

<h1>ACF</h1> <p>Administration for Children and Families</p>	<b>U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES</b> <b>Administration on Children, Youth and Families</b>	
	<b>1. Log No:</b> ACYF-CB-PI-02-07	<b>2. Issuance Date:</b> August 19, 2002
	<b>3. Originating Office:</b> Children's Bureau	
	<b>4. Key Words:</b> Change in population numbers determining Tribal allocations for title IV-B programs; Census data	

### PROGRAM INSTRUCTION

**TO:** Indian Tribes and Indian Tribal Organizations (ITOs) supervising the administration of title IV-B, subparts 1 and/or 2, State Agencies, ACF Regional Administrators and HUB Directors

**SUBJECT:** Basis of allotment of grant funds for Tribes under title IV-B, subparts 1 and 2 of the Social Security Act (the Act).

**LEGAL AND RELATED REFERENCES:**

Social Security Act, sections 428, 430 - 433; 45 CFR 1357.40 and 1357.50; Promoting Safe and Stable Families Amendments of 2001 (P.L. 107-133).

**PURPOSE:** The purpose of this program instruction (PI) is to inform States and Indian Tribes of the basis upon which title IV-B, subparts 1 and 2 funds will be allotted to Tribes. Beginning with fiscal year (FY) 2003, the Administration for Children and Families (ACF) will use 2000 Census Bureau data to determine Tribal child population counts, however, Tribes will have the opportunity to update this data to reflect the number of children under age 21 in their populations.

**BACKGROUND:**

Indian Tribes have received direct funding under title IV-B, subparts 1 and 2, for many years. While title IV-B, subpart 1 and subpart 2 have different allotment formulas for Tribes, the allocation of funds for Tribes for both subparts is based on the number of children under the age of 21.

Title IV-B, subpart 1, Child Welfare Services, provides Federal support for a wide variety of child welfare services including: preplacement preventive services to strengthen families and avoid placement of children; services to prevent abuse and neglect; services for the provision of foster care and adoption; and certain protections for children in foster care. In 1983, when the program was first implemented, only Tribes that provided services under

contract (or grant) with the Secretary of the Interior under section 102 of the Indian Self-Determination Act were eligible to apply. In 1995, ACF expanded the eligibility criteria and increased the amount of funds available to Tribes. Funding for the direct payments to Indian tribes and ITOs, in accordance with section 428(b) of the Act, is deducted from the allotment of the State(s) in which the Indian tribe or ITO is located.

Title IV-B, Subpart 2, Promoting Safe and Stable Families (PSSF), is the title IV-B program that includes funds for community-based family support services, family preservation services, time-limited family reunification services, and adoption promotion and support. The objectives that these programs are intended to achieve include maintaining and ensuring the safety of children; addressing family problems to preserve intact families or permit family reunification in appropriate cases; and supporting adoptive families. Funds from PSSF allocations are reserved for the Tribes. In accordance with section 432(b)(2)(B) of the Act, only those Tribes whose allotments are \$10,000 or more are eligible to receive funds under title IV-B, subpart 2.

Beginning in fiscal year (FY) 2003, ACF will allot funds to Tribes based on the number of children under the age of 21 as reflected in the 2000 Census Bureau data, unless a Tribe has certified an alternative number that has been approved by an ACF Regional Office. ACF will use this same number as the basis for allotting funds under both subparts 1 and 2 of title IV-B.<sup>1</sup> Both programs essentially serve the same population and there is no reason to continue to have different numbers for the two programs. The Census Bureau chart that will be used lists the number of individuals on the reservation and trust lands, by age and sex, who report themselves as American Indian or Native Alaskan only, and who are members of a specific Tribe. This chart is the closest representation of the population of all Tribal children under 21 that the Census Bureau produces.

#### **INFORMATION:**

ACF believes that the 2000 Census Bureau data may not capture all of the Tribal children under 21. For example, the manner of recording racial and ethnic information changed in the 2000 Census. Individuals were able to self-select more than one race, and whether they were of Hispanic Origin or not. Therefore, the count does not include other people (e.g., those who indicated more than one race or Tribal members who live outside the reservation). Also, the Census Bureau chart lists a few Tribes as having a "zero" population count for children under 21, and we know that this is inaccurate. In addition, there is no chart that breaks out the number of Tribal children under 21 in each State when a Tribe is located in two or more States. For these reasons, we do not believe that ACF should limit itself solely to using Census Bureau data to determine allocations for Tribes. Accordingly, we will also accept objectively verifiable data from Tribes.

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<sup>1</sup> Up until last year, ACF utilized the Census Bureau data for title IV-B, subparts 1 and 2. However, for title IV-B, subpart 1 only, we permitted Tribes to certify and update Tribal numbers if the Tribe disagreed with the Census Bureau numbers. This resulted in using two different population figures for many of the Tribes.

## **INSTRUCTIONS:**

The numbers of Tribal children under age 21 as reflected in the 2000 Census Bureau data file are attached to this PI. (See Attachment A.) The Tribe may accept the number from the Census Bureau as an accurate representation of their child population. If the Tribe disagrees with the number presented, the Tribe may submit a revised number (by State if the reservation is located in two or more States) to the ACF Regional Administrator or HUB Director in its area.

A statement certifying the revised numbers of children who have not reached their twenty-first birthday and providing a justification for the revision must be signed by the Tribal enrollment officer and the Tribal president/chairperson. This statement must be received in the ACF Regional Office by September 15, 2002. In order for the Regional Office to review and approve State and Tribal applications and for ACF Central Office to award funds in a timely manner, the September 15<sup>th</sup> deadline must be strictly adhered to. Numbers received from Tribes after this deadline will only be considered for subsequent year fund allotment purposes. Because grant amounts for both States and Tribes will be affected by the revisions, the Regional Office may ask for additional verification/documentation if the numbers vary significantly from the Census or previous data. Attached to this PI is a sample certification form that Tribes may use to submit proposed revisions. (See Attachment B.)

ACF will re-calculate the allotted funds for which Tribes are eligible based on the approved revisions to the Census Bureau numbers and notify States and Tribes of their adjusted FY 2003 allotments for both title IV-B, subparts 1 and 2. A Tribe must submit an updated CFS-101 to the ACF Regional Office if the amount of funds it is applying for is different from the estimated amount used in the CFS-101 that was submitted with the Annual Progress and Services Report (APSR) due on June 30, 2002.

**Inquiries to:** ACF Regional Offices

Joan E. Ohl  
Commissioner  
Administration on Children, Youth  
and Families

Attachments

Attachment A: [Number of Children under Age 21 by Tribe](#)

Attachment B: Certification Form

**ATTACHMENT B**

**CERTIFICATION OF TRIBAL POPULATION UNDER AGE 21**

The \_\_\_\_\_ has read the  
(Tribal Name and State)

ACF Program Instruction listing the Census Bureau year 2000 under age 21 population for Tribes and finds that the data do not accurately reflect the actual number of children in our Tribe.

The correct number of Tribal members under age 21 is \_\_\_\_\_ .

The reason that our population number is different from the Census Bureau is: (attach additional page(s) if necessary)

We understand that information given above will be reviewed by ACF and that we may be required to submit additional supporting documentation as requested by ACF to substantiate this notification of change in population data.

We are submitting this information and certify that it is accurate and true to the best of our knowledge and belief. This certification requires the signatures of both the Tribal enrollment coordinator and Tribal leader responsible for ACF programs.

\_\_\_\_\_  
Tribal Enrollment Coordinator

\_\_\_\_\_  
Tribal Leader

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date