



# Bulletin

**NUMBER**

#14-68-09

**DATE**

June 26, 2014

**OF INTEREST TO**

County Directors  
Social Services Supervisors  
and Staff

Tribal Social Services  
Supervisors and Staff

County Attorneys

Tribal Attorneys

**ACTION/DUE DATE**

Please read information  
and prepare for  
implementation

**EXPIRATION DATE**

June 26, 2016

## Transfer of a Child Welfare Case to a Tribe Outside of Minnesota

**TOPIC**

Transferring a child welfare case to a tribe outside of  
Minnesota.

**PURPOSE**

To clarify county agency responsibility when transferring an  
Indian child to a tribe outside of Minnesota.

**CONTACT**

Tarita Tyson, Title IV-E policy specialist  
651-431-4386  
[tarita.b.tyson@state.mn.us](mailto:tarita.b.tyson@state.mn.us)

**SIGNED**

ERIN SULLIVAN SUTTON  
Assistant Commissioner  
Children and Family Services

**TERMINOLOGY NOTICE**

The terminology used to describe people we serve has  
changed over time. The Minnesota Department of Human  
Services (DHS) supports the use of "People First" language.

## **Introduction**

In January 2012, the U.S. Department of Health and Human Services, Administration on Children, Youth and Families, issued program instructions under the Code of Federal Regulations, 45 C.F.R. §1356.67, regarding transfer of a child welfare case to a tribe in another state. This requires state Title IV-E agencies to establish and maintain procedures for transfer of responsibility for placement and care of a child under a state Title IV-E plan to a tribal Title IV-E agency, or an Indian tribe with a Title IV-E Agreement. Pursuant to the Fostering Connections to Success and Increasing Adoptions Act of 2008, [Public Law 110-351] this bulletin includes the provisions of transfer responsibility for the placement and care of a child to an Indian tribe with a Title IV-E Agreement.

This bulletin clarifies county agency responsibility when transferring an Indian child to a tribe outside of Minnesota. When a social service agency receives a request for out-of-state placement of an Indian child to a tribe outside of Minnesota, a local social services agency will collaborate with the receiving tribal agency for a child's transfer. The local social service agency must facilitate transfer of information about a child's eligibility for Title IV-E and Medicaid to the requesting tribe. Transferring of information helps to facilitate continuity of services for a child being transferred to an out-of-state tribe.

Federal regulation 45 C.F.R. §1356.67 mandates that each state with a Title IV-E plan approved under section 471 of the Social Security Act must establish and maintain procedures, in consultation with Indian tribes, for transfer of responsibility for placement and care of a child to a tribal Title IV-E agency, or an Indian tribe with a Title IV-E Agreement. Transfer of a child's case should not affect eligibility, receipt of services, or payments under Title IV-E, or the Medical Assistance (Medicaid) program operated under Title XIX. Procedures for transfer of cases are required to:

- Ensure that an Indian child involved in a case transfer retains eligibility for Title IV-E and Medicaid
- Provide important information for determining a child's safety, permanency and well-being status
- Gather information related to current and past placements of a child, as cited in the "Federal Register," volume 77, number 4, page 918, Jan. 6, 2012:

The Minnesota Department of Human Services works in partnership with tribes to ensure the safety, permanency and well-being of American Indian children and families. The Minnesota Indian Family Preservation Act, Minnesota Statutes, section 260.751-260.835, and the Tribal State Agreement, as amended in 2007, are the embodiment of Minnesota's efforts to preserve American Indian families.

### **Requirements for case transfer**

Federal regulation 45 C.F.R. §1356.67 establishes Title IV-E guidelines that support transfer of placement and care responsibility from a county to a tribal agency. County agencies must develop procedures, in consultation with a tribe, that ensures the following:

1. Title IV-E eligibility is established at the time of transfer, if not already determined
2. Essential documents and information necessary to continue a child's eligibility under Title XIX are transferred to a tribal Title IV-E agency, or an Indian tribe with a Title IV-E Agreement, including but not limited to:
  - a) All district court judicial determinations to the effect that continuation in the home from which a child was removed would be contrary to the welfare, and that reasonable efforts described in section 471 (a)(15) in the Act have been made
  - b) Other documentation a county agency has related to a child's Title IV-E eligibility under sections 472 and 473 of the Act
  - c) Information and documentation available to an agency regarding a child's eligibility or potential eligibility for other federal benefits
  - d) The case plan, developed pursuant to section 475(1) of the Act, including health and education records of a child, pursuant to section 475(1) (C) of the Act; and Minnesota Statutes, section 260C.212, subdivision 1
  - e) Information and documentation of a child's placement setting, including a copy of the most recent provider's license or approval.

### **Americans with Disabilities Act (ADA) Advisory**

This information is available in accessible formats for people with disabilities by calling (651) 431-4670 (voice) or toll free at (800) 627-3529 or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.