Waganakising Odawak

Little Traverse Bay Bands of Odawa Indians

Office of Tribal Chairman

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REGULATIONS FOR ISSUING AND MONITORING CHILD FOSTER CARE FACILITY LICENSES REG-WOS 2009-013 071709-003

I. **Introduction.** Pursuant to the enactment WOS 2009-013, Section V (A,B) the Little Traverse Bay Bands of Odawa Indians Child Welfare Commission is delegated to develop regulations for the licensing and monitoring of child foster care facilities which shall include at a minimum the monitoring of home safety standards and the qualifications for license holders.

II. **Definitions:**

A. **Applicant:** means the person(s) or facility requesting consideration for a child foster care license.

B. **BIA:** means Bureau of Indian Affairs.

C. **Central Registry Clearance:** means a clearance administered by the Michigan Department of Human Services by making a request on standard form DHS-194.

D. **Child Foster Care License:** means a license issued by the CWC authorizing the Licensee to provide foster care services.

E. **Criminal Background Check:** means a criminal background check administered by the LTBB Social Services Program.

F. **CWC:** means the Little Traverse Bay Bands of Odawa Indians Child Welfare Commission.

G. **DHS:** means Michigan Department of Human Services.

H. **Foster Home Reference:** means a questionnaire form that individuals who want a license fill out and submit to the LTBB Social Services Program.

I. **Home Assessment:** means a two (2) part check of the household measures related to such items as electric, fire, securities, plumbing, maintenance, lights and ventilation, etc.

J. **Home Study:** means a general or relative placement interview process related to the home and the person(s) residing in the home.

K. **Licensee:** means a person(s) or facility that has been issued a license by the LTBB Child Welfare Commission.

L. **LTBB:** means the Little Traverse Bay Bands of Odawa Indians.

M. **Medical Background:** means to show proof that the licensee is physically able to care for the children.

III. Criteria for Foster Home Licensing.

A. When considering an application for licensure, the LTBB Social Services Program and CWC will use the following criteria:

1. The BIA Standards in 25 CFR 63, Minimum Standards of Character;

2. PL 101-630, Criminal Investigations; and

3. The LTBB Foster Care Licensing Criteria, which includes the following:

a. The LTBB Good Moral Character Handbook;

b. A LTBB Home Study;

c. A LTBB Home Assessment;

d. A Foster Home Reference; and

e. A Medical Background.

B. The LTBB Social Services Program requires the applicant to submit a Preliminary Applicant Information Form, undergo a Criminal Background Check, and a Request for Central Registry Clearance. Once these preliminary steps have been successfully completed, the LTBB Social Services Program conducts the final LTBB Foster Care Licensing Criteria studies, assessments, and reports which, once completed in their entirety, are sent to the CWC for licensure consideration in the form of a file referred to as the applicant's file.

IV. Waiver Process.

Where an offense or offenses are identified in Section III (A) of these regulations, or other licensing criteria and license issuance is still recommended, the recommendation shall be reviewed by the CWC (the licensing

body) with recommendations from staff, such as the Social Services Program representative(s) and legal representative(s) for a final determination as to the issuance of a foster child care license.

V. **Submission for CWC Approval.** Upon completion of the criteria required to obtain a child foster care facility license, the LTBB Social Services Program shall forward the applicant's file to the CWC for approval of the license.

VI. **Approval of License.** When the license is approved, a copy of the CWC recommendation approving the license shall be sent to the LTBB Social Services Program. A tribal child foster care facility license shall then be prepared by the LTBB Social Services Program and signed by the CWC Chairperson or designee, and the license is issued and sent to the Licensee. Copies of all licenses are retained by the CWC and the LTBB Social Services Program.

VII. **Written Notice.** The Social Services Program shall provide the license applicant with a written response, as soon as practicable after the review, indicating the determination of CWC (the licensing body). The license applicant has the option to request a meeting with the CWC to discuss the written notice.

VIII. **Denial of License Renewal.** The Child Welfare Commission shall not deny the license renewal of a current licensee based upon convictions which have been reviewed when the license was issued. However, if new findings or new convictions are discovered or disclosed, the licensing body will consider previously reviewed convictions when deciding to approve or deny the license of a current licensee.

IX. **Monitoring.** The LTBB Social Services Program staff monitors Licensees on a continual basis and is responsible for monitoring and assessing complaints related to child foster care Licensees. All licenses are reviewed at a minimum of one (1) time annually. Criminal Background Investigations are conducted at a minimum of every five (5) years. If new convictions are discovered the LTBB Social Services Program shall initiate action by filing a report with the CWC. Upon review of the report the CWC may take immediate action to revoke, may decide that it will not support a revocation, or may have a meeting with the Licensee in question if the CWC feels that a meeting is necessary to make a determination. The Licensee in question has the option to request a meeting with the CWC to protest a revocation. In all cases, the continued welfare and safety of tribal children will be the primary criteria considered in any revocation or reinstatement decision.

CERTIFICATION

As Chairperson, I approve these Regulations for Issuing and Monitoring Child Foster Care Facility Licenses. These regulations replace the previous regulations submitted on July 10, 2009, REG-WOS 2009-013 071009-002.

Date: 7-17-09 _____

Frank Ettawageshik, Tribal Chairperson

Received by the Tribal Council Office on: 7.17.09 by: _____

As the Legislative Leader and Tribal Council Secretary, we certify that these Regulations for Issuing and Monitoring Child Foster Care Facility Licenses were approved by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on, July 26, 2009 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, and 1 absent.

Date: 7/26/09 _____

Beatrice Law, Legislative Leader

Date: 7-26-09 _____

Regina Gasco Bentley, Secretary