



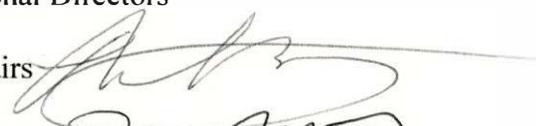
United States Department of the Interior

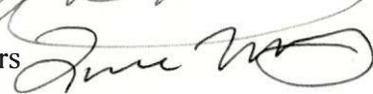
OFFICE OF THE SECRETARY
Washington, DC 20240

FEB 03 2016

Memorandum

To: Bureau of Indian Affairs, Regional Directors

Through: Director, Bureau of Indian Affairs 

From: Assistant Secretary – Indian Affairs 

Subject: Approval of a Blanket Waiver of Enrollment Requirement for Child Assistance Payments for Children Less Than One Year of Age Who Are Drug-Affected or In Need of Protection

This memorandum is in response to a request for a waiver dated September 25, 2015, from the Bureau of Indian Affairs (BIA), Great Plains Region. In the request, the Region reported increased incidences of American Indian and Alaska Native (AI/AN) children born exposed to drugs who did not have immediate access to child assistance services within the Region. On January 9, 2014, the Rocky Mountain Region was granted a waiver of the enrollment requirements in 25 CFR 20.300 to allow BIA staff to provide child protection services and child assistance if placement were necessary for children: (1) less than 1-year of age who would be eligible for enrollment and whose parents were tribal members, and (2) when the children were identified as drug-affected or in need of protection.

It is Indian Affairs policy to protect at-risk children and families.¹ The Secretary retains the power to waive or make exceptions to regulations in all cases permitted by law where the Secretary finds that such waiver or exception is in the best interest of Indians.² Pursuant to my delegated authority from the Secretary (209 DM 8), I find that it is in the best interest of AI/AN children. Therefore, I approve a blanket waiver of the tribal enrollment requirement³ to allow BIA and tribal staff to provide child protection services and child assistance services when placement is necessary for any child: (1) less than 1-year old who is eligible for tribal enrollment and whose parents are tribal members and (2) if the child is identified as drug-affected or in need of protection. A blanket waiver allows for the protection of AI/AN children until they are officially enrolled in a tribe.

We understand that most of these children should be eligible for Title IV-E services. All other available resources shall be utilized for the on-going care of these children, once they become tribal members.

Should there be any questions, please contact Ms. Evangeline M. Campbell, Chief, Division of Human Services, at (202) 513-7621 or via email: evangeline.campbell@bia.gov.

¹ (70 IAM section 1.3).

² (25 CFR section 1.2).

³ (25 CFR 20.300(a)).