applicants or recipients the Non-Custodial Program services have the right to appeal all Non-custodial Parent Program decisions that affect the services provided to the recipient.

Letter Of Notification - Ineligibility for Services or Assistance or Adverse Decisions: When the Non-Custodial Parent Program determines that an applicant is not eligible for services, or a decision has been made that adversely affects the services provided to a recipient, the Program shall provide the applicant with a Letter of Notification (LON). The LON shall be mailed to the client's last known address within 10 working days from the date of the decision. The LON shall also inform the applicant or recipient of their right to appeal.

Appeal to QIN TANF Management Team: If the applicant or recipient disagrees with the Program's decision the person may request a hearing before the QIN TANF Management Team or the Management Team's Designee. The request must be in writing and must be received in the QIN TANF Office within 10 working days from the date of the LON. The written request shall be signed and dated and contain the following information:

1. The nature of the decision; and
2. Why the person adversely affected by the decision disagrees with the decision, action or finding.

Upon receipt of the written request for a hearing, a hearing shall be scheduled within 10 working days from receipt of the request. The person requesting the hearing shall be notified of the hearing date. The person requesting the hearing or the QIN TANF Program Management Team shall have the right to one 10-day continuance of the hearing date.

Hearing: The hearing shall be conducted in an informal but orderly manner. These procedures shall be followed:

1. The hearing shall be recorded electronically
2. All relevant evidence shall be made part of the record.
3. Documentary evidence may be received in the form of copies or excerpts or by incorporation or by reference.
4. All documents contained in the QIN TANF Program file regarding the person requesting the hearing shall be made part of the record.
5. The Program employee who made the decision that is the subject of the appeal shall be present at the hearing and shall explain the reason for the decision.

The person requesting the hearing shall have the right to be represented by counsel of their choice and at their expense. They shall have an opportunity to question the employee making the decision, to present evidence and to make a brief argument.

Within 5 working days from the conclusion of the hearing, the QIN TANF Management Team or their Designee shall enter a written decision. The decision shall identify the evidence and rules relied on in making the decision and the reason for the decision. A copy of the decision shall be mailed to the person requesting the hearing along with notification that the person has the right to petition to the Tribal Court for review of the decision. The QIN TANF Management Team's or Designee's decision shall be final.

A copy of the entire record, including the electronic record, shall be furnished to the person requesting the hearing upon their written request.

Review of Final Decision: A person aggrieved by the QIN TANF Management Team's or Designee's final decision is entitled to judicial review only under the provisions of this Plan and such person may not use any other procedure to obtain review of such final decision even though another review procedure is provided elsewhere by tribal law, rule, regulation or Business Committee resolution.

Judicial review under this Plan shall be commenced by the filing of a petition for review in the Quinault Indian Nation Tribal Court.

The petition shall be served and filed within twenty (20) days after the QIN TANF Management Team or Designee enters the final decision.

Copies of the petition for review shall be served upon the QIN TANF Management Team and the QIN Office of Reservation Attorney by certified mail, return receipt requested.

The clerk of the Tribal Court shall not accept for filing any petition for review unless a copy of the final decision is attached to the petition.

Enforcement Pending Review: The filing of a petition for review shall not stay enforcement of the decision.

Transmittal of Record on Review: Within thirty (30) days after service of the petition, or within such further time as the Tribal Court may allow, the QIN TANF Management Team shall transmit to the Tribal Court the original or a certified copy of the entire record of the hearing; but all parties to the review may stipulate to the record on review.

Conduct of Review: The review shall be conducted by the Tribal Court without a jury and shall be confined to the record. The Tribal Court shall not take additional evidence or hear testimony. The Tribal Court shall hear oral argument and receive written briefs. The Tribal Court shall set the length of briefs and time for arguments.

Authority of Tribal Court: The Tribal Court may affirm the final decision of the QIN TANF Management Team or their Designee; or remand the case for further proceedings; or reverse the final decision, in whole or in part, if the rights of petitioner has been prejudiced because the decision:

1. Violates the Quinault Indian Nation Constitution or the Indian Civil Right Act, 25 U.S.C. 1301 *et. seq.*;
2. Exceeds the lawful authority of the Program;
3. Is clearly erroneous in view of the entire record; or
4. Is arbitrary or capricious.

The decision of the Tribal Court shall be final and not subject to further review by the Quinault Business Committee nor any other agency or person unless authorized by Federal law.

Non-Custodial Parent Program Confidentiality - Recipient Information: The Non-Custodial Parent Program will restrict the use and disclosure of information about non-custodial parents. The Non-Custodial Parent Program will not release or disclose recipient information, except as specifically authorized in an administrative rule or as ordered by a court of competent jurisdiction.

The Non-Custodial Parent Program shall not make available to the public any information or record about a client or recipient maintained by the Non-Custodial Parent Program. Such information and records include, but are not limited to, any information that contains the client's or recipient's name or any identifying symbol, unless such release of information is:

1. Requested by the client or recipient or disclosure is made with the client's or recipient's prior written consent.

2. Requested by another agency for a purpose compatible with the purpose for which the record was collected, (for example, dual eligibility).
3. Pursuant to the order of a court of competent jurisdiction or tribal law.
4. Necessary for review of the QIN TANF Management Team's or Designee's adverse decision.
5. Disclosed to a requesting person or agent upon a showing of compelling circumstances affecting the safety of an individual client, if upon disclosure, notification is transmitted to the last known address of the client.

Section 11: Funding and Fiscal Accountability

Funding: Funding for Non-Custodial Parent Program shall be received by the Quinault Indian Nation from the Federal and State Governments, in lump sums, annually by preference, but no less than quarterly.

Fiscal Accountability: For each fiscal year that the Quinault Indian Nation receives or expends funds pursuant to a block grant under Section 412 of Title I - Block Grants for Temporary Assistance for Needy Families, the fiscal accountability provisions of Section 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code, applies.

Section 12: Data Collection and Reporting

The QIN TANF Program will comply with the Data Collection and Reporting requirements contained within Section 411 of the Social Security Act and as stipulated for Tribes in Policy Announcement TANF-ACF-PA-97-4 and utilizing the Tribal TANF Data Report Form ACF-343 as presented in TANF-ACF-PI-TD-2000-1.

Section 13: Retrocession

The Quinault Indian Nation may retrocede the operation of the QIN TANF Program to HHS/ACF by providing written notice to the Secretary according to the guidelines in the Final Rule (45 CFR Parts 286 and 287). The QIN TANF Program will provide concurrent notification to the State of Washington.

Appendix B

Resources

Purpose: Allowing substantial resource values will contribute to self-sufficiency and economic independence by allowing QIN TANF clients to own reliable vehicles and accumulate funds for future use.

A. Resources

The applicant's financial status will be determined after a review of all the applicant's available resources. Resources are considered available to the applicant, unless specifically excluded by federal statute or listed under exempt resources.

B. Resource Limit

The applicant may retain a resource limit of \$1,500.00 per Family Unit household. All resources exceeding this amount will be counted as income for determining eligibility.

C. Exempt Resources

As a condition of eligibility clients shall not be required to dispose of the following resources, nor shall these resources be counted against the resource limit:

- 1. Any resource used in the production of income for self-employment.**
- 2. Home or personal belongings.**
- 3. Insurance policies.**
- 4. One vehicle.**