

## **Chapter 20. Department of Human Services**

### **15.2001 PURPOSE**

The purpose of the Statute is to establish a Little Traverse Bay Bands of Odawa Indians (LTBB) governmental Executive department entitled “Department of Human Services” that shall work with families in a way that is characteristic of the LTBB inherent cultural traditions, customs, and values and address the well-being and protection of LTBB children, adults, families, communities and the Tribe.

(Source : WOS 2012-009, August 5, 2012, Section I)

### **15.2002 DEFINITIONS**

- A.** “Constitution” or “Tribal Constitution” means the Constitution of the Little Traverse Bay Bands of Odawa Indians as adopted on February 1, 2005, and any amendments thereto.
- B.** “Executive Branch” means the Branch identified in Article VIII of the Tribal Constitution.
- C.** “LTBB” or “Tribe” means the Little Traverse Bay Bands of Odawa Indians.
- D.** “Tribal Council” or “Council” means the elected body of the Little Traverse Bay Bands of Odawa Indians to carry out legislative powers under Article VII of the Constitution.

(Source: WOS 2012-009, August 5, 2012, Section II)

### **15.2003 CREATION OF THE OFFICE**

- A.** Pursuant to Article VII of the Tribal Constitution the Legislative Branch approves the creation or dissolution of Executive divisions or departments to promote and protect the peace, health, safety, education, and general welfare, including but not limited to cultural and natural resources, of the Little Traverse Bay Bands of Odawa Indians and its members.
- B.** The Tribal Council hereby creates and establishes the Department of Human Services within the Executive Branch.

(Source: WOS 2012-009, August 5, 2012, Section III)

#### **15.2004            AUTHORITY AND DUTIES**

The Department of Human Services shall:

- A.**     Provide a high level of social well-being essential to the improvement of the quality of life within the Tribe by providing programs that emphasize prevention and preservation of the family.
  
- B.**     Act as the outreach center that oversees resources administered through the Department so Tribal Citizens can make decisions and choices affecting their present and future economic and social stability. Provide for effective communication and dissemination of Tribal information to the Tribal community regarding Departmental services.
  
- C.**     Promote family unity and well-being through protection of LTBB children, adults, families, communities and the Tribe.
  
- D.**     Collaborate, consult and negotiate with tribal, state and federal agencies for the purpose of promoting the wellbeing of all Tribal Citizens and citizens from other tribes including issues surrounding any child and adult welfare.
  
- E.**     Have responsibility for investigating Indian child welfare and adult welfare matters, including interaction with state, federal and other tribal human services agencies.
  
- F.**     Work with appropriate officials and departments to draft petitions for the protection of children and adults.
  
- G.**     In conjunction with the Child Welfare Commission, determine appropriate placement recommendations to the Presenting Office and Court for child welfare matters.
  
- H.**     Determine appropriate placement recommendations for adult welfare matters.
  
- I.**     Maintain appropriate documentation and records according to applicable laws.
  
- J.**     Provide direct services to clients in need via effective and documented case management

as well as link them to other available resources.

**K.** When implementing services to a minor child, the child's family will have an opportunity to be involved in decisions affecting services for that child.

(Source: WOS 2012-009, August 5, 2012, Section IV)

## **15.2005 INTERNAL ORGANIZATION**

**A.** The Department of Human Services shall consist of such divisions, branches, and offices necessary for the execution of its mission, performance of its mandated functions, and to achieve its annual goals and objectives.

**B.** The Department shall employ staff professionals and support personnel and/or contract with professional service firms as determined by the Director and consistent with the laws of LTBB. Such staff professionals and support personnel and/or professional firms shall meet minimal background standards for employment.

**C.** The Department shall maintain a current organizational chart. The organizational chart shall accompany its annual budget submission and any supplemental funding requests in accordance with the LTBB *Budget Formulation Process*.

**D.** The Department Director shall be a full-time employee and paid compensation commensurate with his or her skills, education, experience, and responsibilities and within the standards of compensation established by LTBB.

**1.** The Director shall be responsible for operating within the annually appropriated budget for the Department.

**2.** The Director may not serve as an ex officio member of any LTBB commissions, committees or boards.

**E.** The Department shall work with the Child Welfare Commission in accordance with the Child Welfare Commission and Child Protection Statutes. The Child Welfare Commission shall be consulted during the development of the Department's annual goals and objectives and issues that involve child protection and welfare.

## **F. Annual Report.**

The Department of Human Services shall prepare a final written annual report within thirty (30) calendar days of the end of each fiscal year. It will report on the activities of the Department, achievement of the goals and objectives for the previous fiscal year, and the impact, if any, of fiscal constraints on its current goals and objectives. The Report shall be submitted to the Executive who shall provide it to Tribal Council within thirty (30) calendar days of receipt.

(Source: WOS 2012-009, August 5, 2012, Section V)

### **15.2006 STAFFING**

Any current employees for the Human Services Department shall remain and be used to implement this Statute.

(Source: WOS 2012-009, August 5, 2012, Section VI)

### **15.2007 APPROPRIATIONS AUTHORIZED**

Any current appropriations for the Human Services Department, as appropriate, shall be used to implement this Statute and the Executive shall present Tribal Council with future annual budget requests necessary to implement this Statute.

(Source: WOS 2012-009, August 5, 2012, Section VII)

### **15.2008 REGULATIONS**

Regulations and/or policies promulgated to implement this Statute shall follow the Administrative Procedures Act.

(Source: WOS 2012-009, August 5, 2012, Section VIII)

### **15.2009 ADMINISTRATIVE PROCEDURES REQUIRED**

Administrative Procedures shall be developed by the Executive Branch and presented to

Tribal Council for approval in accordance with the Administrative Procedures Act 2008-001, or as amended, in order to clarify the implementation of this Statute by defining how the department will implement daily activities.

(Source: WOS 2014-004, May 6, 2014, Section IX)

#### **15.2010 SAVINGS CLAUSE**

In the event that any phrase, provision, part, paragraph, subsection or section of this Statute is found by a court of competent jurisdiction to violate the Constitution, laws or ordinances of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to be deleted from this Statute, the entirety of the balance of the Statute to remain in full and binding force and effect.

(Source: WOS 2012-009, August 5, 2012, Section IX)

#### **15.2011 EFFECTIVE DATE**

Effective upon signature of the Executive or shall be deemed enacted if not expressly vetoed by the Executive within thirty (30) days of submission. The Tribal Council may, by an affirmative vote of seven (7) members of the Tribal Council, override a veto by the executive.

(Source: WOS 2014-004, May 6, 2014, Section X)