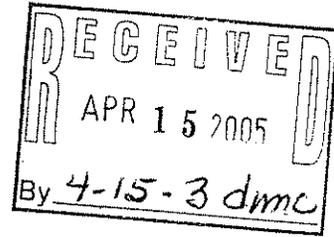




New York State
Office of
Children & Family
Services

April 8, 2005



Chief Margaret Terrance
St. Regis Mohawk Tribe
St. Regis Mohawk Reservation
412 State Route 37
Akwesasne, NY 13655

APR 21 2005

George E. Pataki
Governor

John A. Johnson
Commissioner

Dear Chief Terrance:

I am pleased to transmit the Amendment to the State Tribal Agreement between the Office of Children and Family Services and the St. Regis Mohawk Tribe for your review and signature. Our respective staffs have worked closely on implementation issues related to the enactment of Legislation that permits the Tribe to directly provide child protective and adult protective services. This amendment outlines that new authority and enables reimbursement for the provision of those services.

The signing of this amendment continues the long tradition of the St Regis Mohawk Tribe to directly provide child welfare services and represents a historic first in New York State.

I want to underscore the strong commitment of the Office of Children and Family Services to continue to working with you and your staff in implementing these important new services.

Again, I offer my sincere congratulations for the hard work put forth by your staff and my deepest respect for the resolve of the Tribe to continuously improve services to Mohawk children and families.

I look forward to receiving the signed amendment and wish you much success in this new endeavor.

Sincerely,


John A. Johnson

cc: Larry G. Brown
Christine L. Heywood
Kim Tomas
William McLaughlin
Glenn Humphreys
Marilyn Riley
Deb Hanor
John Stupp

Capital View Office Park

52 Washington Street
Rensselaer, NY 12144-2796



AMENDMENT OF
CHILD WELFARE SERVICES AGREEMENT

This is an amendment of the CHILD WELFARE SERVICES AGREEMENT (hereinafter referred to as the State Tribal Agreement) entered into by the Saint Regis Mohawk Tribe (hereinafter referred to as the Tribe) and the former New York State Department of Social Services (hereinafter referred to as the Department) on August 23, 1993.

WHEREAS, the Tribe and the Department entered into a State tribal agreement on August 23, 1993 that authorized the Tribe to provide preventive services, foster care and adoption services to Indian children;

WHEREAS, Section 39 of the Social Services Law (SSL), as amended by Chapter 322 of the Laws of 2004, authorizes the Tribe to provide child protective services and adult protective services to Indians residing on the reservation in the State of New York in accordance with an agreement with the New York State Office of Children and Family Services (hereinafter referred to as OCFS);

WHEREAS, pursuant to Chapter 436 of the Laws of 1997, OCFS assumed the functions, powers, duties and obligation performed by the Department relating to child welfare services and adult protective services; and

WHEREAS, OCFS and the Tribe desire to update and expand the services provided by the Tribe as set forth in the State Tribal Agreement.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Plan
 - a. The Tribe has submitted to OCFS a Plan which satisfactorily demonstrates that the Tribe is able to meet the standards for child protective services and adult protective services. OCFS hereby approves the Tribe to provide child protective services and adult protective services in accordance with the Plan and the terms and conditions of the agreement.
 - b. The Tribe has submitted to OCFS additions to the Plan in regard to the provisions of foster care and preventive services. Such additions satisfactorily demonstrate the Tribe's ability to provide foster care and preventive services. OCFS hereby approves such additions.
 - c. Such Plan and additions are incorporated in and made part of the State Tribal Agreement.

- d. The Tribe agrees to amend its Consolidated Services Plan to reflect the provision of child protective services and adult protective services and the additions to the Plan in regard to preventive services and foster care.

2. Child Protective Services

- a. The Tribe agrees to provide child protective services to Indians residing on the Saint Regis Mohawk Reservation in the State of New York in accordance with the Plan submitted by the Tribe, applicable State statutes including, but not limited to, Article 10 of the Family Court Act and sections 411-427 of the SSL; and OCFS regulations including, but not limited to 18 NYCRR Part 432.
- b. The Tribe agrees to comply with the case recording requirements of sections 409-e and 409-f of the SSL and OCFS regulation 18 NYCRR Part 428.

3. Adult Protective Services

The Tribe agrees to provide adult protective services to Indians residing in the State of New York on the Saint Regis Mohawk Reservation in accordance with the Plan submitted by the Tribe, applicable State statutes, including, but not limited to, sections 473 – 473-e of the SSL and OCFS regulations, including, but not limited to 18 NCYRR Part 457.

4. Reimbursement

- a. OCFS agrees to reimburse for reasonable and actual expenditures of the Tribe for the provisions of foster care, preventive services, adoption services, child protective services and adult protective services and the administration thereof, including but not limited to start-up costs, provided by the Tribe in conformance with the Plan and the State Tribal Agreement, as amended. Reimbursement for services and administration is subject to the terms and conditions relating to OCFS reimbursement of social services districts as set forth in sections 153 and 153-k of the SSL, applicable OCFS regulations, including 18 NCYRR Part 628, and the State Aid to Localities Budget. To the extent possible, the Tribe agrees to submit claims in such manner as to seek to maximize federal reimbursement.
- b. Claims for reimbursement shall be made on forms as required by OCFS.

- c. The Tribe agrees to retain financial records for at least six (6) years after the delivery of services by the Tribe.
- d. OCFS agrees to use its best efforts to seek and to make available to the Tribe all federal funds, or the benefits therefrom, made available to OCFS under the provisions set forth in Section 3 of the State Tribal Agreement, as amended, that are attributable to the Tribe and its members and further agrees to use its best efforts to assist the Tribe in identifying such funds.

5. Administration

- a. OCFS and the Tribe agree to maintain the confidentiality of information collected in the provision of child protective services and adult protective services in accordance with State statutory and OCFS regulatory standards including sections 422, 422-a, 424 and 473-e of the SSL, Article 27-f of the Public Health Law and OCFS regulations, 18 NYCRR Part 432 and 457.
- b. The Tribe agrees to comply with the standards relating to the retention of records for child protective services, preventive services, foster care and adoption services, as set forth in section 422 of the SSL and OCFS regulation, 18 NYCRR 428.15.
- c. The Tribe agrees to enter eligible children and families into CONNECTIONS, the Child Care Review System and the Welfare Management System, as required by sections 21, 442 and 446 of the SSL and OCFS regulation 18 NYCRR Part 466.
- d. The Tribe agrees to use the Adult Services Automation Program computer system for protective services for adults case management.

6. All other terms and conditions of the State Tribal Agreement entered into on August 23, 1993 not otherwise amended by this amendment shall remain in full force and effect, including, but not limited to, the applicability of the federal Indian Child Welfare Act of 1978.

7. This amendment shall take effect upon signature by the parties. The Tribe will commence receiving reports of suspected child abuse and maltreatment and referrals for adult protective services on a date or dates agreed to by OCFS and the Tribe.

IN WITNESS THEREOF, the Tribe and OCFS have signed this Amendment on the day and year opposite their respective signatures.

Margaret France

Sandra A. Hayes

John A. Johnson

4/18/05

DATE

4-15-05

DATE

4/22/05

DATE

DATE

Child Protective Services

Goal: The Saint Regis Mohawk Department of Social Services (SRMDSS) will provide child protective services to Native American families residing on the United States (New York State) portion of the Saint Regis Mohawk Reservation.

Objective 1: The SRMDSS will accept reports of suspected child abuse or maltreatment from the Statewide Central Register of Child Abuse and Maltreatment (SCR) twenty-four hours a day, seven days a week in compliance with the Social Service Law and OCFS Regulations.

Activities:

1. SRMDSS will employ two caseworkers who have participated in Core training and CPS Core training.
2. SRMDSS will train three non-CPS workers in on-call procedures.
3. SRMDSS will investigate and make a determination of indicated or unfounded within sixty days of the receipt of the SCR report.
4. SRMDSS will take appropriate action to protect children who are unsafe, that is at risk of immediate danger or serious harm including, when appropriate, taking a child into protective custody and placing the child with a certified foster home or with an approved relative foster home.
5. When a child is taken into protective custody, SRMDSS will pursue appropriate legal action, as required by Article 10 of the Family Court Act.

6. SRMDSS will take appropriate action to offer rehabilitative services to families when they are at medium to high risk of future abuse or maltreatment.
7. SRMDSS will provide or refer clients to appropriate available services.

Protective Services for Adults

Goal: The Saint Regis Mohawk Department of Social Services (SRMDSS) will provide protective services for adults to Native American individuals over the age of eighteen and their families who reside on the United States (New York State) portion of the Saint Regis Mohawk Reservation.

Activities:

1. SRMDSS will employ caseworkers who are experienced and who will be trained in protective services for adults.
2. SRMDSS will provide services in compliance with Section 473-473-e of the Social Services Law and with OCFS regulations 18 NYCRR Part 457.
3. SRMDSS will assist adults who request services and family members who ask for help with relatives.
4. SRMDSS will be prepared to seek guardianship or payee status for any adult who does not have a willing or appropriate family member to assume these responsibilities.
5. SRMDSS will provide homemaker and housekeeper services when needed.
6. SRMDSS will offer and refer to counseling any individual or family member in need.

Foster Care

Akwesasne Group Home

The Group Home provides residential foster care services for adjudicated adolescents in a twelve bed co-ed facility. The Group Home has adequate staff of workers, administrators, and support staff to address the safety and well being of residents. The Group Home program consists of a system of levels, based on which the resident can progress to graduation and a return to his or her home. Independent living services are also provided to meet the needs of residents who may not be able to safely return to their birth family.

Preventive Services for Children

Intensive Preventive Services

Intensive preventive services is a preventive service provided under the State Tribal Agreement. This service provides prevention of foster care placement of children at imminent risk by providing a strength based service that works with families on an as needed basis. Advocates for the child and family wrap their services around the family where they are and attempt to improve the home and the situation. Advocates work from 10 to 40 hours a week with mandated preventive clients and their families and provide activities, transportation, support in court or school meetings, after school homework assistance, and parenting classes and one on one parenting.