



# SPIRIT LAKE TRIBE

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February 15, 2012

Carol Olson, Executive Director  
600 East Boulevard Avenue Dept. 325  
Bismarck, ND 58505-0250

Dear Executive Director,

On behalf of the Spirit Lake Tribe I respectfully request a 15 day extension be added to the 30 days in which Spirit Lake Tribal Social Services (SLTSS) has been allowed for getting its foster care files IV-E Compliant. The basis for this request is threefold. Firstly, at this time SLTSS has two foster care case managers working with 78 children giving each a caseload of 39 children. The extremely high caseloads provides limited time for these workers to address compliance issues. Secondly, the sheer number of deficiencies for each of the cases reviewed requires many man hours for corrections to be completed. Lastly, additional time will allow SLTSS to more thoroughly address compliance deficiencies resulting in a more successful conclusion regarding such important matters.

It is my hope that you will strongly consider the request for extension and give merit to the reasons supporting it. If you have any questions please feel free to contact me at 701-766-1264.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Yankton", is written over a horizontal line.

Roger Yankton, Spirit Lake Tribal Chairman

Cc: Michelle Rivard, Spirit Lake Tribal Attorney  
Spirit Lake Tribal Counsel  
Dennis Meier, SLTSS

## Agreement

The State of North Dakota, acting through its North Dakota Department of Human Services (Department), and Spirit Lake Sioux Tribe (Tribe) has determined Spirit Lake is in violation of the Tribal-State Foster Care Agreement, based on the findings of the IV-E review. Because of the violation, the parties enter into this agreement to outline the 30 day process to begin to address deficiencies discovered during the review.

Department and Spirit Lake Sioux Tribe therefore enter into the following:

1). This Agreement runs from the date the Agreement is signed by both parties, but no later than February 15, 2012, through the following 30 days.

2). Title IV-E funds will not be available to provide foster care maintenance payments to providers during the 30 day period. Tribal funds will need to be identified to support the children currently in care for this 30 day period so that safety is assured and payments will continue to be made to the providers who care for these children.

Spirit Lake will not be eligible to recoup IV-E funds for this 30 day period. At the close of the 30 days, if all conditions required are met, Spirit Lake Tribal Social Services can resume access to IV-E funds as provided in the Tribal-State Foster Care Agreement. If all conditions required are not met, the Department shall terminate the Tribal-State Foster Care Agreement, ending all access to IV-E funds through the Department.

3). Spirit Lake Tribal Social Services will not be able to claim IV-E Administrative funds for the first quarter of 2012, based on the violation of Tribal-State Foster Care Agreement. If conditions required are met in this 30 day process, Spirit Lake Tribe can resume the opportunity to submit IV-E Administrative claims for the remaining three quarters of 2012.

4). Conditions required during the next 30 days:

- A. All children in care must remain in care and be supported by tribal funds to remain in care, unless the plan for change in placement is already in place when the agreement is signed or the return home or change of placement is in the best interest of the child. If there is a change in placement, the case change must be staffed with and approved by the Regional Supervisor of Child Welfare Services.
- B. Every child on the review list must be visited (face-to-face) to assess safety, appropriateness of placement, and assure needs of child are being met.

Documentation must be completed and placed in each child's file. In addition, a full case plan must be completed for each child on the list enclosed and placed in the child's file. If the child is out-of-state, a contract can be used for the face-to-face contact, as long as the person contracting for the visit is not staff of the agency or facility and a standard visitation form is used. During this visit, the tribal child welfare worker must be present by phone or another means of technology and participate in the visit.

- C. Spirit Lake must initiate and begin to work on a Program Improvement Plan (PIP) to address all the deficiencies noted in the reviewed files, and to address on-going documentation and case management activities to ensure casework requirements are met. While this activity must commence in the 30 days, Spirit Lake will be given 12 months to develop, implement and carry out the plan.
- D. Spirit Lake shall ensure that documents necessary for determination of IV-E eligibility and reimbursability are provided to Benson County, or any other county in a timely manner and will continue thereafter.
- E. Spirit Lake will determine a plan, with firm timelines, to address the backlog of adoption cases (5 cases of the 36 noted on the list) currently waiting for legal proceedings (these cases have been waiting from 16-19 months).

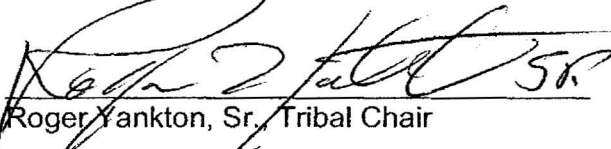
5). At the close of the 30 day period, a review of case files will be done to assess whether the conditions required have been met, and whether there is a plan in place for practice improvements and a timeline for completion of the legal process on the adoption cases. If these conditions have not been met in any case, the Department shall move to terminate the Tribal-State Foster Care Agreement.

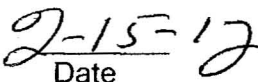
North Dakota Department of Human Services

  
Carol K. Olson, Executive Director

  
Date

Spirit Lake Sioux Tribe

  
Roger Yankton, Sr., Tribal Chair

  
Date