

Definitions of "Indian"

Below are definitions of Indian that other state and federal programs use. Please let DCYF know any feedback on these definitions and what parts of these definition should be included in the ECEAP definition of an Indian child. Provide as much detail as possible. Please let Tribal DCYF Relations know if you would like to set up a time to provide feedback over Zoom dcyf.tribalrelations@dcyf.wa.gov

Your name: _____ Tribe: _____

Definitions from WA State Programs	Feedback and Recommendations
<p><u>Washington State Indian Child Welfare Act (WICWA)</u></p> <p>"Indian" means a person who is a member of an Indian tribe, or who is an Alaska native and a member of a regional corporation as defined in 43 U.S.C. Sec. 1606.</p> <p>"Indian child" means an unmarried and unemancipated Indian person who is under eighteen years of age and is either: (a) A member of an Indian tribe; or (b) eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.</p>	
<p><u>WA Health Care Authority</u></p> <p>Am I eligible for Alaska Native/American Indian coverage? You must be able to verify that you are a member of a federally recognized tribe, Band, Pueblo or Rancheria, or shareholder in an Alaska Native Corporation in order to be eligible for special benefits available to AI/ANs. Verification documentation includes any official document issued by a Federally Recognized Tribe or Alaska Native Corporation that demonstrates the individual is an enrolled member, such as:</p> <ul style="list-style-type: none"> • Tribal enrollment card • Certificate of Indian Blood Degree (CIBD) from a Federally Recognized Tribe • A letter from a Federally Recognized Tribe or Alaska Native Corporation <p>Applicants have 90 days to provide the documents or provide a statement of good faith effort. To be eligible for Washington Apple Health (Medicaid) you also need to be eligible for IHS services. If you are</p>	

found eligible for Apple Health, you do not need to submit documentation to verify your AI/AN status.

If you are a Canadian Indian living in the U.S. under the Jay Treaty, you are eligible to sign up for coverage through Washington Healthplanfinder or enroll in Federal programs, such as Medicaid or Medicare.

Compact Schools

- **Suquamish** The Tribe agrees that it will not limit admission to the School on any basis other than age group, grade level, or capacity and must otherwise enroll all students who apply; provided, that if capacity is insufficient to enroll all students who apply, the school may prioritize the enrollment of the tribal members and siblings of already enrolled students.
- **Chief Lecshi Schools** Puyallup Tribe agrees that it will not limit admission to the School on any basis other than age group, grade level, or capacity and must otherwise enroll all students who apply; provided, that if capacity is insufficient to enroll all students who apply, the School may prioritize the enrollment of Puyallup Tribe members and siblings of already enrolled students.
- **Lummi** The Lummi Nations agrees that it will not limit admission to the School on any basis other than age group, grade level, or capacity and must otherwise enroll all students who apply; provided, that if capacity is insufficient to enroll all students who apply, the School may grant preference to the enrollment of Lummi Nations members or members of other federally recognized tribes and siblings of already enrolled students.
- **Muckleshoot** The parties agree that the Muckleshoot Indian Tribe may limit admission to the School on the basis of age group, grade level, or School capacity. Provided, the School may revise and amend the educational program and curriculum presented in the Final Approved Application at its discretion in accordance with Section III.A.2 of this Compact.
- **Quileute** The School Board agrees that it will not limit admission to the School on any basis other than age group, grade level, or capacity and must otherwise enroll all students who apply;

<p>provided, that if capacity is insufficient to enroll all students who apply, the School may prioritize the enrollment of Quileute Tribe members and siblings of already enrolled students.</p> <ul style="list-style-type: none"> • Wa He Lut Indian School WIS agrees that it will not limit admission to the School on any basis other than age group, grade level, or capacity and must otherwise enroll all students who apply; provided, that if capacity is insufficient to enroll all students who apply, the School may prioritize the enrollment of tribal members and siblings of already enrolled students. Provided, the School may revise and amend the educational program and curriculum presented in the Final Approved Application at its discretion in accordance with Section III.A.2 of this Compact. • Yakama The Yakama Nation agrees that it will not limit admission to the School on any basis other than age group, grade level, or capacity and must otherwise enroll all students who apply; provided, that if capacity is insufficient to enroll all students who apply, the School may prioritize the enrollment of tribal members and siblings of already enrolled students. 	
<p>Economic Services Administration (ESA)</p> <p>To qualify for benefits they must provide verification of tribal enrollment showing they are:</p> <ul style="list-style-type: none"> • Members of a federally recognized Indian tribe (see Governor's Office of Indian Affairs website) or Alaska Native villages and corporations and have a proof of tribal enrollment, or • Canadian-born American Indians, who are at least 50% American Indian blood. This category does not include the spouse or child of such a person, unless he or she also possesses 50% of American Indian blood, or • Canadian-born American Indians who are less than 50% American Indian blood, and who have been continuously residing in the U.S. since prior to December 24, 1952. <p>American Indians, who do not meet the criteria above, are undocumented unless they have another immigration status with USCIS.</p>	

<p>NOTE: American Indians, including those who are born outside the U.S., have the same eligibility for benefits as U.S. citizens and do not have to provide U.S. citizenship documentation.</p>	
<p><u>Food Distribution Program on Indian Reservations FDPIR from DSHD</u> The Food Distribution Program on Indian Reservations - FDPIR is a Federal program that provides USDA foods to low-income households, including the elderly, living on Indian reservations, and to Native American families residing in designated areas near reservations. There are nine FDPIR programs serving 29 areas in Washington</p>	
<p><u>Tribal TANF</u> Service Population & Areas The tribe has the authority to define its service area and its service population. Each tribe negotiates with the state (and neighboring tribes if applicable), regarding whom they will serve and in what areas. To qualify for Tribal TANF, a family must:</p> <ul style="list-style-type: none"> • Include at least one client, child or adult, who is a Native American/Alaska Native or is affiliated with an Indian Tribe; and • Live in the service area of a Tribal TANF Program <p>Tribes may serve all Native Americans or only tribal members. Tribes typically, but not always, serve all Native Americans who live on their reservation.</p> <p>In addition to their reservation, the tribe decides their geographic service areas, called "near reservation areas." If this area is also the near reservation area of more than one tribe, the tribe will contact the other tribe(s) and, if necessary, work out an agreement with the other tribe(s) on who will be served.</p>	
<p><u>OSPI Title VI Indian Education Programs</u></p> <ul style="list-style-type: none"> • A member of an Indian tribe or band, as membership is defined by the Indian tribe or band, including any tribe or band terminated 	

<p>since 1940, and any tribe or band recognized by the State in which the tribe or band resides;</p> <ul style="list-style-type: none"> • A descendant of a parent or grandparent who meets the requirements described in paragraph of this definition; • Considered by the Secretary of the Interior to be an Indian for any purpose; • An Eskimo, Aleut, or other Alaska Native; or <p>A member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect on October 19, 1994.</p>	
<p>Definitions from Federal Programs</p>	
<p><u>Indian Child Welfare Act (ICWA)</u> "Indian child" means any unmarried person who is under age eighteen and is either (a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe;</p>	
<p><u>Centers for Disease Control and Prevention (CDC)</u> AI/ANs identifying as affiliated with at least one federally recognized tribe</p>	
<p><u>2020 Census</u> Identifying as American Indian or Alaska Native on the census is a matter of self-identification. The Census Bureau collects race data in accordance with the 1997 U.S. Office of Management and Budget (OMB) standards on race and ethnicity. The 1997 OMB standards define “American Indian or Alaska Native” as “A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.</p>	
<p><u>Food Distribution Program on Indian Reservations (FDPIR)</u> Income-eligible American Indian and non-Indian households that reside on a reservation, and households living in approved areas near a reservation or in Oklahoma that contain at least one person who is a member of a federally-recognized tribe, are eligible to participate in FDPIR.</p>	
<p><u>Child Care Development Fund (CCDF)</u> Indian Tribe means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or</p>	

<p>village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. § 1601 et seq.) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;</p> <p>Defining Indian Child For the purposes of determining eligibility, all AI/AN CCDF grantees are required to define “Indian child.” Small-, medium-, and large-allocation grantees have flexibility in defining “Indian child,” and may include children from other tribes if such tribes are federally recognized, consistent with the CCDBG Act’s definition of Indian tribe.</p>	
<p><u>Child Care and Development Fund Plan Preprint 2020-2022 for Tribes</u> 1.5.1 Indian Child</p> <p>Programs and activities are to be carried out for the benefit of Indian children. While Tribal Lead Agencies have some flexibility in defining “Indian child,” the definition must be limited to children from federally recognized Indian Tribes, consistent with the Child Care and</p> <p>Development Block Grant Act’s definition of Indian Tribe (98.2). This could include children who are Tribal members, whose membership is pending, who are eligible for membership, and/or are children/descendants of members. This could also include adopted children, foster children, and step-children, etc.</p>	
<p><u>BIA</u> As a general rule, an American Indian or Alaska Native person is someone who has blood degree from and is recognized as such by a federally recognized tribe or village (as an enrolled tribal member) and/or the United States. Of course, blood quantum (the degree of American Indian or Alaska Native blood from a federally recognized tribe or village that a person possesses) is not the only means by which a person is considered to be an American Indian or Alaska Native. Other factors, such as a person’s knowledge of his or her tribe’s culture, history, language,</p>	

religion, familial kinships, and how strongly a person identifies himself or herself as American Indian or Alaska Native, are also important. In fact, there is no single federal or tribal criterion or standard that establishes a person's identity as American Indian or Alaska Native.

There are major differences, however, when the term "American Indian" is used in an ethnological sense versus its use in a political/legal sense. The rights, protections, and services provided by the United States to individual American Indians and Alaska Natives flow not from a person's identity as such in an ethnological sense, but because he or she is a member of a federally recognized tribe. That is, a tribe that has a government-to-government relationship and a special trust relationship with the United States. These special trust and government-to-government relationships entail certain legally enforceable obligations and responsibilities on the part of the United States to persons who are enrolled members of such tribes. Eligibility requirements for federal services will differ from program to program. Likewise, the eligibility criteria for enrollment (or membership) in a tribe will differ from tribe to tribe.

Other recommendations to include in the definition of an Indian child for ECEAP enrollment? Please include any comments, suggested language, and other thoughts.