



CDSS

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ARNOLD SCHWARZENEGGER  
GOVERNOR

December 26, 2008

TO: ALL TRIBAL TANF ADMINISTRATORS

SUBJECT: TRIBAL TANF ADMINISTRATORS PRIMER

The attached Tribal Temporary Assistance for Needy Families (TANF) Administrators primer is our first collective effort to compile some of the information needed to organize, implement and maintain a Tribal TANF program. The primer is not intended to be all inclusive and we will soon be adding sections on Child Support, the Medi-Cal Eligibility Determination System (MEDS) and the Welfare Data Tracking Implementation Project / Tracking Recipients Across California (WDTIP / TRAC) System.

Mr. Hal Freeman of California Department of Social Services (CDSS) Tribal TANF Unit gathered the information for this significant undertaking. This primer would not have been possible without the input and efforts of every Tribal TANF program and their respective staffs, and the review and comments of innumerable CDSS professionals, all of whom who gave generously of their time to improve this primer.

The CDSS has already received several positive comments about the first draft of the primer from the newer Tribal TANF programs and it is CDSS' hope that further additions and changes will make the primer an ever more useful tool for all of its users.

If you have any questions or comments regarding this primer, please contact Hal Freeman at [Hal.Freeman@dss.ca.gov](mailto:Hal.Freeman@dss.ca.gov).

Sincerely,

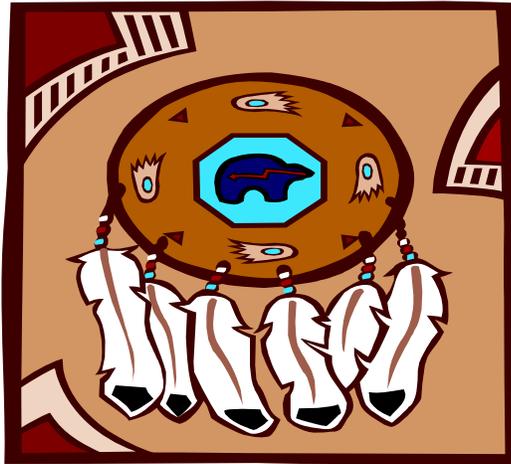
CHARR LEE METSKER  
Deputy Director  
Welfare to Work Division

Attachment

A COLLABORATIVE EFFORT OF:  
CALIFORNIA TRIBAL TANF PROGRAMS AND CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

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# A PRIMER FOR NEW TRIBAL TANF ADMINISTRATORS



DECEMBER 2008

<http://tribaltanf.dss.ca.gov>

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## FOREWORD

The California Department of Social Services (CDSS) is pleased to partner with California Tribal Temporary Assistance for Needy Families (TANF) programs and Tribal TANF Administrators to produce this primer. The Tribal TANF programs and CDSS are committed to achieving the four goals of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA):

- Maintain family units so that children may reside in, and be cared for in their own homes;
- Reduce dependency on public benefits by promoting job preparation, work and marriage;
- Prevent and reduce the incidence of out-of-wedlock pregnancies, and;
- Encourage the formation and maintenance of two-parent families.

As of December 1, 2008 there were thirteen Tribal TANF programs operating in California and serving Native American families in more than forty counties. This primer was drafted in response to feedback received from the Tribal TANF programs, CDSS, and county workers. The primer serves a dual purpose: 1) to increase knowledge and understanding between the Tribal TANF programs and the counties; and, 2) to assist new programs and new administrators and staff in organizing, implementing and maintaining new and existing Tribal TANF programs.

This primer follows the processes set out in All County Information Notice (ACIN) I-05-04 (*The CalWORKs Guide to Tribal TANF*), with more explanation and with insights gained from experience since the release of this ACIN.

# California

## Tribal Temporary Assistance for Needy Families (TANF) as of July 1, 2008



### COUNTIES SERVICED BY TRIBAL TANF PROVIDERS

- CTTP** Amador, Butte, Colusa, Del Norte\*, Humboldt\*, Lake, Glenn, Lassen, Modoc, Plumas, San Joaquin\*, Solano, Sutter, Trinity, Yuba.
- Graton** Marin, Sonoma.
- Hoopa** Humboldt\*
- Morongo** Riverside\*
- NFR** Madera, Mariposa, Merced, Fresno\*.
- OVCDC** Fresno\*, Inyo, Kern, Kings, Tulare.
- Scotts Valley** Contra Costa
- SCTCA** San Diego, Santa Barbara.
- Soboba** Riverside\*
- TMTT** Los Angeles, Riverside\*.
- Washoe** Alameda, Alpine, El Dorado, Nevada, Placer, Sacramento, San Francisco, San Joaquin\*, San Mateo, Santa Clara, Santa Cruz.
- Yurok** Del Norte\*, Humboldt\*.

**No Approved Program** Calaveras, Imperial, Mendocino, Mono, Monterey, Napa, Orange, San Benito, San Bernardino, San Luis Obispo, Shasta, Sierra, Siskiyou, Stanislaus, Tehama, Tuolumne, Ventura, Yolo.

\*Distinctive Service Populations Within the Same County.

Tribal TANF Website:  
<http://tribaltanf.cdss.ca.gov>

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES  
CalWORKs Eligibility Bureau  
Tribal TANF Unit  
744 P Street  
Sacramento, CA 95814  
Telephone: (916) 654-1322  
Fax: (916) 654-1401

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**THE LOGO ON THE COVER: HALF-DOME**

As its name “half-dome” suggests, the logo on the cover of this primer and on the Tribal TANF website homepage is thought to have originated with one of the Tribes whose ancestral home may have been the Yosemite Valley in Mariposa County, California. It should be noted, however, that while North Fork Rancheria Tribal TANF program services Mariposa County, the logo is NOT a North Fork Rancheria logo, nor, as far as we can determine, is it the logo of any specific Tribe that is now served by North Fork Rancheria.

## I. BACKGROUND INFORMATION

A. PRWORA. In 1996, Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), bringing an end to the Aid to Families with Dependent Children (AFDC) program. PRWORA replaced AFDC, Emergency Assistance, and the Job Opportunities and Basic Skills program, with the TANF block grant to states. Section 412 of the Social Security Act (42 U.S.C. 612 (a)) gave federally recognized Tribes the authority to independently design, administer, and operate their own Tribal TANF programs. PRWORA encourages federal, Tribal, state and local governments to foster positive changes in the United States welfare system by forming genuine partnerships with each other. PRWORA gives federally-recognized Tribes flexibility in operating Tribal TANF programs (TTP) designed to:

- Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
- End the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;
- Prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and,
- Encourage the formation and maintenance of two-parent families.

Tribes can define the service area, the service population, time limits, benefits and services, eligibility criteria, and work activities. Tribal TANF programs structure their program activities according to the needs of their people and their heritage so as to preserve and protect Native American communities and cultures.

B. The Code of Federal Regulations, Title 45, Part 286 is particularly pertinent to the operation and maintenance of a Tribal TANF program. Part 286 includes:

- Subpart A – General Tribal TANF provisions including, definitions, the meaning of “assistance” and who is eligible to operate a Tribal TANF program.
- Subpart B – Tribal TANF Funding.
- Subpart C – Tribal TANF Plan Content and Processing.
- Subpart D – Accountability and Penalties.
- Subpart E – Data Collection and Reporting Requirements.

C. Assembly Bill (AB) 1542. In California, AB 1542 (Chapter 270, Statutes of 1997), eliminated the AFDC program. AFDC was replaced with the California Work Opportunity and Responsibility to Kids (CalWORKs) program, as California’s TANF program. AB 1542 also required California to make an annual allocation of state general funds to supplement Federal funding to Tribal entities administering federally approved Tribal TANF programs. State funding for a Tribal TANF program is determined by the caseload count that most accurately reflects the Native American AFDC caseload for 1994 in the Tribal TANF

program's particular service delivery area. These requirements are contained in the California Welfare and Institutions Code (W&IC) Section 10553.25. The Tribes, the counties, CDSS and the Administration for Children and Families (ACF) work in partnership to successfully establish and maintain Tribal TANF programs that serve, strengthen and preserve California's Native American families.

## II. FEDERAL REQUIREMENTS

When a Tribe or consortium of Tribes decides to start a Tribal TANF program, the Tribe(s) should notify ACF of its intention to do so. That notice takes the form of a Letter of Intent. Upon receipt of such letter, ACF will confirm the Tribe(s) right to service a particular geographical area and/or service population. If the letter of intent is accepted, ACF notifies CDSS of the Tribe(s) intent to start a Tribal TANF program.

Letter of Intent (LOI). A LOI informs ACF of a Tribe's intent to operate a Tribal TANF program and identifies the proposed service area and population that the Tribe proposes to serve. The CDSS All County Information Notice (ACIN) I-05-04 indicates that there are several considerations to keep in mind when preparing a LOI:

- (a) Be clear and specific in defining the service area and service population. This will assist ACF by allowing it to confirm the Tribe's right to service a particular service population and/or service area, and concomitantly allow the state to accurately estimate the 1994 caseload based on that service data;
- (b) Realize that submission of the LOI does not confer legal rights on a Tribe or Consortia of Tribes to serve a particular population or area. Submission of a LOI is just a first step;
- (c) Understand that there are notice provisions regarding the timely submission and distribution of the LOI. If ACF identifies issues that require revision of the LOI, the Tribe will be formally notified and will be asked to resolve the issues within 30 days from the receipt of the ACF notice. If a revised LOI is not submitted to ACF within this 30 day period, the original LOI will be deemed inactive and ACF will officially notify the Tribe that no further action will be taken. The Tribe may, of course, reactivate the LOI by making the suggested revisions and submitting them to ACF and this LOI will be considered a completely new notice of intent to operate a Tribal TANF program; and,
- (d) Understand that another Tribe(s) may be serving or want to serve the population area in question and that the ACF has a series of procedures that must be followed to determine which Tribe(s) will be designated to serve the area.

After ACF receives, reviews, and accepts the LOI, it will formally notify CDSS via letter and request caseload data regarding the specific service population and service area. CDSS will inform the relevant counties of the Tribe(s) intent to operate a Tribal TANF program and will initiate contact with the Tribe(s) to develop the 1994 caseload numbers.

### III. TRIBAL TANF PLAN

Each Tribe that intends to operate a TANF program must also prepare a Tribal TANF Plan for approval by ACF. No particular format is required as long as all necessary elements of the plan (as set forth in 45 CFR, Part 286, Subpart C), are included. Some items that should be in the plan include:

- A. Service Population and Service Area. The plan should include the geographic region and the specific population that will be served. This could include on or near reservation land, as well as urban Indians.
- B. Needy Families. The Tribal TANF plan should establish its own definition of “needy family” in addition to other eligibility requirements.
- C. Supportive Services. The Tribal TANF should set forth those supportive services it will provide. These services might include, but are not limited to: community economic and job development, domestic violence services, culturally relevant support services, child care and transportation, teen pregnancy, education, and juvenile justice services, medical and non-medical substance abuse and mental health services, and child welfare services.
- D. Duplicate Aid. The Tribal TANF plan should emphasize that the program, the county and the state will work together to prevent duplicate aid. The Tribal TANF plan should describe what steps the Tribal TANF program will take to comply with this requirement. One step might be to have Tribal TANF families certify that they are not receiving assistance from another Tribal/state TANF program.
- E. Time Limits. When calculating time on aid, Tribal TANF programs must include those months of assistance provided by other Tribal TANF programs, TANF assistance in other states, and by CalWORKs. However, the Tribal TANF program and CalWORKs shall disregard any months of assistance received by an adult living in Indian country or an Alaska Native Village when at least fifty percent of the adults were not employed (45 CFR, Ch. II, §286.115, Manual of Policies and Procedures (MPP) Sections 42.302.21(h), 40-107(a)(5)(C). Please refer to All County Letter No. 07-25 for the most recent information.
- F. Tribal Work Activities. Tribal TANF programs have great flexibility in establishing their work requirements and in determining what is considered a work activity. The work activities might include but are not limited to:
  - Unsubsidized employment.
  - Subsidized private or public sector employment – employment in which the participant’s employer is partially or wholly reimbursed for wages and/or training costs.

- Work experience -- training activity in the public or private sector that is performed under close supervision and helps provide basic job skills, enhance existing skills, or provide a needed community service that will lead to unsubsidized employment.
- On-the-Job (OJT) training.
- Community service programs – work that is temporary and transitional, performed in the public or private nonprofit sector under close supervision, providing participants with job skills that can lead to employment while also meeting a community need.
- Job skills training directly related to employment.
- Vocational education and training.
- Education directly related to employment, in the case of a recipient who has not received a high school diploma.
- Job search/job readiness – training in basic job seeking and interviewing skills.
- Programs leading to a GED certificate.
- Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, if a recipient has not completed secondary school or received such a certificate.
- Providing child care services to an individual who is participating in a community service program.
- Other activities that will help families achieve self-sufficiency.

G. Tribal TANF Options. Tribal TANF programs have chosen options not currently available to counties in California. The Tribal TANF plan might include some of the following:

- Substance abuse testing of all applicants at intake.
- Monetary awards to parents that complete degree programs.
- Clothing allowances for every eligible school child.
- Bonuses to recipients who marry.

The original Tribal TANF Plan must be submitted to the ACF Regional office:

ADMINISTRATION FOR CHILDREN AND FAMILIES  
Region IX  
Department of Health and Human Services  
90 7<sup>th</sup> St., 9<sup>th</sup> Floor  
San Francisco, CA 94103

A copy of the plan should also be submitted to:

ADMINISTRATION FOR CHILDREN AND FAMILIES  
Office of Family Assistance  
Division of Tribal TANF Management  
370 L'Enfant Promenade, S.W.—5<sup>th</sup> Floor  
Washington, D.C. 20447

If a program wants to expand or reduce its service population and/or service area, the process entails the same steps as in the start up of a new program. It must notify ACF with a letter of intent, get ACF approval, negotiate a revised caseload number with CDSS, amend its Tribal TANF plan and amend its MOUs with both the county and CDSS.

#### **IV. CDSS' ROLE**

After ACF informs CDSS of the Tribe(s) intent to establish a Tribal TANF program, ACF will request CDSS to establish a 1994 Native American case count. If the Tribe(s) and CDSS reach agreement on the caseload number, CDSS will inform ACF of CDSS' estimate of the level of federal fund expenditures for federal fiscal year 1994 for the affected service area and service population. ACF will then inform CDSS and the Tribe(s) of the Tribal Family Assistance Grant (TFAG) annual amount and the implementation date of the Tribal TANF program. If the Tribe(s) and CDSS cannot reach agreement on the caseload number, and CDSS does not inform ACF of an agreement on a caseload number, the Tribe(s) will have 45 days from the date of notification of impasse in which to submit relevant information supporting the Tribe(s) contentions regarding the Native American 1994 AFDC caseload in the designated service area for the designated service population. ACF will share this data with CDSS and CDSS will submit data in support of its contentions. ACF will then attempt to resolve questions the Tribe(s) may have about the state-submitted data.

If the Tribe(s) disagrees with the state-submitted data, the Tribe(s) may submit additional relevant data to ACF. ACF will review the additional data submitted by the Tribe(s), together with the state-submitted data, in order to make a determination as to the amount of the TFAG amount (See 45 CFR Ch. II, Subpart B, Sections 286.20 and 286.25).

#### **V. NEGOTIATING THE 1994 AFDC CASELOAD**

CDSS will work with the Tribe(s) to assemble the data necessary to determine state and federal funding levels based on the number of Native American families on AFDC in 1994 in the designated service area. The process of reaching consensus on those funding levels may take six months or longer. It should be noted that funding levels closely resemble a block grant in that the amount of the state and federal funds will remain the same from year to year regardless of the actual caseload. Funding is adjusted up or down in the event of a change in the service area or service population.

A. Data Resources. There are several general sources that may be available to assist in determining the appropriate state and federal funding levels. These may include:

- (1) Hand Counts -- This method may be used in the smaller population areas if 1994 AFDC case records are available for review. In such cases, the Tribe(s) and the relevant counties may review case records together to determine the 1994 AFDC Native American population;
- (2) Census data -- Census data is the most frequently used and generally most accurate data. It is often used to estimate Native American population and poverty rates in specific

areas to assist in determining the number of persons that may have received AFDC benefits in 1994.

(3) Indian Health Clinic (IHC) Patient Counts -- This method may be useful in recovering Tribal-specific data in those counties that have Indian Health Clinics.

(4) ABCD 350 – Annual Recipient Ethnicity Report, collected by CDSS. The ABCD 350 report may be useful in recovering Tribal data by county.

Tribes have requested that no single formula or methodology be used in determining funding levels for all Tribal TANF programs. CDSS recognizes the uniqueness of all Tribes and Tribal TANF programs and neither endorses nor recommends any single, universal method of determining 1994 caseload levels.

- B. Adjustments to Allocation Amounts. If a Tribal TANF program adds another service area or service population, or if a Tribe withdraws from an existing Tribal TANF program, and/or if either action changes the total 1994 caseload number of the existing Tribal TANF program, an amendment to the program's Memorandum of Understanding must be executed. Changes in the service population and/or service area almost always trigger a change to the 1994 caseload numbers and thus usually necessitate a concomitant adjustment to the Tribal TANF program's allocation.

## **VI. MEMORANDUM OF UNDERSTANDING (MOU)**

The MOU is an important document that governs the relationship between the programs, CDSS, and the counties. The MOU lays out many of the county's, the program's and CDSS' rights and responsibilities in developing, implementing, and administering a Tribal TANF program.

- A. Know the MOU. The MOU is the document that delineates the rights and responsibilities of all the parties involved in the Tribal TANF program. For example, the MOU between the state and the Tribal TANF programs requires the Tribal TANF program to send the state Tribal TANF Coordinator the following:

- (1) Procedures for transfer of cases from the count(ies), before the Tribal TANF program starts operation;
- (2) A copy of their approved Tribal Family Assistance Plan (See CDSS/Tribal TANF provider MOU, Section III (A)(1)(b)), or elements of the plan including income and resource standards to be used to determine eligibility, details of the service delivery area, population to be served, and a detailed listing of TANF services that will be provided (see also CDSS/Tribal TANF provider MOU, Section III (A)(1) and (1)(a));
- (3) A copy of the county/Tribal TANF MOU;
- (4) A Schedule of Functional Expenses (Exhibit B) that shows aggregated Tribal TANF family data within 45 days after the end of each quarter in which the expenses are incurred; and,
- (5) A copy of the TTP's single audit 10 days from the federal due date or the actual submission date, whichever is later.

After a program is in operation, a change in service population and/or service area may affect the state and/or county MOU and require new negotiations with CDSS to determine revised funding levels. Coordination and cooperation among ACF, CDSS and the Tribal TANF program is important to synchronize the effective date for withdrawal, expansion and/or startup to ensure a smooth transition for recipients. After CDSS and the Tribal TANF program notify ACF that they have reached agreement on the new caseload count and/or service area or service population, ACF will inform both CDSS and the Tribal TANF program of the start date on the amended program. The approval/execution process for an amendment to the MOU is the same as for the original MOU.

B. Tribal TANF Program /State. The MOU between the Tribal TANF program and the state contains several key points, including:

- (1) Income and standards to be used to determine eligibility; federally approved documents of Tribal Family Assistance Plan elements including details of the service delivery area, population to be served and a detailed listing of TANF services that will be provided;
- (2) Agreement by Tribe(s) to spend CDSS funds on Maintenance of Effort (MOE) countable expenses;
- (3) A start date for the Tribal TANF program;
- (4) Termination date of the MOU;
- (5) Reporting requirements for the number of individuals, families and children served by state general funds (SGF);
- (6) No duplicate aid; and,
- (7) Compliance with audit requirements.

C. Tribal TANF Program/County. The Tribal TANF program will also execute an MOU between the program and the county. Items that can be included in the MOU are:

- A process to avoid duplicate aid between the Tribal TANF program and CalWORKs.
- A referral process between the Tribal TANF program and the county.
- A process to ensure that time limit restrictions are met.
- A process informing all applicants and recipients of their right to apply for Food Stamps and Medi-Cal programs.
- A process delineating specific policies regarding sanction transferability.

## **VII. FISCAL PROVISIONS AND ISSUES**

After the Tribal TANF/CDSS MOU is executed, CDSS prepares an allocation letter informing the Tribal TANF program of the funding allocation amount for the state fiscal year (SFY). When the start date for the program is after July 1, the funding allocation amount is prorated. For example, if the start date is October 1, there are nine months left in the SFY and the funding allocation amount will be for 9/12<sup>th</sup> or 3/4<sup>th</sup> of the annual funding allocation amount.

- A. Planning Allocation. Prior to the start of each state fiscal year (SFY) (July 1 -- June 30), CDSS sends the Tribal TANF program a letter stating the planning allocation amount for the program for the upcoming fiscal year. After the state budget is signed, CDSS sends an official allocation letter confirming the amount of the planning allocation or changing the amount to conform with actions taken in the final budget.
- B. Fiscal Years. The fiscal year period is different for the state and federal governments. The state fiscal year (SFY) begins on July 1 and runs through June 30. The federal fiscal year (FFY) begins on October 1 and runs through September 30. Initially, depending on the starting date for the Tribal TANF program, the federal grant and/or the state allocation may be prorated.
- C. Advances. After the Tribal TANF program has executed its MOU with the state for the upcoming year, has submitted its last expenditure report for the fiscal year, and its account has been reconciled, the program may request its first advance of the new fiscal year by submitting a Request for Advance (Exhibit A). After a new Tribal TANF program has executed its MOU and received its allocation letter, it may request an advance. The Tribal TANF program may request up to five advances per fiscal year, and no advance may be for more than twenty-five percent of the total annual allocation.
- D. Expenditures and Reimbursements. A report of actual expenditures is due quarterly within 45 calendar days after the end of the quarter. (However, the sooner the program submits the advance and/or reimbursement request, the sooner it can be paid). The program must initiate the request for reimbursement by submitting a Schedule of Functional Expenses (Exhibit B). When compiling Exhibit B, note that a Tribal TANF program must spend its SGF on MOE countable expenses. If the Tribal TANF program submits its Request for Advance and Exhibit B at the same time, it will expedite the receipt of funds and may thereby help to ease cash flow.
- E. Administrative Costs. Tribal TANF programs are subject to a fifteen percent cap on the amount of state TANF funds that may be expended for administrative costs. However, federal requirements are different (See 45 CFR Section 286.50). A TTP may negotiate with ACF for an administrative costs cap on federal funds of up to thirty-five percent for the first year of its operation; a cap of up to thirty percent for its second year of operation; and a cap of up to twenty-five percent for its third and all subsequent years of operation. Expenditures by TTPs for information technology and automation needed for tracking or monitoring the TANF caseload are excluded from the federal cap on administrative expenses. Some TTPs use federal funds for start-up expenditures and use state funds for other Maintenance of Effort (MOE) countable expenditures in order to stay within the fifteen percent cap on state administrative expenditures.

It should be noted that the fifteen percent state cap on administrative expenditures is fifteen percent of **actual reported expenditures**, not fifteen percent of the total allocation. Make sure that the Exhibit B does not report more than fifteen percent of its total reported expenditures of state funds as administrative expenditures.

F. Maintenance of Effort Funds. The Fiscal Addendum to the MOU emphasizes that Tribal TANF programs must agree to spend SGF monies on MOE countable expenses. State expenditures that count toward meeting a state's MOE expenditure requirement include:

- (1) Cash assistance;
- (2) Child care assistance;
- (3) Educational activities designed to increase self-sufficiency, job training, or work;
- (4) Non-medical treatment services for alcohol and drug abuse; and,
- (5) Effective October 1, 2008, some pro-family healthy marriage and responsible fatherhood activities enumerated in part IV-A of the Social Security Act, Sections 403(a) (2) (A)(iii) and 403 (a)(2)(C)(ii).

G. No Expenditures before Start Date. No expenditures, including consultant salaries, may be charged against state funds until after the start date of the program indicated in the CDSS/Tribal MOU.

H. Advance Balances. If the program has received a previous advance, another 25 percent advance may not be paid until actual expenditures of that previous advance have been reported on an Exhibit B. For example, if the program's annual allocation is \$100,000 and it received a \$25,000 advance the previous quarter but only reported expenditures of \$15,000, then there remains an outstanding advance balance of \$10,000.

Advance	\$25,000
Less Expenditures	<u>\$15,000</u>
Advance balance still outstanding	\$10,000

In this example, if the program requests another 25 percent advance, it may only receive the requested advance minus the outstanding advance balance. The calculation is as follows:

Advance request	\$25,000
Less Advance balance still outstanding	<u>\$10,000</u>
Maximum advance	\$15,000

I. Cash Basis Accounting. All claiming must be done on a cash basis, not an accrual basis. In using cash basis accounting, income and expenses are recognized only when cash is received or paid out. The state funds provided to the Tribal TANF programs are used to meet the state's MOE requirement for the state fiscal year. This assumes that the state funds allocated to the programs are actually used for, or on behalf of, eligible families during the state fiscal year in which the funds were allocated. Unlike federal funds, state funds provided to Tribal TANF programs expire at the end of the state fiscal year and if not spent do not "roll-over" to the next state fiscal year. (See 45 CFR, Section 95.13, and MPP Sections 25-720.1 and 25-815.34).

J. Payment Processes. Upon receipt of the Exhibit A and/or the Exhibit B, they are processed first through CDSS, and then sent by CDSS to the state controller's office (SCO) for payment. If there are no questions or problems with the exhibits, it generally takes from two to four weeks until the Tribal TANF program receives its check. If there are problems or questions, the CDSS Tribal TANF analyst will contact the program for clarification or correction. This may delay processing of the check. Both Exhibit A and Exhibit B should be remitted to:

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES  
CalWORKs Eligibility Bureau  
744 P Street, MS 16-31  
Sacramento, CA 95814  
Attention: Tribal Coordinator

K. Annual Single Audit. The MOU states that the Tribal TANF program must provide CDSS with a copy of its Single Audit report on an annual basis. The CDSS may request, impose or track any corrective action resulting from the audit to ensure program integrity of state dollars. Financial records, related case documentation, and support for all costs claimed must be retained for at least three years. (The three year period begins after the final claim for the period has been submitted for federal reimbursement). Any records pertinent to a criminal or civil litigation or to open audits must be retained beyond three years or until such litigation or audits are completely resolved/closed, whichever comes later. The annual Single Audit report is due to CDSS ten calendar days from the actual submission date. A copy of the Single Audit should be sent to:

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES  
CalWORKs Eligibility Bureau  
744 P Street, MS 16-31  
Sacramento, CA 95814  
Attention: Tribal Coordinator

L. Gifts and Gratuities. The CDSS recognizes that Indian Tribes have a rich tradition of providing gifts as symbols of friendship and cooperation. However, state law and policy prohibit CDSS employees from receiving gifts from individuals with activities involving CDSS. Although CDSS cannot accept gifts from the Tribes or Tribal TANF organizations, we respectfully acknowledge the spirit in which they are offered and extend our appreciation of the gesture.

## VIII. HELPFUL HINTS

Some tips that may be helpful:

- Keep Good Records – They will be invaluable when seeking advances and reimbursements, during preparation of the single audit, and as a guide for present and future employees.
- Designate a Knowledgeable Back-up Person – Office personnel can change quickly. Have a knowledgeable substitute ready if your assigned person is on extended leave or no longer in your employ.
- Know Your Key Contacts and Collaborators -- Know your key contacts and collaborators' phone numbers, addresses and e-mail addresses. Some of these contacts and collaborators may include: ACF, other Tribal TANF Administrators, county liaisons, and CDSS Tribal TANF program analysts.
- Know Your Basic Resources – Pertinent CFR Sections and key websites are important and invaluable tools. The Tribal TANF Administrator and staff should know what is and what is not an appropriate charge for infrastructure and other administrative expenses.
- Know How to Measure the Effectiveness of your Tribal TANF program –The annual single audit can measure the program's ability to meet its fiscal responsibilities. The work participation rate can measure how well the program is meeting its responsibility to take participants off welfare and start them on the path to self-sufficiency. Look for Tribal and program specific ways to measure a program's effectiveness.
- Program Administration – Some tools and resources are particularly helpful in maintaining the effective operation of a Tribal TANF office. Among these are a good policy and procedures manual or primer, a set of program-specific forms and notices, and some means of evaluating the effectiveness and expertise of your office supervisors and staff.

## IX. OTHER RELATED INFORMATION

The following information may be of some assistance to the program during the set-up, implementation and/or operation of the Tribal TANF program:

- CDSS Tribal TANF Unit – The CDSS Tribal TANF Unit (TTU) is the primary point of contact in CDSS regarding program administration of Tribal TANF. This unit coordinates Tribal TANF administrative activities including, but not limited to, development of the MOU, accounting and audits. One of the TTU's key responsibilities is to provide the staff work necessary to reach agreement with the Tribe on the state and federal funding levels for the 1994 base year. After the funding levels are determined, it is the TTU's responsibility to prepare new MOUs and any amendments to the MOUs, to track all necessary Tribal TANF financial data, including the annual single audit, and to provide technical assistance to Tribal TANF programs and counties, as necessary.

Tribal TANF staff names and assignments as of July 1, 2008:

Phyllis Iwasaki, Manager, Tribal TANF Unit, 916-654-2130.

[Phyllis.Iwasaki@dss.ca.gov](mailto:Phyllis.Iwasaki@dss.ca.gov).

Shawn Dorris, 916-653-8395, CTPP, TMTT, Morongo. [Shawn.Dorris@dss.ca.gov](mailto:Shawn.Dorris@dss.ca.gov).

Ernestine Crowder, 916-654-1867, Washoe, Soboba.

[Ernestine.Crowder@dss.ca.gov](mailto:Ernestine.Crowder@dss.ca.gov).

Hal Freeman, 916-654-1903, North Fork, OVCDC, SCTCA, Scotts Valley, Graton,

Hoopla, Yurok [Hal.Freeman@dss.ca.gov](mailto:Hal.Freeman@dss.ca.gov).

- County Liaisons – Your county liaisons will be very important during the drafting of the MOU between the county and the Tribal TANF program. In addition, your county liaisons can facilitate the transfer of eligible recipients from the county to the program and can reach out to new Native American applicants and inform them of the availability of the Tribal TANF program.
- Medi-Cal and Food Stamps – The county in which the Tribal TANF recipient resides is responsible for administering the Medi-Cal and Food Stamps programs.
- Child Care – Some Tribes, operating in collaboration with Tribal TANF programs may receive child care funding directly from the federal government through the Child Care and Development Fund (CCDF). A list of CCDF recipients can be found at Attachment A to ACIN I-38-07. Native American families may also be eligible to receive child care services through CalWORKs or through the California Department of Education (CDE) child care programs. Federal TANF and State General Funds (SGF) do not include a specific amount set aside for child care. However, Tribal TANF programs have the flexibility to use these funds to provide child care services to their Tribal TANF program participants. The child (family) must still meet the other specific eligibility criteria of that program. Under federal regulations, the eligibility of Native American children for a Tribal child care program does not affect their eligibility for a state program. This is referred to as dual eligibility. (See All County Information Notice I-38-07; and, MPP Sections 47-101 and 47-102).
- Quarterly Consultation Meetings with CDSS -- The quarterly Tribal TANF Administrators meeting is an opportunity to meet with fellow administrators, strengthen working relationships with other TANF administrators and with CDSS personnel on Tribal TANF matters, and to discuss issues of importance to the Tribal TANF program and CDSS.

## **X. CONSULTATION GUIDELINES**

The following consultation guidelines are a collaborative product of the Tribal TANF Administrators and CDSS. They were undertaken to formalize and make tangible our mutual commitment to foster collaboration and consensus in Tribal TANF policy decision making. Consultation with Tribal TANF programs on issues that impact them is an integral element of the government-to-government relationship. These guidelines recognize this special and unique relationship. The Consultation Guidelines were voted on and adopted unanimously at the Tribal TANF Administrators meeting on July 10, 2007.

# TRIBAL TANF CONSULTATION GUIDELINES

## **Preamble:**

- The California Tribal Temporary Assistance for Needy Families programs (TANF) Administrators and the California Department of Social Services (CDSS) affirm and establish these Consultation Guidelines to promote understanding and cooperation between the Tribes, Tribal TANF programs, and CDSS.

## **Purpose:**

- To provide a framework for effective working relationships between the CDSS, the Tribes, and the Tribal TANF Programs.

## **Principles:**

- CDSS recognizes and respects the sovereignty of Indian Tribes; the Tribes and Tribal TANF programs recognize and respect CDSS' role in the administration of social services programs in California.
- CDSS recognizes and respects the unique character of each Tribal government, the Tribal TANF programs they administer, and the diverse Native American population they serve.
- CDSS, the Tribes, and Tribal TANF programs recognize that cooperation, communication and coordination are crucial to providing the highest quality service to all of California's needy families.

## **Consultation Guidelines:**

- CDSS and Tribal TANF programs will regularly meet and consult to ensure that Tribal and State concerns are considered and that equitable and collaborative solutions are of the highest priority when taking actions, making decisions, or implementing policies that affect Tribal TANF programs and resources.
- CDSS and individual Tribal TANF programs will continue to discuss items specific to that particular Tribal TANF program while items affecting all Tribal TANF programs may be discussed with the Tribal TANF Administrators.
- CDSS and Tribal TANF programs will continue to practice open communications with each other, will continue to be receptive to the other's comments, ideas, and concerns and pledge timely, responsive, and accurate communications.
- CDSS and Tribal TANF programs will work to promote collaboration and consensus on Tribal TANF matters at all levels.
- CDSS and Tribal TANF programs will continue to work together to promote understanding and cooperation and to strengthen our positive working relationship.

## **XI. INTERNET LINKS**

California Department of Social Services Main Web – Featured Programs:

<http://www.dss.cahwnet.gov>

Tribal TANF Website: <http://Tribaltanf.cdss.ca.gov>

Tribal TANF Administrators' Primer: <http://Tribaltanf.cdss.ca.gov/primer>.

ACF Homepage – This page opens the window for information on ACF:

<http://www.acf.hhs.gov/>

- Services for the Family
- Working with ACF
- Policy/Planning
- Directory of Services
- Regional Offices

Title 45, Part 286 -- electronic code of federal regulations (e-CFR) – Tribal TANF Provisions:

<http://ecfr.gpoaccess.gov>

ACF Division of Tribal Services – TANF Guidance:

<http://www.acf.hhs.gov/programs/dts/tanfguide.htm>

ACF Audit Supplement:

<http://www.acf.dhhs.gov/programs/dts/guidance/TribalTANFAuditSupplement.pdf>

California Welfare and Institutions Code, Sections 10550-10560: <http://www.leginfo.ca.gov>

Time-on-Aid County Contacts List: <http://www.wdtp.ca.gov>

Consultation Guidelines: <http://Tribaltanf.cdss.ca.gov>

Common Acronyms: <http://Tribaltanf.cdss.ca.gov/resources>

County Welfare Directors Association of California Web Site – e-links to county Human Services Agencies in California: <http://www.cwda.org/resources.htm>

ACF Office of Family Assistance, Division of Tribal TANF Management. This link contains the following sites at: <http://www.acf.hhs.gov/programs/dts>.

- Fact Sheet-Division of Tribal TANF Management; Tribal TANF program
- Native Employment Works Program
- Final Rule: Tribal TANF Program and Native Employments Works Program (NEW)
- Tribal TANF Q & As

- Information Memorandum
- Policy Announcements
- Native Employment Works Program Instructions
- TANF Program Instructions
- Tribal TANF Plan Characteristics Chart
- Tribal TANF Program Contacts
- DOL – Division of Indian and Native American Programs
- Tribal TANF and New Regional Office Contacts
- Links to Native American / Alaska Native Web Sites
- Links to federal Web Sites

CDSS Frequently Asked Questions (FAQs), All County Information Notices (ACINs), and All County Letters (ACLs) can be found at this website:

<http://www.dss.cahwnet.gov/lettersnotices/default.htm>.

Three particularly useful ACINs are:

- I-05-04 – CalWORKs Guide to Tribal TANF – contains sample contact letters to ACF, Tribal contact letters, county contact letters, CDSS response to ACF, possible elements of a county/Tribe MOU, sample Tribal MOU, Exhibit A, Exhibit B, possible elements of a Tribal TANF program and pertinent legal citations.
- I-01-07 – Tribal TANF program questions and answers – contains thirty four pertinent questions and answers, a list of current Tribal TANF providers, a list of counties with Tribal TANF programs and a Tribal TANF approval process.
- I-38-07 -- Tribal Temporary Assistance For Needy Families (TANF) And Child Care Interface: <http://www.dss.cahwnet.gov/getinfo/acin07/pdf/I-38-07.pdf>.

Other Useful websites:

- For Indian Health Service, standard code book, area offices, and CA health program area: <http://www.ihs.gov> .
- For Indian Health Clinics:  
<http://www.ihs.gov/FacilitiesServices/AreaOffices/California/Universal/>
- For ACF Tribal TANF Contact List:  
[http://www.acf.hhs.gov/programs/dts/ttanfcont\\_1002.htm](http://www.acf.hhs.gov/programs/dts/ttanfcont_1002.htm) - Last Update 01/05/05
- For Program Instruction Tribal TANF Plans or Amendments:  
<http://www.acf.hhs.gov/programs/dts/tanf/tanf05-03.htm>

- For federal guidance for Tribal TANF programs (2003 CFR Title 45, Vol.2): <http://www.acf.hhs.gov/programs/dts/guidance/guidettf02.htm>
- For Native Data: <http://www.nativedata.com>
- For information on audits submitted to Office of Management and Budget (OMB) audit clearinghouse. Use the "Search the Single Audit Database" selection shown below. You can search by either EIN or grantee name. The search will bring up a list of audits submitted. You are not able to bring up a copy of the entire audit, but it does provide information on findings etc: <http://harvester.census.gov/fac/>
- For CFR, Title 45, Subtitle B, Part 287 – The Native American Works (NEW) program: [http://www.access.gpo.gov/nara/cfr/waisidx\\_04/45cfr287\\_04.html](http://www.access.gpo.gov/nara/cfr/waisidx_04/45cfr287_04.html)
- For U.S. Census Bureau - Characteristics of Native Americans by Tribe and Language 1990 Census of Population: <http://www.census.gov/population/www/socdemo/race/cp-3-7.html>