

TRIBAL Temporary Assistance for Needy Families

In 1996, Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) which replaced the Aid to Families with Dependent Children, commonly referred to as welfare, with the Temporary Assistance for Needy Families (TANF) program.

The purpose of TANF as defined in PRWORA is:

“...to increase the flexibility of States in operating a program designed to –

- 1) provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
- 2) end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;
- 3) prevent or reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and
- 4) encourage the formation and maintenance of two-parent families.”

Under Temporary Assistance for Needy Families (TANF), Indian Tribes have the option to operate their own TANF programs and serve Tribal members who would otherwise be served by the State in which they live. Section 412(a)(1) of the Social Security Act, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), authorizes the Tribal TANF program for Fiscal Years 1997 through 2002. By law, eligibility to administer Tribal TANF programs is limited to federally-recognized Tribes in the lower 48 States and 13 specified Tribal entities in Alaska (12 Alaska Native regional nonprofit associations and the Metlakatla Indian Community).

< Note: TANF is up for reauthorization during the current session of Congress.>

Each eligible Tribe that wants to administer its own TANF program must submit a Tribal TANF Family Assistance Plan (TFAP) to the Department of Health and Human Services (HHS) for review and approval. Although no specific format is required, a TFAP must contain elements specified in the law and regulations, such as how Tribes will promote work, stability and health of families, work activities and support services, time limited assistance, sanctions for non-compliance with work requirements, and personal responsibility.

Tribes administering their own TANF program have great flexibility in program design and implementation. They can define such elements of their programs as the service area, service population (e.g., all Indian families in the service area or only enrolled members of the Tribe), time limits, benefits and services, the definition of “family,” eligibility criteria, and work and work activities. Tribes have the ability to establish, through negotiation with HHS, program

work participation rates and work hours required of participants. Also, they can establish what benefits and services will be available and develop their own strategies for achieving program goals, including how to help recipients move off welfare and become self-sufficient.

An important factor in successful administration of Tribal programs has been communication, collaboration, and coordination with States and locally administered programs. In addition to their collaboration and coordination with States on TANF, Tribes can enter into partnerships with States and local governments to ensure that Tribal families continue to receive the support services necessary to become self-sufficient, such as food stamps and Medicaid. New relationships are being forged and existing ones are being strengthened. Research conducted by the Washington University School of Social Work and funded by HHS found that TANF has “strengthened coordination, communication, and collaboration at all levels – among tribal social service providers, between tribes and states, and tribes and the federal government ... around TANF implementation on reservations.”

There are currently **39 approved Tribal TANF plans/programs** (33 tribes, 3 Alaska Native regional nonprofit associations and 3 inter-tribal consortium) affecting **179 tribes and Alaska Native villages**.

In addition to serving their on or near reservation service populations, several of the California programs are also serving substantial non-reservation Indian populations in adjacent areas, i.e.: the Torres Martinez TANF Consortium is serving the non-reservation Indian population of Los Angeles County and certain towns in Riverside County; the Owens Valley Career Development Center Program is serving the non-reservation Indian population in Kern, Inyo and Tulare counties; and the Washoe Tribe is serving the non-reservation Indian population of Placer, El Dorado, and Sacramento counties.

Current Tribal TANF Plans:

II First approved Tribal TANF program started: **July 1, 1997** (Klamath Tribe – Oregon)

II The most recent approved program will start: **May 1, 2003** (Oneida Tribe of Wisconsin – Wisconsin)

II The current programs are serving approximately **28,663 families (assistance units)** with an estimated **100,000+** household members.

II Average annual caseloads being served by the programs range from **10** to **8,937** families (assistance units).

II The annual amounts of the Tribal Family Assistance Grants (TFAGs) range from **\$77,195** to **\$31,171,476**.

II The total annual federal funding for Tribal TANF programs is currently: **\$115,577,070**.

II The Tribal TANF programs are located in **15** states: Alaska, Arizona, California, Idaho, Minnesota, Montana, Nebraska, New Mexico, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. New and expanding plans could include programs in Nevada, Kansas, and North Dakota.

II Of the **15** states in which there are active programs, **13** are providing matching funds and **2** are not. The types and level of matching funds vary from state to state.

II In developing their TANF plans, tribes have the ability to design a program to fit the unique needs of the tribe, while taking into consideration such factor as economic conditions, geography, tribal infrastructure, social and cultural characteristics, and specialized service requirements. Included in these are the tribe's ability to establish:

- the service area
- the service population
- time limits (eligibility for benefits)
- work participation rates (percentage of the TANF population required to be engaged in work activities)
- work requirements (the number of hours per week that a participant must be engaged in an approved work activity)
- benefits (cash payments), including setting level and frequency
- services to be provided
- sanctions and penalties

and, to define such basic elements as:

- family
- eligibility criteria
- work and allowable work activities
- hardship exemptions

and, the ability to decide:

- by whom and how the program will be administered
- linkages between the TANF program and other tribal programs and operations
- the degree and nature of linkages and collaboration between the tribal TANF program and state, local, or other programs and services necessary to support the TANF caseload

II Tribes are generally using the same of the standard definitions of work as states and many are also including additional work activities suited to the cultural needs of their service population.

Examples of the types of activities that are being used are:

- Job search/job readiness training
- Job skills training
- OJT

- Sheltered/supported work
- Work experience or job sampling
- Subsidized public and private employment
- Unsubsidized public and private employment
- Community service
- Internships
- Vocational education (without time limit)
- Education directly related to employment
- Teen parents in school
- GED program participation
- Providing child care for TANF recipients
- Barrier removal, including counseling and/or chemical dependency treatment
- Traditional subsistence activities (e.g. hunting, fishing, gathering, trapping, etc.)
- Traditional work activities (e.g. pottery making, weaving, wood carving, jewelry making, farming, herding, etc.)
- Teaching cultural activities
- Work involved in or supporting traditional cultural activities
- Credit for reasonable transportation needs (time spent commuting to and from work or training)

II Work participation rates range vary with the plans:

- **Four** tribes adopted the same participation rates required of states in § 407(a) of the statute for their programs, i.e.:

25% in the first year increasing to 50% by year five for all families.

75% in the first year increasing to 90% in the third year and thereafter for two-parent families.

- **Thirty-five** tribes exercised their option to negotiate different rates and adopted rates tailored to their unique needs. These rates vary greatly, i.e.:

For single parent families they range from 15 to 25 % in the first year to 25 to 40 % in the third year and thereafter.

For two-parent family the rates range from 15 to 40 % in the first year to 40 to 65 % in the third year and thereafter.

Some of the tribes are utilizing a single participation rate for all families, regardless of whether there is one or two parents.

II Work requirements, the number of hours work per week, also vary from plan to plan:

- The same four tribes that adopted the §407(a) work participation rates also adopted the same minimum work requirements that §407(c) applies to the states, i.e.: **20** hrs/week in the first year increasing to **30** hrs/week in the fourth and subsequent years for all families.
- Thirty-five tribes administering TANF exercised their option to negotiate different rates adopted to their needs. The work requirements adopted by these tribes vary in ranges, from **15 to 20** hrs/week for single-parent families and **25 to 40** hrs/week for two-parent families, for the duration of the program.

Many tribes also allow for hours to be shared within two-parent families to insure that children are receiving adequate care and parental supervision.

II Support services also vary according to the Tribe's capabilities and the service population's needs. Typical support services being provided by programs are:

- Job placement services
- Job search assistance
- Job counseling
- Personal and family counseling, including: domestic violence prevention; child, elder, and spousal abuse; financial; health and hygiene
- Substance abuse counseling
- Substance abuse treatment
- Transportation
- Child Care
- Initial screening for qualification for other related programs and services, e.g. JTPA (WIA), WtW, NEW, Food Stamps, GA, TWEP, AVT, etc.
- Referrals to other tribal, state, and local support services and related employment and training programs
- Health services system referrals
- Housing referrals and assistance
- Clothing, tools, and equipment needed for training or to get or retain a job
- Books and supplies for job-related educational activities
- Educational counseling, services and programs, including Adult Basic Education and GED
- Traditional cultural support activities

II **37** of the approved plans have time limits of **60** months.

II **2** of the plans have lifetime limits of **24** months within an **84** month period, the same as the State of Oregon.

II **12** of the **39** tribes/programs are utilizing P.L. 102-477, which authorizes integration of various employment, training, and related services provided by Indian tribal governments, under a Bureau of Indian Affairs approved 477 plan, to integrate and consolidate their TANF programs (and where applicable Native Employment Works programs) with other related and

complementary support programs. This allows tribes to simplify their budgeting, operating, and reporting systems, while maximizing their resources and service delivery capabilities.

Currently approved Tribal TANF programs are:

<u>TRIBE or Organization</u>	<u>STATE</u>	<u>START DATE</u>
1. Klamath Tribe	Oregon	07-01-97
2. Forest County Potawatomi	Wisconsin	07-01-97
3. Confederated Tribes of Siletz Indians	Oregon	10-01-97
4. Red Cliff Band of Lake Superior Chippewa Indians	Wisconsin	10-01-97
5. Sokaogon Chippewa Community	Wisconsin	10-01-97
6. Stockbridge-Munsee Band of Mohican Indians	Wisconsin	10-01-97
7. Sisseton-Wahpeton Sioux Tribe	South Dakota	10-01-97
8. Pasqua Yaqui Tribe	Arizona	11-01-97
9. White Mountain Apache Tribe	Arizona	11-01-97
10. Southern California Tribal Chairmen's Association <Consortium of <u>18</u> tribes >	California	03-01-98
11. Osage Tribe	Oklahoma	05-04-98
12. Northern Arapaho Tribe of the Wind River Reservation	Wyoming	07-01-98
13. Port Gamble Indian Community	Washington	10-01-98
14. Lower Elwha Tribal Community	Washington	10-01-98
15. Tanana Chiefs Conference, Inc. < Consortium of <u>37</u> Native villages >	Alaska	10-01-98
16. Confederated Salish & Kootenai Tribes	Montana	01-01-99
17. Mille Lacs Band of Ojibwe	Minnesota	01-01-99
18. Nez Perce Tribe	Idaho	01-01-99

19. Salt River Pima-Maricopa Indian Community	Arizona	06-01-99
20. Shoshone-Bannock Tribes of Fort Hall	Idaho	07-01-99
21. Lac Du Flambeau Band of Lake Superior Chippewa	Wisconsin	01/01/00
22. Central Council of Tlingit and Haida Indian Tribes of Alaska < Consortium of <u>20</u> Native villages >	Alaska	07/01/00
23. Coeur d' Alene Tribe	Idaho	07/07/00
24. Eastern Shoshone Tribe of the Wind River Reservation	Wyoming	09/01/00
25. Fort Belknap Community Council	Montana	10/01/00
26. Association of Village Council Presidents, Inc. < Consortium of <u>56</u> Native villages >	Alaska	10/01/00
27. Navajo Nation	Arizona, New Mexico, and Utah	10/01/00
28. Hopi Tribe	Arizona	04/01/01
29. Pueblo of Zuni	New Mexico	04/01/01
30. Winnebago Tribe of Nebraska	Nebraska	04/01/01
31. Quinault Indian Nation	Washington	04/01/01
32. Quileute Tribe	Washington	05/01/01
33. Torres Martinez Tribal TANF Program < consortium of 8 Tribes in Riverside County, serving Riverside and Los Angeles counties)	California	05/01/01
34. Owens Valley Career Development Center Program < consortium of 3 Tribes in Inyo County, serving Inyo and Kern counties and the Tule River Reservation and Tulare County>	California	06/01/01
35. Confederated Tribes of the Colville Reservation	Washington	11/01/01

36. Bad River Band of Lake Superior Tribe of Chippewa Indians	Wisconsin	01/01/02
37. Washoe Tribe of Nevada and California < 2 Tribes and Placer, El Dorado, and Sacramento counties>	California	01/01/03
38. Spokane Tribe of Indians	Washington	03/01/03
39. Oneida Tribe of Wisconsin	Wisconsin	05/01/03

In addition to the programs already approved, as of the date of this document, to our knowledge, there are;

- **9** plans in review and negotiation process (pending approval in CY 2003)
- **8** plans pending submission
- **18** Tribes and consortia currently working through internal planning and deliberation processes considering the option to administer TANF
- **21** additional Tribes that have requested and received planning and information packages

It is important to note that Indian families not served by Tribal TANF programs continue to be served by State TANF programs. About **34,000** American Indian families were served by State governments in Fiscal Year (FY) 2000, down from **40,000** in FY 1999.

General Notes:

Tribes are generally being quite creative in designing their programs to fit their individual tribal structures, and responding to their communities’ unique social and cultural characteristics, as well as their diverse geographic and economic situations. They are taking advantage of their ability to establish their own basic definitions, such as; definition of family, eligibility criteria, work requirements, and even their own definition of work. And, they are using these to design programs that address the needs of their tribal members while furthering the intent of TANF.

The creation of Tribal TANF has also had a dramatic effect on tribal governments, infrastructure, and services. The planning, development, implementation, and operation of the TANF programs is causing tribes to re-examine, re-evaluate, and in many cases to restructure their social services delivery systems. In some cases, it is causing changes in the whole tribal administrative structure and operations.

The implementation of Tribal TANF and the need for comprehensive support services to make it work are also causing the changes in and/or improvement of working relationships with local and state government agencies. And, in some instances where working relationships have not previously existed or where they have been less than optimum, the implementation of TANF has become a prompted exploration and creation of new state, tribal, and local working relationships.

Whether the changes Tribal TANF is causing are internal, external, or both, it is becoming a real catalyst for the development and/or improvement of communication, collaboration, and cooperation.

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FILE NAME: TRIBAL TANF Briefing (f) – 040103.doc