



DEPARTMENT OF ECONOMIC SECURITY

*Your Partner For A Stronger Arizona*

Janice K. Brewer  
Governor

Neal Young  
Director

JUN 23 2010

The Honorable Janice K. Brewer  
Governor of Arizona  
1700 West Washington  
Phoenix, Arizona 85007

Dear Governor Brewer:

I am pleased to provide you with the Department of Economic Security's (DES) Tribal Consultation Report for State Fiscal Year 2010. This report is submitted pursuant to Executive Order 2006-14, which requires all Executive Branch agencies to produce an annual report of all action undertaken as a result of the implementation of its tribal consultation policy. The report is submitted to the Governor and Legislature, and a copy is provided to the Arizona Commission of Indian Affairs.

If you have any questions, please contact me at (602) 542-5757.

Sincerely,

Neal Young  
Director

Enclosure

cc: President Robert L. Burns, Arizona State Senate  
Speaker Kirk D. Adams, Arizona State House of Representatives  
Members of the Joint Legislative Audit Committee  
Kristine M. Thomas, Executive Director, Arizona Commission of Indian Affairs  
GladysAnn Wells, Director, Arizona State Library, Archives, and Public Records

# Arizona Department of Economic Security

## Tribal Consultation Report

July 1, 2009 – June 30, 2010

### Introduction

The vision of the Arizona Department of Economic Security (DES) is for every child, adult and family in the State of Arizona to be safe and economically secure. The mission of the Department is to promote the safety, well-being and self-sufficiency of children, adults and families.

A The Department continues a strong commitment to working with all of Arizona's 22 tribes. Pursuant to Arizona Executive Order 2006-14, the DES Tribal Consultation Policy demonstrates a fundamental respect for tribal sovereignty and self-determination. DES commits to working in consultation with Native American Tribes to improve the quality, availability and accessibility of human services to children, youth, adults and elders.

This report provides an overview of the tribal consultations (both formal and informal) conducted over the past state fiscal year to achieve these goals. This is a process which jointly involves Tribal and Department leadership and staff.

### Division of Children, Youth and Families (DCYF)

The Division of Children, Youth and Families (DCYF) has developed working relationships with the tribes to promote safety and well-being for tribal children and families. It is this consistent effort of tribal consultation that has resulted in Intergovernmental Agreements (IGAs) with the following Indian tribes:

- |   |   |
|---|---|
| • Navajo Nation                             | Title IV-E Reimbursement  |
| • Navajo Nation                             | Comprehensive Service Development                                       |
| • Navajo Nation                             | Arizona Long Term Care System   |
| • Hopi Tribe                                | Title IV-E Reimbursement  |
| • Salt River Pima Maricopa Indian Community | Family Support, Preservation and Reunification Services (two contracts) |
| • San Carlos Apache                         | Family Support, Preservation and Reunification Services                 |
| • San Carlos Apache                         | Specialized Substance Abuse Treatment                                   |
| • Pascua Yaqui                              | Family Support, Preservation and Reunification Services                 |
| • Pascua Yaqui                              | Specialized Substance Abuse Treatment                                   |

- White Mountain Apache Tribe                      Family Support, Preservation and Reunification Services
- White Mountain Apache Tribe                      Specialized Substance Abuse Treatment
- Hualapai    Family Support, Preservation and Reunification Services
- Quechan    Family Support, Preservation and Reunification Services
- Colorado River Indian Tribe -                      Family Support, Preservation and Reunification Services
- Fort Mojave Indian Tribe                              Substance Abuse Treatment
- Pascua Yaqui Indian Tribe                              Healthy Families
- Inter-Tribal Council of Arizona                      Consultation

DES receives federal funding for foster care children under Title IV-E of the Social Security Act. Native American Tribes in turn may enter into IGAs with DES and be reimbursed for the care of tribal foster care children in tribal custody. Family Support, Preservation and Reunification services are very important to the tribes' focus to keep tribal children within their own families instead of placing them with non-tribal families. This program facilitates meetings with families and emphasizes the preservation of family units to care for their children.

**Indian Child Welfare Act (ICWA)**

As required by the Indian Child Welfare Act (ICWA) and under the umbrella of the DES Division of Children, Youth and Families (DCYF), a tribal liaison is designated to collaborate and coordinate complex ICWA/Child Protective Services (CPS) cases. The DCYF Indian Child Welfare Act Child Welfare Specialist continues to meet regularly with tribal ICWA representatives and state representatives to address common concerns, monitor ICWA implementation and compliance measures outlined in the State Child and Family Services Plan, and consult regarding the implementation of ICWA, including consultation regarding Title IV-E of the Social Security Act. To ensure compliance, the ICWA Child Welfare Specialist provides technical assistance, case consultation, training of state and tribal child welfare staff and qualified expert witness testimony in state courts.

Some current work in tribal consultation in the area of child welfare includes:

- The Navajo Nation has been diligent in keeping its Agreement current with recent changes in federal and state laws and policies. A third revision has been initiated.
- The DCYF continues to provide opportunities for tribes to participate in and collaborate on important program activities, such as policy development and agency evaluation. For example, three tribal affiliates participated in the revision of the Department's concurrent case planning policy. In March 2009, the final concurrent case planning policy and procedures was presented to the Navajo Nation Division of Social Services. In April 2009, the same policy was presented to the Inter-Tribal Council of Arizona (ITCA), Tribal Social Services Directors' work group for their information and awareness.

- During SFY 2009, the DCYF Indian Child Welfare Specialist participated in the Urban Indian Child Welfare Coalition. The Coalition initiated and completed a community assessment of the urban Indian population to identify service gaps affecting Indian children and their families. The Coalition is sponsored by the Casey Family Program and the Phoenix Indian Center. The Phoenix Indian Center intends to use data to develop strategies to assist the Department to recruit Native American foster/adoptive families in the urban area.

The DCYF Indian Child Welfare Act Specialist is constantly engaged in meeting with tribes and training about the intent and regulations of the ICWA. This applies to organizations and other entities such as law enforcement agencies and court systems who desire to become more knowledgeable about ICWA. Although there are only a few tribes currently pursuing IGAs, other tribes are also being served through the diverse training and technical assistance offered by the Indian Child Welfare Specialist. An example is the meeting with Tribal Social Services Directors to discuss concerns related to Native American children in tribal foster homes. In addition, the Inter-Tribal Council of Arizona (ITCA), which consists of all the tribes in the state with the exception of the Navajo Nation, is a partner with DES in pursuing and fulfilling obligations necessary for the Indian Child Welfare Act (ICWA). The Indian Child Welfare Specialist also attends DES Native American Advisory Board meetings should any issues related to ICWA need to be discussed.

### **Temporary Assistance for Needy Families (TANF)**

DES has Intergovernmental Agreements (IGAs) with six tribes to provide technical assistance and services for their respective Temporary Assistance for Needy Families (TANF) programs. The six tribes include: Pascua Yaqui, Salt River Pima-Maricopa Indian Community, White Mountain Apache, Navajo Nation, Hopi and San Carlos Apache. Each tribe has its own TANF plan approved by the federal government. Each of the Tribal TANF program plans were developed by the respective tribe, with flexibility to implement strategies for promoting culturally appropriate work and self-sufficiency. It further provides for tribal responsibility for program results and outcomes.

DES works closely with each Tribal TANF program to provide technical assistance and coordination of Tribal TANF Program operations DES interactions. DES also assists tribes with completion of federal TANF reports when requested. DES makes available a Tribal TANF Coordination team to each tribe. This team is composed of the DES Native American Tribal Liaison, policy analysts, data systems personnel, financial analysts, strategic/budget analysts and computer programmers from the DES Division of Benefits and Medical Eligibility (DBME), Family Assistance Administration (FAA), the Division of Employment and Rehabilitation Services (DERS), Employment Administration (EA) and Child Care Administration (CAA). This team is available to the Tribal TANF programs and is represented at the meetings on a quarterly basis and also available to the TANF tribes between the quarterly meetings to focus on issues specific to them. Some of the issues worked collaboratively with the following tribes include:

**Pascua Yaqui Tribe:**

- Intergovernmental Agreement for the Social Services Block Grant with the Division of Aging and Adult Services (DAAS).
- Data sharing agreement regarding access to Social Security information for their customers.
- Programmatic issues such as connectivity, pre-compliance, facilities, lifetime benefit limits, TANF application and approval process.
- Revising policy and procedure for the referral process to the Pascua Yaqui Jobs Program.
- Enhancing the communication system between the tribe and DES.

**White Mountain Apache Tribe:**

- Programmatic issues relating to facilities, personnel, connectivity and policies and procedures.
- Intergovernmental Agreement for the Employment Administration (EA) regarding the use of the Jobs Automated System (JAS) for the processing of data pertaining to the work participation rate.
- Provided technical assistance with the development of the renewal Tribal TANF Plan.
- Work participation rate.
- Billing issues. Data sharing agreement.
- Educational concerns related to their TANF Plan.
- Internal programmatic issues.

**Salt River Pima-Maricopa Indian Community:**

- Data sharing agreement regarding their access to information on customers.
- Revision of their TANF Plan.

**Navajo Nation Self-Reliance Program:**

- Intergovernmental Agreements and contract amendments.
- Policies and procedures.

**Hopi Tribe:**

- Policies and procedures.
- Intergovernmental Agreements.
- Data sharing agreement.
- Jobs program policies and procedures.
- Intergovernmental Agreement for the Employment Administration (EA) regarding the use of the Jobs Automated System (JAS) for the processing of data pertaining to the work participation rate. Data security system.
- Internal programmatic issues.

**San Carlos Apache Tribe:**

- Intergovernmental Agreement and contract amendments.
- Data sharing agreement.
- FAA and Jobs policies and procedures.
- Data security system.
- Internal programmatic issues.

## Division of Aging and Adult Services (DAAS)

The Division of Aging and Adult Services (DAAS) provides an array of services to tribal elders who reside on reservations. To achieve this level of tribal consultation there were numerous meetings held regarding policies and procedures, Intergovernmental Agreements (IGAs), contract amendments and relevant issues.

DAAS currently has IGAs with the following tribes:

1. Ak Chin Community
2. Cocopah Tribe
3. Colorado River Indian Tribe
4. Fort McDowell Yavapai Nation
5. Fort Mojave Tribe
6. Gila River Indian Community
7. Havasupai Tribe
8. Hopi Tribe
9. Hualapai Tribe
10. Kaibab-Paiute Tribe
11. Navajo Nation
12. Pascua Yaqui Tribe
13. Quechan Tribe
14. Salt River-Maricopa Indian Community
15. San Carlos Apache
16. Tohono O'odham Nation
17. Tonto Apache Tribe
18. White Mountain Apache Tribe
19. Yavapai Apache Nation
20. Yavapai Prescott Indian Tribe

DAAS is providing services in the following areas to the tribes:

**Independent Living Support Services**, a comprehensive case managed system of care that offers an array of services designed to assist aging and vulnerable individuals to live independently in their own home and community with the appropriate level of support.

Independent Living Support Services include:

	Ak-Chin	Cocopah	Colorado	Ft. McDowell	Ft. Mohave	Gila River	Havasupai	Hualapai	Hopi	Kaibab-Paiute	Navajo	Pascua Yaqui	Ft. Yuma	Salt River	San Carols	San Juan	Tohono O'odham	Tonto Apache	White Mountain	Yavapai Apache
Advocacy																			X	
Caregiver Training											X									
Case Management								X		X	X	X								
Congregate Meals Transportation				X	X	X	X	X			X			X	X					X

Counseling		X																
Elder Abuse Prevention									X									
Health Promotion									X									
Home Delivered Meals			X		X		X		X			X	X			X	X	X
Housekeeping			X				X		X								X	
Information & Referral									X									
Nutrition Education Home Repair									X									
Respite Care									X									
Transportation	X			X				X	X				X					

**State Health Insurance Assistance Program (SHIP)**

- This program includes the health benefits counseling service that assists Arizona’s Medicare beneficiaries, their families, caregivers and professionals in understanding and accessing the health care benefits they are entitled to. The mission of the program is to educate, advocate, counsel and empower people to make informed benefit decisions.
- Senior Medicare Patrol (SMP) is designed to involve retired professionals as volunteers in the education of their peers in safeguarding the Medicare and Medicaid programs.

**Family Caregiver Support Program** provides the following supportive services to family caregivers:

- Assistance in accessing services.
- Peer/support groups.
- Supplemental services.

**Adult Protective Services (APS)**

- This program provides technical assistance and offers training when requested to the Tohono O’odham Nation in the area of protective services for vulnerable adults.

DAAS is the point of contact for appropriations made by the Arizona State Legislature regarding capital projects on Native American reservations.

**Division of Employment and Rehabilitation Services (DERS)**

**Rehabilitation Services Administration (RSA)**

RSA has cooperative agreements with five American Indian Vocational Rehabilitation (VR) programs in Arizona to provide vocational services to tribal members living outside or near the Nation to provide employment-related services: the Tohono O’odham, Fort Mojave, Hopi Tribe, Navajo Nation and White Mountain Apache Tribe. Counselors have been assigned to visit Tribal vocational rehabilitation “121 Programs” and coordinate services, especially to those who are undertaking training or employment. DES continues to partner with the tribes to share vocational rehabilitation costs to increase self sufficiency through work.

1. District III and Central Office staff attended the annual Hopi Disability Day Celebration last summer.

2. District III vocational rehabilitation/independent living has joint cases with White Mountain Apache, Navajo and Hopi tribes.
3. Each of the tribes is regularly invited to RSA trainings and attends regularly.
4. Tribal VR staff attend RSA Comprehensive Orientation Rehabilitation Education (CORE) trainings.
5. District III RSA staff regularly attend joint retreats and planning sessions with White Mountain Apache VR.
6. District III has 40 joint youth transition students with Navajo VR.
7. Northern Arizona RSA and Northern Arizona Regional Behavioral Health Authority (NARBHA) have a major goal in their annual plan to increase penetration to Hopi seriously mentally ill (SMI) clients.
8. A staff member of the Hopi VR program presented at the last District III staff appreciation day.
9. Paula Sienez, Navajo Nation Office of Special Education and Rehabilitative Services (NOSERS) is a past chair of the State Rehabilitation Council (SRC).
10. Training was conducted last summer by Ed House, Manager of RSA's Services for the Blind and Visually Impaired (SBVI) to Navajo VR regarding statewide blindness program.
11. District III is in the planning stages of a pilot project that would increase services to blind/visually impaired clients in the rural reservation lands (Hadley school paraprofessional program). The idea is to employ Native Americans in the new positions created.
12. Students from all three Northern Arizona tribes (White Mountain Apache Tribe, Navajo and Hopi) attended the blind/visually impaired summer school programs last summer and this summer; this was funded by RSA.
13. Former Deputy Administrator, District Program Manager Phil Clayton and Jeannie Grigg from the Traumatic Brain Injury Council, attended the annual Consortium of Administrators for Native American Rehabilitation (CANAR) conference last November.

### **Employment Administration (EA)**

The Employment Administration (EA) is an employment and training program designed to assist public assistance recipients. The EA provides services to qualified recipients of Temporary Assistance for Needy Families (TANF) Cash Assistance and the Supplemental Nutrition Assistance Program. The EA will assist participants in moving from public assistance to employment through supportive services identified by the tribes.

Presently, the following tribes have IGAs:

- Hopi – Current IGA is for the operation of the Jobs Program. This tribe uses the Department's Jobs Automated System (JAS) in the operation of their Jobs Program. The tribe receives TANF funds directly from the Department of Health and Human Services (DHHS).



- San Carlos Apache – The tribe has an IGA that allows the San Carlos Apache Tribe to use the JAS for Electronic Benefit Transfer (EBT) payments for Tribal Related Expenses (TRE) and Fair Labor Standards Act (FLSA) payments.
- White Mountain Apache Tribe – The tribe has an IGA that allows the White Mountain Apache Tribe to use the JAS for Electronic Benefit Transfer (EBT) payments for Tribal Related Expenses (TRE).

**Workforce Investment Act (WIA)**

The federal Workforce Investment Act (WIA) through DES’s Employment Administration (EA), currently has IGAs with 13 tribes. WIA is primarily designed to serve disadvantaged adults and youth. Priorities for services are veterans, recipients of cash assistance or Jobs services, the homeless, disabled, high school dropouts and the basic skills deficient. The following tribes have IGAs with EA:

• Cocopah	• Quechan
• Colorado River	• Salt River Pima-Maricopa Indian Community
• Ft. Mojave	• San Carlos Apache
• Gila River	• Tohono O’odham Nation
• Hopi	• White Mountain Apache
• Hualapai	• Yavapai Apache
• Pascua Yaqui	

Inter-governmental agreements (IGAs) have been completed with the 13 tribes under the Nineteen Tribal Nations Workforce Investment Board (NTNWIB).

Besides the regular technical assistance, the WIA Section provides to the various tribes, a meeting was held January 5, 2010 with NTNWIB representatives to discuss their proposed WIA Title IB corrective action plan as directed by the Governor’s Council on Workforce Policy. Subsequent discussions have been taking place in regards to the NTNWIB failed performance.

**Child Care Administration (CCA)**

The Child Care Administration has continued its work with the Navajo Nation by providing technical assistance with coordination and cross training for child care services. This resulted in the release of information from the DES Child Care Administration to the Navajo Nation to enable the tribe to learn which members qualify for services from the tribe and DES.

Through a contract with the Inter-Tribal Council of Arizona (ITCA), the Child Care Administration participates in the Tribal Early Childhood Working Group that has been established and is facilitated by the ITCA. This group’s membership includes representatives from Indian Nations/reservations in Arizona, who are directly involved in the administration and development of early childhood development and child care programs. The group has adopted a set of guidelines identifying the improvement of coordination and quality child care as two of its

goals. CCA uses this forum to communicate with tribal child care and CCDF grantees to discuss issues and needs and to provide technical assistance as requested.

CCA has held an IGA with the Tohono O’odham Nation for Child Care Services since July 1995. This IGA provides support for the operation of two child care centers on the Tohono O’odham reservation. These two centers serve approximately 80 children annually. An IGA for the period of July 1, 2008 through June 30, 2013 is currently in place.

### **Arizona Early Intervention Program (AzEIP)**

The Arizona Early Intervention Program is the statewide system of services and supports for families of infants and toddlers, birth to three years of age, with disabilities or developmental delays. The purpose of early intervention is to enable families help their children develop to their full potential. Early intervention services are provided through the Department of Economic Security’s Arizona Early Intervention Program (DES/AzEIP) and the Division of Developmental Disabilities (DES/DDD), and the Arizona State Schools for the Deaf and the Blind (ASDB). DES/AzEIP provides services through contracts, some of which are with Tribal Nations. DES/AzEIP maintains an IGA with the Navajo Nation for the provision of early intervention services.

When the tribe does not have a direct role in providing the services through contract or subcontract, the DES/AzEIP contractor establishes partnerships with tribal early childhood programs, such as Head Start, local schools and local health and human service organizations to ensure that communities know how to make referrals. Examples include strong relationships built between local DES/AzEIP contractors and the Hopi Tribe, Tohono O’odham Nation, the San Carlos Apache Tribe and the Havasupai Tribe.

### **Division of Developmental Disabilities (DDD)**

The Division of Developmental Disabilities provides services and support to eligible individuals of all ages with documented disabilities of autism, cerebral palsy, epilepsy, cognitive disability and children under the age of six with a developmental delay. As an AHCCCS program contractor for the Arizona Long Term Care System (ALTCS), the Division provides Medicaid funded home and community-based services to individuals eligible for ALTCS including tribal members throughout the state. Native Americans enrolled with the Division through the ALTCS program have a choice of a Division contracted acute care health plan(s) or the Indian Health Services (IHS). Those individuals who choose Indian Health Services receive the majority of their medical care through IHS with the Division responsible for any medical services provided outside an IHS facility.

The DDD maintains an IGA with the Navajo Nation through which the Navajo Nation provides case management services for up to 255 tribal members eligible for ALTCS. Eligible individuals and families who live on the Navajo Nation can select contracted case managers to develop support plans for the provision of home and community-based services and provide ongoing

support coordination. The DDD delivers those services and supports through a network of contracted providers on the Navajo Nation. This past year, the Division and Navajo Nation Social Services staff met to discuss and consider updates to the IGA. Further consultation will need to occur prior to changes or updates to the current IGA.

## **Division of Child Support Enforcement (DCSE)**

The Division of Child Support Enforcement is a federal/state/local entity that collects financial support from parents who are legally obligated to pay child support. DCSE locates absent parents, establishes paternity, enforces orders and collects child support payments. Due to jurisdictional issues, the DCSE is limited in providing child support enforcement services on tribal reservations. As a result, the Office of the Attorney General (AG) works closely with DCSE in providing legal counsel and guidance when jurisdictional issues arise. The AG and DCSE staff approach each tribe individually, seeking a means to have matters heard in tribal court.

Currently, the DCSE is involved with the Navajo Nation through an Intergovernmental Agreement and with other tribes as either child support enforcement business practices dictate or a tribe seeks specific information from DCSE. The DCSE Hospital Voluntary Paternity Program is involved with the hospitals located on all reservations.

### **Navajo Nation**

The Navajo Nation Division of Child Support Enforcement is responsible for administering their own tribal IV-D child support program. The DES/DCSE has an Intergovernmental Agreement with the Navajo Nation Division of Child Support Enforcement which enables the Navajo Nation to utilize the DCSE Automated Tracking Location System (ATLAS) for tribal case management activities.

DCSE staff continuously provides support services to the Navajo Nation staff. Services include:

- General ATLAS Help Desk contact: system related calls, updates, program code change requests, etc.
- Training and providing current copies of all training curriculum and DCSE's Policies and Procedures Manual.
- Security by assisting with setting up system access, password resets and printer and server remote access.
- Distribution of routine production reports.
- Assisting with office moves (generating notices, setting up access, etc.).
- Ensuring Navajo Nation staff complete their Annual Security Awareness training so that they can maintain their system access.

During this report period, DCSE was invited by the Navajo Nation to assist at their annual training session held in Albuquerque, New Mexico. Two DCSE staff attended and presented on selected topics identified by the Navajo Nation child support department. Arizona DCSE staff also promoted Child Support Awareness month and shared promotional materials with all attendees.

### **Fort Mohave Tribe**

DCSE and AG staff met with representatives of the Fort Mohave tribe to discuss the benefits of recognizing DCSE's administrative income withholding orders; specifically those issued to Spirit Mountain Casino located outside of Bullhead City, Arizona. Further discussion with their Council regarding full reciprocity with non-tribal orders by tribal representatives is underway.

### **San Carlos Apache Tribe**

The San Carlos Apache Tribe continues to work with DCSE in the establishment of paternity and contacting DCSE, as needed, for technical assistance.

### **Yavapai-Apache Nation (YAN)**

DCSE staff works with the YAN Enrollment Department to verify the establishment of paternity for children who are being considered for tribal enrollment. In March 2010, DCSE staff met with YAN Enrollment Department staff to form a DCSE/YAN Voluntary Paternity partnership. YAN Enrollment staff will participate by promoting the Voluntary Paternity Program to YAN enrollment applicants when paternity has not been established for their child.

### **DCSE Hospital Voluntary Paternity Program**

The DCSE Hospital Voluntary Paternity (HPP) program staff provides daily technical (phone) assistance to all birth recorders statewide. They also provide on-site assistance as needed. Hospital staff from several reservations attended various Voluntary Paternity Workshops offered by HPP.

### **Outreach Efforts to Native American Organizations**

In addition to approaching tribes, DCSE continuously seeks other avenues of education on the importance of paternity and child support enforcement. Examples include:

- Outreach materials have been provided to Native American Fatherhood & Families Association (NAFFA) at their request.
- Outreach materials have been provided to the Phoenix Indian Hospital at their request. DCSE has also participated in one of their health fairs.
- DCSE staffed an information table at the Indian Child & Family Conference sponsored by the Inter-Tribal Council of Arizona (ITCA).

## **Conclusion**

The Department of Economic Security works daily to provide the human service needs of vulnerable Arizonans, regardless of where they reside within the state. The Department values the relationships with Arizona's Indian Nations and trusts that future interactions will occur in the spirit of true partnership.

If you have any questions related to the information provided in this document should be addressed to Judith Fritsch, DES Interim Tribal Liaison at (602) 542-0283 or via e-mail at [jfritsch@azdes.gov](mailto:jfritsch@azdes.gov).



Read this report on  
DES Web Site - [www.Azdes.gov](http://www.Azdes.gov)  
or call 602-542-3882 for more information

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