

## SUBCHAPTER D—HUMAN SERVICES

### PART 20—FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

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AUTHORITY: 25 U.S.C. 13; §20.21 also issued under Pub. L. 98-473.

SOURCE: 42 FR 6568, Feb. 2, 1977, unless otherwise noted.

#### Subpart A—Definitions, Purpose and Policy

##### §20.1 Definitions.

(a) *Appeal* means a written request for correction of an action or decision claimed to violate a person's legal rights or privileges as provided in part 2 of this chapter.

(b) *Applicant* means an individual or persons on whose behalf an application for assistance and/or services has been made under the part.

(c) *Application* means the process through which a request is made for assistance or services.

(d) *Area Director* means the Bureau official in charge of an Area Office.

(e) *Authorized representative* means a parent or other caretaker relative, conservator, legal guardian, foster parent, attorney, paralegal acting under the supervision of an attorney, friend or

other spokesperson acting on behalf or representing the applicant or recipient.

(f) *Bureau* means the Bureau of Indian Affairs, U.S. Department of the Interior.

(g) *Child* means a person under the age of 18 or such other age of majority as may be established for purposes of parental support by tribal or state law (if any) applicable to the person at his or her residence, except that no person who has been emancipated by marriage shall be deemed a child.

(h) *Child welfare assistance* means financial assistance provided on behalf of an Indian child, or an Indian under age 22 if assistance was initiated before age 18, who requires placement in a foster home or specialized non-medical care facility in accordance with standards of payments established by the State pursuant to the foster care program under title IV of the Social Security Act (49 Stat. 620) or who has need of special services not available under general assistance.

(i) *Commissioner* means the Commissioner of Indian Affairs.

(j) *Designated representative* means an official of the Bureau designated by a Superintendent to hold a hearing as prescribed in §20.30 and who has had no prior involvement in the proposed decision under §20.12 and whose hearing decision under §20.30 shall have the same force and effect as if rendered by the Superintendent.

(k) *Family and community services* means social services, including protective services, usually not including money payments, provided through the social work skills of casework, group work or community development to solve social problems involving children, adults or communities.

(l) *Foster care service* means those social services provided when an Indian person lives away from the family home.

(m) *BIA general assistance* is a secondary or residual source of assistance for eligible Indian people and means financial aid payments to eligible Indian individuals and households for assistance in meeting the cost of essential needs.

(n) *Indian* means any person who is a member, or a one-fourth degree or more blood quantum descendant of a member of any Indian tribe.

(o) *Indian court* means Indian tribal court or court of Indian offenses.

(p) *Indian tribe* means any Indian tribe, band, nation, rancheria, pueblo, colony, or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is federally recognized as eligible by the U.S. Government for the special programs and services provided by the Secretary to Indians because of their status as Indians.

(q) *Miscellaneous assistance* means a financial payment made for burial services, to facilitate the provision of emergency food or disaster programs, or for other financial needs not defined in this part but related to assistance for needy Indians.

(r) *Near reservation* means those areas or communities adjacent or contiguous to reservations which are designated by the Commissioner upon recommendation of the local Bureau Superintendent, which recommendation shall be based upon consultation with the tribal governing body of those reservations, as locales appropriate for the extension of financial assistance and/or social services, on the basis of such general criteria as: (1) Number of Indian people native to the reservation residing in the area, (2) a written designation by the tribal governing body that members of their tribe and family members who are Indian residing in the area, are socially, culturally and economically affiliated with their tribe and reservation, (3) geographical proximity of the area to the reservation, and (4) administrative feasibility of providing an adequate level of services to the area. The Commissioner shall designate each area and publish the designations in the FEDERAL REGISTER.

(s) *Need* means the deficit after consideration of income and other liquid assets necessary to meet the cost of basic need items and special need items as defined by the Bureau standard of assistance for the State in which the applicant or recipient resides.

(t) *Public assistance* means those programs of assistance provided under title IV of the Social Security Act (49 Stat. 620), as amended, and includes the Aid to Families with Dependent Children (AFDC) Program provided under title IV-A.

(u) *Recipient* means an individual or persons who have been determined as eligible and are receiving financial assistance or services under this part.

(v) *Reservation* means any federally recognized Indian tribe's reservation, Pueblo, or Colony, including former reservations in Oklahoma, Alaska Native regions established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), and Indian allotments.

(w) *Resources* means income and other liquid assets available to an Indian person or household to meet current living costs, unless otherwise specifically excluded by Federal statute. Liquid assets are those properties in the form of cash or other financial instruments which can be converted to cash, such as savings or checking accounts, promissory notes, mortgages and similar properties.

(x) *Secretary* means the Secretary of the Interior.

(y) *Superintendent* means the Bureau official in charge of an agency office.

(z) *Supplemental Security Income* means those programs of assistance provided under title XVI of the Social Security Act (49 Stat. 620), as amended.

(aa) *Traditional Indian country* means the State of Oklahoma except Oklahoma City and non-trust land in the city of Tulsa.

(bb) *Tribal governing body* means the recognized governing body of an Indian tribe.

(cc) *Essential needs* include at a minimum shelter, food, clothing and utilities, but do not include needs, except for burial expenses, beyond those basic and special needs included in the Bureau standard of assistance for the State where the Indian individual or household lives.

(dd) *Household* means persons living together with the *head of household* who may be related or unrelated to the *head of household* and who function as members of the family.

(ee) *Tribal Work Experience Program (TWEP)* means a program operated by tribal contract which provides eligible participants with work experience and training that promotes and preserves work habits and develops work skills.

(ff) *Recipient* means an individual to whom or for whom a BIA general assistance payment is made for the month.

(gg) *Case* includes all individuals in the household as defined in §20.1(dd) whose needs are included in the BIA general assistance payment made for the month.

(25 U.S.C. 2 and 9)

[42 FR 6568, Feb. 2, 1977, as amended at 50 FR 39928, Sept. 30, 1985]

**§20.2 Purpose.**

The regulations in this part govern the provision of general assistance, child welfare assistance, miscellaneous assistance and family and community services to eligible Indians.

**§20.3 Policy.**

When assistance or services are not available or not being provided by state, local, or other agencies, general assistance, child welfare assistance, miscellaneous assistance and family and community services shall be provided for eligible Indians by the Bureau in a manner designed to promote personal and family unity and economic and social stability, working toward attainment of self-sufficiency.

**§20.4 Information collection.**

The information collection requirements contained in §§20.10, 20.11, 20.22, 20.23, and 20.24 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1076-0017. The information is collected to determine applicant eligibility for services. The information will be used to determine eligibility and to insure uniformity of services. Response is required to obtain a benefit.

[53 FR 21994, June 13, 1988]

**Subpart B—Administrative Procedures**

**§20.10 Application for assistance or services.**

(a) Written or oral applications by or on behalf of any individual or group will be accepted for assistance or services under this part. In addition to applications from persons desiring assistance or services, referrals will be accepted directly from relatives, interested individuals, social welfare agencies, law enforcement agencies, courts and others.

(b) Applications for assistance or services under this part shall be made to the Superintendent or an official representative. All applications for assistance shall ultimately be reduced to a written form. However, a written statement by an appropriate representative of the Bureau social services program as to why protective social services under §20.24(b)(2) were provided may be accepted in lieu of a written application.

**§20.11 Securing information.**

(a) The applicant will be the primary source of information regarding his circumstances for the purpose of determining eligibility and need. If it is necessary to secure information from other sources, the applicant will be asked to authorize the release of information. The applicant will be informed, in advance, of the kinds of information needed, the source to be used, and that the information obtained will be used only in connection with the application for assistance or services under this part or as otherwise required by law.

(b) Recipients shall be required to make timely and accurate reports of any change in circumstances which may affect their eligibility or the amount of financial assistance.

**§20.12 Decision.**

(a) Action on an application for assistance shall consist of the following:

(1) The application shall be approved if the applicant meets the appropriate eligibility criteria set forth in subpart C of this part for the type of assistance