

## What you need to know about the proposed Elder Center

### What services will be provided in the Elder Care Center? How many living units will be in the Center?

The Center will provide services to assist elders in their daily living needs, such as housing, meals, transportation, day care and medical support. Other services will include convalescence, kidney dialysis and hospice care. The plan includes 10 units for short-term stays and convalescence, 12 one-bedroom units and 18 two-bedroom units—a total of 40 units. It will have 40,800 square feet of building space, nearly the same size as the Early Childhood Center.

### What will it cost to live at the Center?

Costs for services have not been determined. People will be asked to pay what they are able to afford. No one in need will be denied, but a minimum cost needs to be established.

### How will the Center impact the Annual Budget?

The operation and maintenance of the Center may add approximately \$500,000 to the Annual Budget. It will have less impact if we are able to transfer several existing staff to the Center. Other revenue sources, such as Medicare, insurance and managed care, can offset operating costs.

### What jobs will be created?

The types of jobs will include certified nursing aids, cooks and housekeepers. There will be approximately 15 tribal employees at the Center.

### Where will the Elder Care Center be located and when will construction be completed?

The Center will be located near the Senior Citizen housing and Senior Center. Construction and furnishings will be completed by early 1999.

### What are Self-Determination Funds?

Self-Determination Funds are dollars which have accrued over the years from federal Public Law 638 grants. Interest from these funds will be utilized for priority needs in the community. By the end of the this year, Self-Determination fund interest is projected to have an accumulated total of \$3 million—which will be enough to complete the Elder Care Center's construction.

### How many Tribal member elders are there?

Our growing senior population, ages 60 and older, currently totals 166.

## Eagle Watch 98— continued from page 1

of winter migrants in any given year appears to be tied closely to the availability of kokanee in the lake. In some winters, the kokanee population experiences a partial die-off that leaves numerous fish floating on the water's surface—an easy catch for the eagles. This was the case in both 1994 and 1995 when large numbers of eagles were present. In contrast, fewer eagles are attracted to the area when no die-off occurs, as was the case in 1997.

An interesting fact about bald eagles is that when they gather in large numbers during the winter in areas where prey are plentiful, they typically roost together at night. Such is the case at Lake Billy Chinook. A study in 1996 documented two communal winter roost sites near the lake. A third communal roost site was discovered in 1997 which is used primarily by the fall migrants. The sites are located in old growth timber stands that provide shelter from the elements. The eagles enter the roosts in the evening just before dark and leave the next morning, sometimes before first light. Eagles return to use the same communal roost sites, year after year.

## Meeting set for March 19...

# Water standards to be explained

Warm Springs tribal elders have always taught that salmon are sacred, and that water is the lifeblood of Mother Earth. Without clean water there can be no salmon. Armed with those beliefs, the Confederated Tribes of Warm Springs approach environmental issues with an emphasis on maintaining standards that perpetuate the continuity of sustainable natural resources.

Before the Clean Water Act, and before water quality was a national issue, the Confederated Tribes studied the situation and then took legislative action to confront negative impacts brought about by a variety of events. On August 3, 1967, the Confederated Tribes approved and adopted the "Water Resources Inventory and Water Management Plan" for the Reservation. Eight months later, on April 17, 1968, this plan was adopted as Ordinance No. 45; the official Water Code of the Warm Springs Indian Reservation. Thirty years ago, a step to preserve and maintain water quality was unheard of, and the document sat on

the Secretary of the Interior's desk. The Secretary did not take action to deny the ordinance and it automatically became law on the reservation. With this the Confederated Tribes of Warm Springs became the only Native American Tribe to have a federally recognized water management plan. Since that time the Environmental Protection Agency was established and one of its primary functions is to see that Clean Water Act standards are complied with.

When you realize that the Warm Springs Indian Reservation encompasses 1,000 square miles with approximately 2,000 miles of rivers, streams and high lakes, you can understand the importance of maintaining quality standards. The people's culture demands it and the future of unborn generations depend upon it. That is why in every case, tribal standards meet or exceed federal standards. In continuing its "good neighbor" policy, the Confederated Tribes of Warm Springs will hold a hearing to

provide the public an opportunity to understand, review, and comment on the water quality standards developed by the Tribe in accordance with Section 518 of the Clean Water Act, Amendments of 1987. The meeting will be at the Warm Springs Community Center Thursday, March 19, from 4 p.m. until 10 p.m. According to Deepak Sehgal, Tribal Water and Soil Manager, the objective of the public hearing is to foster a spirit of openness and trust among the Tribe, EPA, State of Oregon, local governments, regional agencies and the public. This also assures the public an opportunity to understand the Tribes' water quality standards program and the Tribes' proposed action.

If you are interested in attending or would like a copy of the "Water Quality Standards Beneficial Uses a Treatment Criteria", call the Tribal Water and Soil Office at 553-3462 or 553-3557. The document will be mailed to you and a flyer with directions on how to get to the meeting will be mailed or faxed.

## Elder Care Center referendum set for Wednesday, March 4

### Resolution No. 9467

Whereas, The Tribal Council and Members of the Confederated Tribes of the Warm Springs Reservation of Oregon are concerned about the needs and welfare of our senior citizens; and,

Whereas, These concerns include the lack of an assisted living facility on the Reservation allowing elders to receive needed care on the Reservation; and,

Whereas, The proposed Elder Care Center will include 40 assisted living units, a kitchen, dining room, senior day care and services for hospice care and home dialysis; and,

Whereas, The Elder Care Center can be financed by available funds; and,

Whereas, The Tribal Council believes it is appropriate to submit the question to Tribal Members of financing the Elder Care Center; now, therefore

**Be it resolved,** By the twentieth (20th) Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1 (f), (l) and (t), as amended, and Article VI of the Constitution, that a tribal referendum be held on **March 4, 1998** at which time the following question shall be presented to a vote of eligible tribal voters:

The Tribal Council shall be authorized to:

Utilize earnings from the Self-Determination Funds and, if the interest earnings are insufficient, to utilize up to \$500,000 from the General Fund.

Project Name	Est. Project Cost	Funds Prev. Committed	Auth. New Spending
Elder Care Center	\$4.1 mill.	\$1.1 mill.	\$3.0 mill.
<b>Total Requested New Spending Authority:</b>			<b>\$3.0 mill.</b>

Question: Shall Resolution No. 9468, as approved by the Tribal Council on February 3, 1998, be approved?

YES NO

### Certification:

The undersigned as Secretary-Treasurer of the Confederated Tribes of the Warm Springs Reservation of Oregon, hereby certifies that the Tribal Council is composed of 11 members of whom 8, constituting a quorum, were present at a meeting thereof, duly and regularly called, noticed, convened and held this 3rd day of February, 1998; and that the foregoing resolution was passed by the affirmative vote of 6 members, 1 member opposed, and the Chairman not voting; and that said resolution has not been rescinded or amended in any way.

Irene B. Wells for Raymond Calica, Sr., Secretary/Treasurer  
Approved February 3, 1998 by Gordon E. Cannon, Superintendent

# VOTE!

WEDNESDAY, MARCH 4

Community Center 8 a.m. to 8 p.m.  
Must be 21 and over or married

## The Affiliated Tribes of Northwest Indians held their Winter Conference in Lincoln City

The Affiliated Tribes of Northwest Indians held their winter conference at Lincoln City, Oregon, February 15-19, 1998. The location was at the Chinook Winds gaming center conference rooms.

The Affiliated Tribes of Northwest Indians, (ATNI), is regarded as one of the strongest groups of Indian tribes in the nation today.

All issues pertaining to Indian Country are brought up at these meetings to be discussed and agreed upon of what the best solution to solve the problem for the tribes it may pertain to. If further action is needed on any subject they draw up resolutions on the matter and forward them to the National Congress of American Indians, for further consideration.

There were several issues brought out at the conference for discussion and one presented by Justice Elbridge Coochise, on Child support enforcement and Indian tribes. Along with this was a Tentative Schedule for seven (7) regional Tribal Consultations Sessions to be held by the Federal Office of Child Support Enforcement, Native American Program, with Tribal governments. These will be coordinated by the Native American Management Services, Inc.

Tribes will be notified of their regional consultation session with information packets to review prior to the session, approximately thirty (30) days before each session.

For more information on consultations, contact:

Native American Management Services, Inc.  
Janie Zah, Ph. D., Project Director  
6858 Old Dominion Drive, Suite 302  
McLean, VA 22101  
(703) 821-2226 FAX 703-821-3680  
OR  
Lucille Dawson, Native American Liaison  
Office of Child Support Enforcement  
US Department of Health and Human Services  
370 L'Enfant Promenade, S.W., Fourth Floor  
Washington, DC 20447  
(202) 401-5437 Fax 202-401-5559

### Briefing Paper

#### Indian Child Support Enforcement (CSE)

The Child Support Enforcement (CSE) Program is a federal, state, and tribal partnership to collect child support. The program's principal goal is to ensure children have the financial support of both parents.

The Child Support Act of 1975, generally referred to as Title IV-D of the Social Security Act, applies to all states and territories, usually administered by state or county social services departments.

Indian tribes were not specified in the Child Support Enforcement Act. However, when the 1996 Welfare Reform Act, P.L. 104-193, was enacted August 22, 1996 as the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), tribes were included for opportunity to play an active role in child support enforcement.

Technical amendments were made to the above Act that further allowed tribes to take a much larger and active role, and provide input into the regulations that will be adopted for the child support enforcement program, by the enactment of Balance Budget Act of 1997, P.L. 105-33, on August 5, 1997.

PRWORA and the technical amendments authorize the US Department of Health and Human Services (HHS) to provide direct funding (direct grants) to tribes and tribal organizations demonstrating the capacity to operate a CSE Program.

The Office of Child Support Enforcement, Native American Program, within HHS provides the major share of child support program operating costs to the tribes. The Office also provides policy guidance, technical assistance, supports research, to assist tribes and tribal organizations to develop child support enforcement programs.

Few federal mandates have been established to enrich and consider the tribes as sovereign nations with the tribal customs, tribe's values and norms in establishing a federal program as the case in child support programs.

#### What the Law Means For Tribes Direct Grants to Tribes:

The Secretary may make direct payments to an Indian tribe or tribal organization that demonstrates to the satisfaction of the Secretary that it has the capacity to operate a child

support enforcement program meeting the objectives of this Act, including:

- establishment of paternity,
- establishment, modification, and enforcement of support orders, and
- location of absent parents.

Tribes can adopt their own laws and regulations for a CSE program. This would mean the criteria used in child support orders would not be the same as those in the state criteria. Any criteria should be based on several factors: including the economic base of the tribe along with the traditions, practices and customs of each tribe.

The tribe(s) have options. These options are up to each tribe to determine. They may include:

- either to operate their own program,
- have the state continue the program by entering a cooperative agreement,
- have the state continue the program without any agreement,
- take funds and sup-contract with the state to run the program for the tribe,
- allow another tribe or a consortium to operate the program, or
- only do a portion of the program that the tribe wishes to operate.

Tribes would have the option for their court systems or their social services department to administer their CSE program.

#### TRIBAL INPUT INTO PROPOSED REGULATIONS

The Secretary shall promulgate regulations establishing the requirements which must be met by an Indian tribe or tribal organization to be eligible for a grant.

Tribes will be consulted prior to any regulations being promulgated.

Tribes, meaning tribal leaders, tribal judicial systems, social services departments and tribal people have the opportunity to give their input into the proposed regulations before these regulations are written.

The written regulations will consider the recommendations, concerns, and proposed language of the tribes in the final regulations.

The Office of Child Support Enforcement, Native American Program attorney will draft the regulations after consultations with the tribes.

#### COOPERATIVE AGREEMENTS

A tribe can enter a cooperative agreement when a tribe has an established tribal court or CFR court with authority to establish paternity, establish, modify, or enforce support orders, or to enter support orders under child support guidelines established

or adopted by the tribe or organization.

When Child support is collected, the tribe or organization forwards collections to the state agency, or conversely, by the state agency to the tribe or organization, which shall distribute such collections in accordance with such agreement.

Tribes may enter cooperative agreements and negotiate which laws will apply, and the criteria to be applied, as part of the agreement.

Tribes do not have to follow only state law as part of any cooperative agreement with states.

Tribes do not have to enter a cooperative agreement with the state for child support enforcement for its children.

#### LAW AND TECHNICAL AMENDMENTS SUMMARY

Public Law 104-193, August 22, 1996; Public Law 105-33, August 5, 1997.

Sec. 375 & Sec. 5546 Child Support Enforcement for Indian Tribes

(a) CHILD SUPPORT ENFORCEMENT AGREEMENTS.

"(33) provide that a State that receives funding pursuant to section 428 and that has within its borders Indian country (as defined in section 1151 of title 18, United States Code) may enter into cooperative agreements with an Indian tribe or tribal organization (as defined in subsections (e) and (1) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), if the Indian tribe or tribal organization demonstrates that such tribe or organization has an established tribal court system or a Court of Indian Offenses with authority to establish paternity, establish, modify, or enforce support orders, or to enter support orders in accordance with child support guidelines established or adopted by such tribe or organization, under which the State and tribe or organization shall provide for the cooperative delivery of child support enforcement services in Indian country and for the forwarding of all collections pursuant to the functions performed by the tribe or organization to the State agency, or conversely, by the State agency to the tribe or organization, which shall distribute such collections in accordance with such agreement", and

"Nothing in paragraph (33) shall void any provisions of any cooperative agreement entered into before the date of the enactment of

such paragraph, nor shall such paragraph deprive any State of jurisdiction over Indian country (as so defined) that is lawfully exercised under section 402 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968 (25 U.S.C. 1322)."

(b) DIRECT GRANTS TO TRIBES- subsection (f) is amended to read as follows: "(f) The Secretary may make direct payment under this part to an Indian tribe or tribal organization that demonstrates to the satisfaction of the Secretary that it has the capacity to operate a child support enforcement program meeting the objectives of this part, including establishment of paternity, establishment modification, and enforcement of support orders, and location of absent parents. The Secretary shall promulgate regulations establishing the requirements which must be met by an Indian tribe or tribal organization to be eligible for a grant under this subsection."

(c) COOPERATIVE ENFORCEMENT AGREEMENTS- Paragraph (7) of section 454(42 U.S.C. 654) as amended "and Indian tribal organizations and Education Assistance Act (25 U.S.C. 450b)"

(d) CONFORMING AMENDMENT-subsection (c) of section 428 (42 U.S.C. 628) as amended

(c) For purposes of this section, the terms Indian tribe' and 'tribal organization' shall have the meanings given such terms by subsections (e) and (1) of section 4 of the Indian Self-Determination and Education assistance act (25 U.S.C. 450b), respectively."

#### FUNDING OF TRIBAL CHILD SUPPORT ENFORCEMENT

Tribes may seek funding to establish "tribal CSE demonstration projects"

Tribes should contact the Federal Office of Child Support Enforcement (OCSE) Native American Program.

Lucille C. Dawson, Native American Program Officer  
Office of Child Support Enforcement  
U.S. Department of Health and

#### Human Services

Administration for Children and Families

370-L "Enfant Promenade, S.W. Aerospace Bldg. 4th floor Washington, DC 20447 (202) 401-5437 Fax 202-401-5559

Tribes may establish their own tribal Child Support Enforcement (CSE) Codes according to their own unique customs, traditions, and tribal law(s). As long as they satisfy the standards established by P.L. 104-193 & P.L. 105-33.

1998 Tentative Schedule For Tribal Consultation

Office of Child Support Enforcement

Native American Program REGION IX - CALIFORNIA, HAWAII

Facilitator Orientation - March 24, 1998.

REGION VI 7 VII New Mexico, Texas, Oklahoma, Kansas Nebraska, Iowa, Missouri, Colorado (Includes Colorado, Excludes Arkansas and Louisiana)

REGION X - WASHINGTON, OREGON, IDAHO, ALASKA

Portland, OR - May 21 & 22, 1998

REGION I, II, III, IV -MAINE, VERMONT, CONNECTICUT, NEW HAMPSHIRE, RHODE ISLAND, MASSACHUSETTS, NEW YORK, NEW JERSEY, PUERTO RICO, VIRGIN ISLANDS, DELAWARE, MARYLAND, PENNSYLVANIA, WEST Virginia, VIRGINIA, DISTRICT OF COLUMBIA, NORTH CAROLINA, SOUTH CAROLINA, TENNESSEE, KENTUCKY MISSISSIPPI, ALABAMA, GEORGIA, FLORIDA, ARKANSAS, LOUISIANA (Includes Arkansas and Louisiana).

Nashville, TN - June 4 & 5, 1998

REGION IX - ARIZONA, NEVADA, UTAH (Includes Utah).

Reno, NV June 24 & 25, 1998

REGION V - MINNESOTA, WISCONSIN, MICHIGAN, ILLINOIS, INDIANA, OHIO, Onamina, MN - July 23 & 24, 1998

REGION VIII - MONTANA, NORTH DAKOTA, SOUTH DAKOTA, WYOMING, (Excludes Utah, Colorado).

Billings, MT - August 13, & 14, 1998