WELFARE REFORM INITIATIVE

WELFARE REFORM:
THE IMPACT ON NATIVE AMERICANS
IN UTAH’S UINTAH BASIN
February 2001

Authors:
Shirley A. Weathers, Ph.D.
William P. Walsh, Jr.
Walsh & Weathers Research and Policy Studies

Center for Public Policy and Administration
University of Utah
1901 E. South Campus Drive, Room 2120
Salt Lake City, UT 84112-9363
(801) 581-6491
Welfare Reform: The Impact on Native Americans in Utah’s Uintah Basin
February 2001

Authors:
Shirley A. Weathers, Ph.D.
William P. Walsh, Jr.
Walsh & Weathers Research and Policy Studies

Project Staff:
Center for Public Policy and Administration
James J. Gosling, Director and Professor of Political Science
Laurie N. DiPadova, Policy Fellow and Principal Investigator
Sara McCormick, Project Specialist
Hillary Diamond, Graduate Research Assistant

Thrasher Research Fund
Victor Brown, President and CEO

Financial supporters of this project and report
Utah Department of Workforce Services
Utah Division of Indian Affairs

Financial supporters of CPPA’s Welfare Reform Initiative
Catholic Diocese of Salt Lake City
The Church of Jesus Christ of Latter-day Saints Humanitarian Service
Holy Cross Ministries
IHC Foundation
Thrasher Research Fund
Utah Department of Human Services
Utah Department of Workforce Services

COPYRIGHT © 2001 by the Center for Public Policy and Administration
Center for Public Policy and Administration
Welfare Reform Initiative
Advisory Committee

Pamela Atkinson, Intermountain Health Care, Mission Services
Amanda Barusch, Graduate School of Social Work, University of Utah
Victor Brown, Thrasher Research Fund
Laurie DiPadova, Center for Public Policy & Administration, University of Utah
James J. Gosling, Center for Public Policy & Administration, University of Utah
Garth Mangum, Department of Economics, University of Utah
Sara McCormick, Center for Public Policy & Administration, University of Utah
Roz McGee, Utah Children
Lloyd Pendleton, The Church of Jesus Christ of Latter-day Saints Humanitarian Service
Pam Perlich, Bureau of Economic & Business Research, University of Utah
Ross Reeve, Demographic & Economic Analysis, Governor’s Office of Planning and Budget
Thayne Robson, Bureau of Economic & Business Research, University of Utah
Kerry Steadman, Human Services, Salt Lake County
Mary Jane Taylor, Graduate School of Social Work, University of Utah
Helen Thatcher, Department of Workforce Services
Bill Walsh, Walsh & Weathers Research and Policy Studies
Shirley Weathers, Walsh & Weathers Research and Policy Studies
Cathy Zick, Family & Consumer Studies, University of Utah
February 2001

The University of Utah’s Center for Public Policy and Administration is pleased to present this valuable report, *Welfare Reform: The Impact on Native Americans in Utah’s Uintah Basin* by Shirley A. Weathers, Ph.D., and William P. Walsh, Jr. of Walsh & Weathers Research and Policy Studies. Funded by the Utah Department of Workforce Services (DWS) and the Utah Division of Indian Affairs, this report addresses the critical issue of how TANF/FEP affects the Northern Ute Tribe and members of other Indian tribes living in northeastern Utah. It should be noted that this publication is the product of over a year of work with Ute tribal leaders, Bureau of Indian Affairs and other Indian and non-Indian service providers, local government leaders, and officials of the DWS Eastern Region and State Office. As a result of this research, the researchers made substantial recommendations, to which the DWS Eastern Region and the DWS State Office responded in writing (see pages 45-59).

This report, more than any of the other CPPA Welfare Reform Reports, points to the myriad dilemmas that conscientious public administrators encounter when seeking to administer a policy [in this case, the Family Employment Program (FEP)] that was not conceived with the impacted citizens (in this case, Indian families) in mind. For instance, public administrators in the local office face the difficulties of administering this policy to a population of citizens that holds a different cultural definition of “family” from their white neighbors (see Problem preceding Recommendation #33 in the report).

Welfare reform is fundamentally a welfare-to-work program. The presumption lying at the foundation of this policy is that people will come off of welfare and assume positions of employment that will be sufficient to sustain their families. As published CPPA research by Coon, Geo-Jaja, and Mangum (*From Welfare Poor to Working Poor: Post AFDC/TANF Income, Utah*) demonstrates, the vast majority of those leaving welfare for jobs in Salt Lake County – urban county with high job availability – join the ranks of the working poor. These results are mirrored by the researchers’ state-wide study. One can imagine, then, the difficulties of Native American families on welfare trying to secure employment in the Uintah Basin – an area known for high unemployment rates, and where discrimination against Native Americans has a long history (see Problem preceding Recommendations #26 and #27 of this report).
Indeed, this study found clear evidence that a constricted job market and preferential hiring combine to thwart welfare-to-work goals, but this information is not new. The existence and impact of these very real, external forces were well understood nearly a decade ago, when Utah designed its own welfare reform demonstration program, Single Parent Employment Demonstration (SPED). In that demo, the Roosevelt Office, where 40 percent of the family assistance caseload is Indian, was specifically selected to test and measure the acknowledged impact of these factors. At that time, research showed what we have relearned now: the welfare-to-work model cannot be applied in a one-size-fits-all fashion without producing disappointing, even devastating, results. In the case of Indians in the Uintah Basin, at least, current state and national welfare policies call on public administrators to ignore the lessons of history.

There is no question that local DWS administrators and counselors face a daunting task in trying to serve the needs of Indian people with a welfare policy that obviously was not framed to consider the specific circumstances that affect them. Regional DWS officials, in their painstaking attempts to do everything possible to reach out to the Utes, placed DWS services on the Internet (see Eastern Region response to Recommendation #4) as part of their outreach effort. In this cultural disconnect, DWS officials forgot that Ute families in need do not have the capacity to surf the Internet for assistance.

One of the most significant lessons nationally regarding welfare reform is the increased complexity inherent in administering its policies. These challenges fall squarely on the shoulders of case managers/employment counselors in every jurisdiction of every state. Moreover, in my judgment, nowhere are the hurdles more problematic for public administrators than in the Eastern Region of the Utah Department of Workforce Services, where the failure of the policy design and implementation to take into the account the unique situation of this population of Americans is most apparent.

Laurie N. DiPadova, Ph.D.
Policy Fellow
TABLE OF CONTENTS

ACKNOWLEDGMENTS ................................................................. ix
LIST OF ABBREVIATIONS ........................................................... xi
EXECUTIVE SUMMARY .............................................................. 1
I. Introduction .............................................................................. 1
II. Methodology .......................................................................... 7
   A. Qualitative components ...................................................... 7
   B. Quantitative components .................................................. 8
III. The Setting ............................................................................ 11
   A. Population .......................................................................... 11
   B. Income and poverty status ................................................ 11
   C. Assistance programs ......................................................... 13
   D. Economic development ..................................................... 16
IV. Issues/Findings ...................................................................... 17
   A. Welfare reform in a rural area, double trouble for Native American families .... 17
      High unemployment – the case of the Uintah Basin and American Indians ...... 17
      Families with serious barriers to employment ........................................ 23
      Gaps in resources – central to the rural dilemma ..................................... 26
   B. Welfare reform issues in this part of Indian Country ...................... 27
      Exemptions from time limits on reservations with high unemployment .......... 27
      Work-based welfare policies and discrimination in the workplace ............ 28
      The impacts of time limits ................................................................... 31
      Educational issues related to welfare reform .......................................... 33
      Coming home ............................................................................ 36
      Utah “specified relative” policy and Ute family structure ......................... 37
   C. Welfare reform issues beyond the Uintah Basin ....................... 38
      The challenge of getting help under the new welfare system .................. 38
      Concerns about children – the short and long views ................................ 40
      Social disruption – an outgrowth of welfare reform? .............................. 42
   D. Conclusion ............................................................................ 43
V. Key Problem Areas and Recommendations for Possible Solutions ............ 45

Selected Sources ........................................................................ 61

Figure 1 FEP Case Closures – Transitional Medicaid .......................... 21
Figure 2 FEP Case Closures – Transitional Medicaid (Vernal and Roosevelt only) .... 22
Figure 3 FEP Case Closures – Non-participation .................................. 25
ACKNOWLEDGMENTS

We gratefully acknowledge the support we received from Ute tribal leaders and Department of Workforce administrators in facilitating the collection of information necessary for this study. We are indebted to the many service providers and other informants residing and working in the Uintah Basin in areas giving them expertise and experience with issues relating to welfare reform. We have also received important help from experts on both the state and national level. The following deserve special thanks:

Crystal Adams, Ute Tribally Designated Housing Entity
Max Adams, Ute Tribe Economic Development Department
Norm Angus, former Executive Director, Utah Department of Human Services
Toni Ansel, Utah Department of Workforce Services, Roosevelt Employment Center
Robin Arnold-Williams, Utah Department of Human Services
Randall Bachman, Northeastern Counseling Center
Amanda Barusch, Social Research Institute, Graduate School of Social Work, University of Utah
Betty Bell, LDS Church, Roosevelt West Stake
Lora Carter, Ute Tribe Workforce Investment Act Program Director
Nonie Cesspooch, Ute Tribe Education Department
Emma Chacon, Utah Department of Human Services, Office of Recovery Services
Judy Chambley, Utah Department of Workforce Services, Eastern Region
Phillip Chimburas, Ute Tribe Food Distribution
Sadine Chimburas, Ute Tribe Personnel Director
Alexia Cooper, former Mayor of Myton City
Forrest Cuch, Utah Division of Indian Affairs
Curtis Dastrup, Uintah Basin Association of Governments
Vint DeGraw, Utah Department of Workforce Services, Vernal Office
Bonnie Fausett, Family Support Center of the Uintah Basin
Bob Gilbert, Utah Department of Workforce Services, Eastern Region
Jay Groves, Ute Tribe Executive Director
Irene Hansen, Duchesne County Area Chamber of Commerce
Glenna Harper, Bureau of Indian Affairs, Social Services
Sarah Hicks, National Congress of American Indians
Gene Hofeling, Utah Department of Health, Division of Health Care Financing
Shelly Ivie, Utah Department of Workforce Services, Eastern Region
Fred Janzen, Social Research Institute, Graduate School of Social Work, University of Utah
Randy Jensen, Utah Department of Workforce Services, Eastern Region
Ken Jensen, Utah Department of Workforce Services, Labor Market Information Services
Patti Bowles Johansen, Utah State Office of Education, Finance and Statistics
Russell King, Utah Department of Workforce Services, Eastern Region
Maureen Kijek, The Church of Jesus Christ of Latter-day Saints, Roosevelt West Stake
# LIST OF ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>21st CCLC</td>
<td>21st Century Community Learning Centers</td>
</tr>
<tr>
<td>AFDC</td>
<td>Aid to Families with Dependent Children</td>
</tr>
<tr>
<td>BIA</td>
<td>Bureau of Indian Affairs</td>
</tr>
<tr>
<td>DSPD</td>
<td>Division of Services for People with Disabilities</td>
</tr>
<tr>
<td>DWS</td>
<td>Department of Workforce Services</td>
</tr>
<tr>
<td>EIC</td>
<td>Earned Income Credit</td>
</tr>
<tr>
<td>FACT</td>
<td>Families, Agencies &amp; Communities Together</td>
</tr>
<tr>
<td>FEP</td>
<td>Family Employment Program</td>
</tr>
<tr>
<td>GED</td>
<td>General Education Development</td>
</tr>
<tr>
<td>IHS</td>
<td>Indian Health Services</td>
</tr>
<tr>
<td>JOM</td>
<td>Ute Tribe Education Johnson O’Malley Program</td>
</tr>
<tr>
<td>LCSW</td>
<td>Licensed Clinical Social Workers</td>
</tr>
<tr>
<td>LDS</td>
<td>The Church of Jesus Christ of Latter-day Saints</td>
</tr>
<tr>
<td>LIC</td>
<td>Local Interagency Council</td>
</tr>
<tr>
<td>NCAI</td>
<td>National Congress of American Indians</td>
</tr>
<tr>
<td>NP</td>
<td>Non-participation</td>
</tr>
<tr>
<td>PRWORA</td>
<td>Personal Responsibility and Work Opportunity Reconciliation Act</td>
</tr>
<tr>
<td>SPED</td>
<td>Utah’s Single Parent Employment Demonstration</td>
</tr>
<tr>
<td>SRI</td>
<td>Social Research Institute, Graduate School of Social Work, University of Utah</td>
</tr>
<tr>
<td>SSA</td>
<td>Social Security Administration</td>
</tr>
<tr>
<td>SSI</td>
<td>Supplemental Security Income</td>
</tr>
<tr>
<td>TANF</td>
<td>Temporary Assistance to Needy Families</td>
</tr>
<tr>
<td>TDHE</td>
<td>Ute Indian Tribally Designated Housing Entity</td>
</tr>
<tr>
<td>TR</td>
<td>Transitional Medicaid</td>
</tr>
<tr>
<td>USOE</td>
<td>Utah State Office of Education</td>
</tr>
</tbody>
</table>
EXECUTIVE SUMMARY

Congress passed welfare reform – the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) – in 1996. The Act deals with many federal programs that have traditionally offered assistance to the nation’s poor, but probably the most far-reaching changes impact families with children. Among others, the Act repealed Aid to Families with Dependent Children (AFDC) – an entitlement program – and replaced it with the Temporary Assistance for Needy Families (TANF) Program – a block-granted program focused on employment. Under the assumption that welfare families can and will find work if required to, financial assistance under TANF is time-limited to 60 months in a lifetime. A limited number of extensions beyond time limits can be granted to families meeting “hardship” criteria with respect to their ability to work. States can decide on the criteria.

Utah also passed a welfare law in 1996, putting in statute the major provisions of Utah’s successful demonstration program, the Single Parent Employment Demonstration (SPED) program. SPED enjoyed broad support, largely due to its individualized approach to helping families and its goal of moving them to above-poverty incomes through work and child support, but in the new law, the Legislature overlaid a nationally popular departure from SPED’s design: a lifetime limit on financial assistance of 36-months. The following year, the Legislature passed HB 269, establishing the Family Employment Program (FEP) as Utah’s TANF program. The 36-month lifetime limit was retained, along with much of the 1996 law mirroring Utah’s “home-grown” SPED program.

By 2001, it is clear that time-limited welfare reform – as embodied in both the new federal welfare law and Utah’s FEP – is aimed at a homogeneous “typical” welfare client. This client is a single, female parent of dependent children. She can work, especially if assisted in planning and executing an effective job search by a case manager. Understanding time limits and participation requirements of the new program, she will be motivated to work. If she fails to make adequate progress, states can devise sanctions. If this typical client has barriers to work, it is expected that they will be discovered by the administering agency and appropriate interventions will be made available. Given that, she will be ready to work by the time she reaches her time limit. To address exceptions, a limited number of extensions beyond time limits can be granted to families meeting “hardship” criteria. States are given the authority to establish those criteria, but there is a cap on the number of extensions, regardless of need, unless the states wish to fund additional families themselves.

Four years after passage of the Act, greatly reduced welfare caseloads and unspent quantities of federal TANF block grant dollars are hailed by some as evidence of successful welfare reform, but there is growing awareness that the way welfare reform was supposed to work for recipient families has played out poorly for some. The Department of Workforce Services (DWS) released a study in June 2000 that shows that families with difficult barriers to employment – a substantial proportion of the whole – are not necessarily getting the help they need before they lose financial assistance. Researchers at the Social Research Institute (SRI) at the University of Utah found that barriers are often difficult to recognize. Moreover, appropriate intervention may not be available or have the desired effect. People
with health, mental health, or substance abuse problems; with a history of domestic violence or child abuse; with poor work histories; and whose children have severe behavioral problems are among those who are at risk of losing financial assistance, not only because they reach time limits, but because they otherwise fail to appropriately navigate the new welfare rules and are sanctioned or just drift away. The issue of dealing with families with special barriers to employment and effective functioning is emerging as one of the most important aspects of welfare reform in need of careful attention in the Twenty-first Century.

**Barriers for Native Americans**

Indian tribes across the nation were alarmed upon passage of PRWORA at the impact major changes to the national welfare system promised to have on Indian Country. They pointed out during Congressional debates and after passage of the Act the historical commitments made to provide basic supports to members of Indian tribes in exchange for the cession of tribal lands through treaties. The imposition of lifetime limits on financial assistance (TANF) needed by Indian families with children living on reservations, without a realistic chance of becoming employed, violated those commitments and would be devastating. Congress responded in the 1997 Balanced Budget Act by allowing exemptions to time limits for residents of any Indian reservation with a population of over 1,000 and an unemployment rate among adult reservation residents of over 50 percent.

This provision may relieve one concern of Indians for tribes who qualify, but the “checkerboard” configuration of the Uintah-Ouray Reservation – caused when Congress opened up the Reservation to white settlement in 1905 – thus far appears to DWS to thwart its eligibility for the exemption. The law requires that all adults of working age, regardless of race, must be counted. Until this dilemma can be solved, Utah’s time limit applies to Uintah-Ouray Reservation residents.

In large part because of this situation, DWS officials at both the State level and in the Eastern region expressed interest in learning more about how welfare changes, including time limits, were affecting Indian families with children in the Uintah Basin and, in turn, how their needs might impact other service providers. In April 2000, DWS authorized existing contract funds to be used by CPPA for further study. The State Division of Indian Affairs subsequently contributed additional funding for this report.

Through this current study, the authors have concluded that Native Americans, as members of a group that traditionally has endured exceptionally high unemployment rates, are particularly disadvantaged by work-based, time-limited welfare reform. Added to that, extraordinary incidence of poverty – two-thirds of single-female headed families with children according to the 1990 Census – high rates of educational deficiencies, transportation limitations, and poor housing, further hamper Native American FEP-eligible families’ success. We have found substantial local concern about outcomes for the Native American population under many parameters of PRWORA, Utah State law, and DWS policies and practices. There is considerable belief expressed by many people interviewed
during this study that, under circumstances of unemployment rates as high as 80 percent and resource shortages in the Uintah Basin/rural Utah, welfare changes are excessively harsh and unrealistic for Native American families and others. Despite efforts by staff and administrators at the Roosevelt Office of DWS, where typically around 40 percent of the FEP caseload is Native American, Indian service providers are pessimistic. It seems clear that the impacts of a difficult job market and high unemployment and widespread poverty may not be able to be negated by institutional diligence.

Critical welfare reform issues for the Twenty-first Century

This study found that some significant pieces of welfare reform law outlined in PRWORA, as well as in Utah statute and policy, require refinement, and that more resources are needed to assist families with barriers. Without such actions, the short- and long-term costs to families, children, and communities may be more than we will want to pay. Additionally, tribal leaders and both Indian and non-Indian service providers share concerns about welfare changes described to the authors by providers in other Utah rural areas. The new welfare laws and policies have not yet managed to take into account some of the very real differences in people’s lives and environments.

A look at the way welfare reform may be affecting Indians in Utah’s Uintah Basin is timely, although serious data availability limitations make this current study far from complete. However, it begins to confront a challenge as PRWORA is under discussion prior to Reauthorization in 2002: to look deeper for a particular population group into generalizations contending that work, if made mandatory, and welfare, if made temporary, will have a positive impact on welfare parents, their children, and the community as a whole. While these notions appear to have validity for a certain segment of the welfare population, they are falling short of being realistic for others. After four years of welfare reform, we are beginning to know something about the circumstances of more troubled families, what they need, and how the current system may be dealing them a hand they cannot play. There is indication that, despite diligent job search and other participation efforts on the part of an individual FEP parent, the economic environment may still block her movement forward. Families may be told to move to areas with a brighter labor market picture, but the high cost of living, greater risks for children, and loss of their support structure may make that an untenable, or even a bad, decision. This may be particularly true for Native Americans whose culture ties them to Indian reservations.

Deciding how to respond to what we have learned will not be easy, but time has offered us some experience to begin to refine welfare reform as we know it, in 2001. The authors hope that this discussion of the impact of welfare reform on the Ute Tribe and other Indians in the Uintah Basin will contribute to this very necessary next step. The consequences of ignoring families for whom the first cut at reforming welfare is not working may, at the very least, be to the detriment of children in those families. This would be an exceedingly high price to pay for imagining that we could reform a 60 year old institution entirely satisfactorily on the first try. There is much work to be done as Congress looks at Reauthorization of the Act in 2002.
Methodology

Tribal leaders, Indian service providers, and local DWS officials were included as project objectives were established as follows:

1. To investigate and describe issues relating to Indians in the Uintah Basin and welfare reform.
2. To identify specific problems or areas in need of attention and suggest recommendations for solutions.
3. To gather and present demographic data pertinent to Ute/Indian FEP and FEP-eligible families living in the Uintah Basin.
4. To develop an inventory of existing public and private sector assistance programs, including tribal programs, for which these families may be eligible.

The research design for this study includes both qualitative and quantitative components. Building on information gathered during two meetings predating the study, a broad range of individuals and groups were interviewed throughout the course of this study to understand the variety of perspectives. Individuals working closely with Indian FEP families – both Indian and non-Indian and within DWS and the community service providers – were consulted in group meetings and individual interviews.

Essential quantitative data of various types turned out to be far less accessible. DWS was not able to provide necessary state/federal assistance program information due to a demanding new computer system whose implementation coincided with this study. SRI data on client and caseload characteristics and outcomes were most heavily utilized, but early in this project it was discovered that data for the two focal DWS Offices, Roosevelt and Vernal, had become unreliable over an eight-month period due to a DWS procedural change of which SRI was unaware. Hence, there is no reliable client characteristic information for the two Uintah Basin DWS Offices from July 1999 through March 2000. Demographic data more recent than the 1990 Census were almost non-existent. More current demographic data from the Ute Tribe Economic Development Department are helpful, but tend to pertain only to enrolled members of the Ute Tribe living on the Uintah-Ouray Reservation, giving an incomplete picture of the total universe of Indians in the Uintah Basin and precluding comparison with circumstances of the white population. The above quantitative data limitations resulted in the authors’ recommendation that the subject of the current study be revisited in a comprehensive fashion as soon as possible after at least DWS data can be obtained.

Conclusion

If one searches through what has been heard during this study for one central word, that word would be “poverty.” Respondents – Indian and non-Indian alike – spoke volumes about its presence, and decried both its negative impact and the official silence on the subject across the state and federal
public policy horizon. They recommended changes that would bring some relief and pointed out that the high costs of economic devastation have always been and still are born by everyone in society, not just by the poor themselves. The inability to meet basic needs, they said, hampers the ability to focus on self-sufficiency activities and work. It fosters depression and despair that can lead to unhealthy behaviors. And of greatest concern is poverty’s impact on children. As one tribal provider put it, “If we lose the children, then what will happen?”

It is important to note, though, that welfare reform as we know it in 2001 does not have the reduction of poverty as its goal. For that matter, neither did the old welfare system. Neither PRWORA nor Utah statute establishing the FEP make any claims of the sort. Both seek to reduce welfare rolls and get more people to work. This, they have done. On one hand, then, it may be said that it is unfair to be discomfitted about circumstances surrounding welfare reform. Poverty is outside the scope of the legislation. But on the other hand, the way the word “poverty” is woven through the concerns of those involved in this study of welfare reform’s impact may suggest that the focus of the legislation is not yet on point.

In a speech on the legal and practical status of Indian tribes, BYU law professor Larry EchoHawk shared the central theme of traditional Indian government known as “The Seventh Generation:”

As we walk upon the earth we plant our feet carefully because we see the faces of the future generations looking up at us from beneath the ground and we must never forget them. Our challenge is to leave behind us a world that is better than the one we live in today (The Iroquois Confederation).

In a complex world of competing priorities, it may seem difficult to apply a test to governmental decisions that looks ahead seven generations. But if respondents in this study were to render a Seventh Generation assessment of the current welfare system, we imagine that the majority would call for a redirection.

**Key Problem Areas and Recommendations for Possible Solutions**

A number of issues and problems were identified by individuals interviewed during this study. Some may be unique to the Uintah Basin; others are likely shared by other rural areas, the state as a whole, or states across the nation. Likewise, solutions may be best pursued at the local, state, or national level. Some may require work on several levels simultaneously, in collaboration. We have attempted three groupings: local, beyond the Uintah Basin, and other levels.

The researchers stress that all problems were brought to us by participants in this study. Some recommendations were offered by them, as well, and others were developed by the researchers. They
are meant to be helpful to decision-makers and others who read this report. Although not included in this Executive Summary, Section IV of the full report includes preliminary responses of both the DWS Eastern region and State Office to problem statements and recommendations. These responses were provided during and after an August 31, 2000 meeting sponsored by DWS on the Ute Reservation at Ft. Duchesne and attended by representatives of various Ute Tribe and BIA social service entities, the Utah Division of Indian Affairs, state and local social service agencies and organizations, the Episcopal and LDS Churches, State Senator Beverly Evans, County Commissioners Ted Kappen (Duchesne) and Herb Snyder (Uintah), area educational entities, the Center for Public Policy and Administration, and both state and Eastern Region DWS officials. By the time of publication of this report, several meetings and consultations have taken place and DWS has begun to implement a number of our recommendations. Some of that action is also reflected in Section IV. of the full report.

Local Problems & Recommendations

**Problem:** There is a common perception among service providers outside of DWS that, for Indians in crisis, the employment-focused pathway is often discouraging. As a result, families who are the most vulnerable and in need of help and stabilization may not connect with appropriate services. They may be putting pressure on already overloaded tribal and community services or may be getting no help at all.

**Recommendation 1:** That the DWS Eastern Region Uintah Basin Council and staff study ways to redesign their procedures so that people in need of assistance can easily access assistance programs. Any redesigned “pathway” should be tested with customers, agencies, and Ute Tribe representatives before it is enacted.

**Recommendation 2:** That DWS out-station an Assistance Outreach Specialist/ Employment Counselor at the Ute tribal offices for one half-day each week to raise awareness of DWS services, assist potential applicants, and facilitate coordination and information-sharing with tribal service providers. The optimal out-stationed worker would be an American Indian with a Social Work degree.

**Recommendation 3:** That DWS develop, field test, publish, and distribute a Basin Resource Guide for use by DWS staff and the community.

**Recommendation 4:** That DWS design and implement an outreach campaign for the whole community – Indian and non-Indian – so that, a) needy families know what types of supportive services are available and how help can be accessed, b) families can choose among options that will benefit them and, c) community-based organizations can coordinate their assistance services with those of DWS.
**Recommendation 5:** That DWS develop clear, written program descriptions for local service providers to facilitate coordination and effective use of resources.

**Recommendation 6:** That DWS examine program utilization across all assistance programs to determine whether or not eligible, needy families are using all available assistance programs, or if welfare changes in FEP have caused some to lose out on other necessary assistance for which they are eligible (Food Stamps, Medicaid, Child Care) due to misunderstanding of current program rules. Data could also be analyzed to understand possible impacts of welfare changes on private charitable assistance programs and resources.

**Recommendation 7:** That DWS convene at least one meeting of interested parties to consider the types of data that should be collected and made available if the impacts of welfare reform on families and children are to be understood.

**Recommendation 8:** That DWS reconsider concepts and suggested activities of the “Maximizing Resources Project” proposal submitted by the Ute Tribe in March 2000 as part of the TANF Performance Bonus process.

**Problem:** In the Uintah Basin (and undoubtedly in other rural areas of the state), enormous distances and the lack of public transportation cast participation requirements and other aspects of work-based welfare in an entirely different light that in more urbanized areas with more transportation options for FEP families.

**Recommendation 9:** That (at least) the DWS Eastern Region thoroughly review its options to assist families with transportation problems and its participation policies, and make changes as needed to ensure that those without reliable, ongoing transportation are not disadvantaged.

**Problem:** Complex and multiple barriers appear to prevent Indians from receiving adequate educational skills needed for self-sufficiency.

**Recommendation 10:** That public school boards, administrators and teachers work with tribal officials, parents, and students to rethink their approach to Indian education, stressing success experiences and basic competencies.

**Recommendation 11:** That the Utah State Board of Education review available materials related to the management and use of school fee waivers by all children, including Native Americans, to ensure that school fees are not excluding low-income students from participation in school-sponsored activities.

**Recommendation 12:** That DWS sponsor skill building, unemployment benefits, Earned Income Credit (EIC) and other benefits workshops on the Reservation.
**Recommendation 13:** That DWS investigate ways for FEP families and others enrolled in training programs to be able to pay living expenses.

**Recommendation 14:** That DWS enhance coordination with the Tribe WIA program in doing assessments, providing support services like Food Stamps, sharing client eligibility information for programs, and sharing information on which employers are good to work with.

**Problems and Recommendations Beyond the Uintah Basin**

Some items referenced in the above section are raised again here; these may benefit from solutions devised jointly on the local and state levels.

**Problem:** Quantitative data needed to conduct this research could not be made available by DWS during the time/funding parameters established for the study, leaving a number of important questions about the impact of welfare reform on Native American families in the Uintah Basin unanswered.

**Recommendation 15:** That DWS commission an additional phase of study of the subject matter of this current study. To accomplish this, DWS should make generating necessary program data – such as that requested for the current study – a priority, so that the recommended phase of investigation can begin as soon as possible.

**Problem:** DWS administrative structures complicate the process needy people must navigate to obtain critical emergency or stabilization assistance.

**Recommendation 16:** That DWS redesign their assistance program procedures for accessibility and provide in-service training to employment counselors on the new approach. A system of incentives for employment counselors should be instituted in the FEP program that credits the worker when barriers to workplace functioning are identified, as well as when workers provide help that results in a barrier being overcome.

**Recommendation 17:** That DWS produce written assistance program information in clear language for distribution to customers.

**Recommendation 18:** That DWS closely monitor its Constituent Services customer and community calls for information that may flag areas of assistance delivery systems in need of improvement. Further, DWS should consider organizing a Constituent Services Council or Committee so that information from related Health and Human Services Constituent Services representatives can be compiled and mined for useful data to upgrade services. An annual report to the public should also be considered.
Recommendation 19: That the 211/Community Assistance Phone Number Campaign be supported by all parties so that toll free information on community assistance programs is available statewide and a clearinghouse for agency collaboration is established.

Problem: Barriers to employment and other life skill difficulties need to be identified early and effectively if appropriate interventions are to be provided to FEP families in a timely fashion, but inadequate staffing may be allowing these individual difficulties to go undetected. These may include mental health, cultural differences, language barriers, substance abuse, learning disabilities, children with behavior problems, and so on.

Recommendation 20: That new FEP policy be written to ensure that assessment takes place early. The assessment tool used by DWS (Form 310) is only part of the solution, since even if used consistently, many problems are too complex to be detected with it. However, if all sections were to be completed systematically with all applicants, this would be a first step.

Recommendation 21: That Employment Centers ensure that employment counselors are adequately prepared to recognize indications of personal and family barriers and problems as soon as possible in their interactions with clients. New workers need to be provided with tools they need and ongoing in-service training and other supports need to be put in place for both new and more experienced workers. It is important that the identification of problems and effective response by arranging appropriate interventions are given high priority among Employment Counselor goals.

Problem: On a related note, employment counselors report that they do not have the tools to respond when a parent with an employment plan does not appear to be following through. Without the means to discover reasons behind what can be generically called “participation problems,” sanctions may reflect undiscovered problems and unaddressed needs.

Recommendation 22: That DWS provide for more specialized workers, preferably Licensed Clinical Social Workers (LCSWs), with specific charges as to their roles in Employment Centers (Roles are explained in Recommendation 22 in the full report).

Recommendation 23: That DWS utilize information from all phases of SRI research, plus case records produced by LCSWs, to develop a state-funded program for people with severe or permanent barriers to employment. Information and planning that results from this process should be communicated to appropriate parties for inclusion into congressional discussions related to Reauthorization.

Problem: People with low IQs (but above the SSI cutoff of 70) who need financial assistance do not fit well on the work-focused FEP program as offered by DWS. The development of an employment plan for them, given the shortage in many areas of sheltered work situations, is not in their best interest. They
are almost guaranteed to reach their time-limits without becoming employed, there is not an extension criteria for which they qualify, and they cannot be expected to support themselves.

**Recommendation 24:** That DWS partner with Division of Services for People with Disabilities (DSPD) or appropriate entities in the development of sheltered work options or community service programs in every part of the state for those who cannot be expected to succeed in the general labor market.

**Problem:** The application process for Supplemental Security Income (SSI) is quite arduous and denials of first applications are very common so that most applicants need help to continue on with an appeal of their denial. Indian Health Services (IHS) assists Native Americans trying to get through this process, but they are very short-handed and referrals are increasing.

**Recommendation 25:** The DWS employment counselors and IHS develop a partnership in accomplishing the tasks needed to assist Indian SSI applicants. For example, employment counselors could fill out the parts of the application about which they have information, excluding the parts calling for medical information that IHS can provide.

**Problem:** Work-based welfare reform forces people who face discrimination in the workplace to confront prevailing, negative workplace and societal attitudes with little hope of success. Employment counselors have no procedural options to cope with this, either. In fact, they may share community attitudes and allow them to affect their work with these clients, however unwittingly.

**Recommendation 26:** That the DWS State Council initiate discussions on racial, ethnic and other discrimination issues, and develop a strategy for use in communities throughout the state, possibly with regional Workforce Services Councils as the centerpiece.

**Recommendation 27:** That DWS arrange for and offer cultural sensitivity training to Employment Center staff and administrators.

**Problem:** To enforce time-limits on welfare recipients equally without regard to external conditions such as high unemployment stretches the limits of fairness and applies a one-size-fits-all strategy without consideration of important local conditions.

**Recommendation 28:** That DWS reconvene the Extension Task Force to consider high regional or subgroup unemployment as additional criteria for “hardship” extensions. The task force should add members from rural areas with high unemployment.

**Recommendation 29:** That DWS, at least in areas of high unemployment, meet with those with job training expertise and employers to develop ways to focus more expeditiously on job preparation. The Workforce Investment Act, PRWORA, and state laws should be studied.
carefully to determine legal parameters, after which an approach should be devised that provides the maximum flexibility to clients to obtain training for available jobs.

**Problem:** As more is known about barriers of some families subject to FEP time limits, the need to ensure that there is adequate flexibility in the use of extensions to time limits becomes more clear. This particular study features the need for extensions in areas of high unemployment. Another related issue is the need for extensions for subgroups within the FEP population who suffer from exceptional difficulties becoming employed, such as American Indians or people with disabilities. However, the fact that both Utah and federal law limit the number of extensions to 20 percent of the average caseload stands in the way of making policies that will allow the most rational use of extensions.

**Recommendation 30:** That the Utah Legislature repeal the “20 percent extension” provision and replace it with one based on individual family circumstances. The total number of extensions would not be limited so that actual need can be met.

**Recommendation 31:** That Governor Leavitt work with the National Governors’ Association to encourage Congress during Reauthorization of PRWORA to allow states to repeal the “20 percent extension” provisions in their state statutes and replace them with an extension provision based on individual family circumstances, thereby ensuring that the total number of extensions would no longer be limited so that actual need can be met.

**Problem:** There is little data on the well-being of children in families leaving the FEP system.

**Recommendation 32:** That DWS partner with the Division of Child and Family Services and consult with the Department of Health and the State Office of Education to study child welfare caseloads and other data to determine impacts on children in “welfare leaver” families.

**Problem:** Under the Child Welfare Agreement Between the Ute Indian Tribe of the Uintah-Ouray Reservation and the State of Utah, Ute tribal authorities have the right to decide with whom a child may be placed when a kinship placement is required. If, however, the placement family needs financial assistance to support the child, FEP policy will deny the application unless certain blood relationships exist.

**Recommendation 33:** That DWS, the Department of Human Services, and the Ute Tribe devise a solution to this discrepancy between state agency approaches, possibly involving the Child Development Team currently working on a revised Child Welfare Agreement. (A specific proposed solution is provided in Recommendation 33 in the full report).
**Recommendations to Decision-Makers at Other Levels**

**Problem:** The new welfare system does not appear adequately cognizant of either individuals and families who cannot succeed in the workplace or the difficulties faced by the growing sector of working poor. Yet, these problems do exist and some solutions will be needed.

**Recommendation 34:** That the Governor of Utah and his cabinet identify the specific Department or State Agency that is charged with addressing poverty issues and assist that entity to set up a process to devise strategies to mitigate poverty, at least among Utah families with children. Discussion of child and family poverty should also be raised among issues pertaining to TANF Reauthorization in 2002.

**Problem:** The requirement in the Balanced Budget Act of 1997 that an Indian reservation have a 50 percent unemployment rate among on-reservation residents of working age to qualify for exemptions to federal welfare time limits is excessive.

**Recommendation 35:** That Congress reduce the unemployment rate in this provision to a realistic level in its TANF Reauthorization process. Congress is encouraged to consult with the National Congress of American Indians (NCAI) and include input from other Indian organizations in the upcoming Reauthorization process.

**Problem:** The “checkerboard” configuration of the Uintah-Ouray Reservation was not taken into account when the abovementioned provision for granting exemptions to time limits was written. Consequently, even though Indians living on this particular Reservation face similar employment difficulties to those on qualifying reservations, they are still subject to the federally established 60-month welfare time-limits.

**Recommendation 36:** That Utah’s Congressional Delegation collaborate with the Ute Tribe and NCAI to devise a strategy for the 2002 Reauthorization that allows residents of the Uintah-Ouray Reservation Trust Lands the same recourse to high unemployment rates and time limits as exists for land mass reservations.

**Recommendation 37:** The Utah State Legislature pass a resolution in support of congressional action to amend PRWORA as described above.

**Problem:** Problems surfaced in this study of Uintah Basin Native Americans’ experience with welfare reform undoubtedly affect other tribes in Utah and across all states; solutions will be needed there, as well.

**Recommendation 38:** That the State Division of Indian Affairs convene a working group, including representatives of State agencies involved in supportive programs and services.

Executive Summary -- Page 12
needed by FEP families and of Utah’s Indian tribes. The charge of the group would be to
discuss and determine state and federal policies and laws that would improve outcomes for
Indian families using these services. A written report with recommendations should be given to
the Governor, State Legislature, Congress, and NCAI.

**Problem:** The majority of jobs FEP parents obtain pay low wages. The Earned Income Credit (EIC) is
one way of increasing the amount of income families are able to keep, but it is a benefit that is not yet
used by many low-income families, especially if their incomes are low enough that they are not required
to file a return. Indian (and other Utah) families need to be made aware of the benefits of utilizing it.

**Recommendation 39:** That DWS add an explanation of EIC to its orientation, as well as
reorient FEP parents who find jobs. DWS could also work with others in the community to
develop an aggressive publicity campaign about the benefits of EIC and how to access it.

**Recommendation 40:** EIC needs to be expanded at state and national levels.
I. INTRODUCTION

Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996. The Act deals with many federal programs that have traditionally offered assistance to the nation’s poor, but probably the most far-reaching changes impact families with children. Among others, the Act repealed Aid to Families with Dependent Children (AFDC) – an entitlement program – and replaced it with the Temporary Assistance for Needy Families (TANF) Program – a block-granted program focused on employment. Under the assumption that welfare families can and will find work if required to, financial assistance under TANF is time-limited to 60 months in a lifetime. A limited number of extensions beyond time limits can be granted to families meeting “hardship” criteria with respect to their ability to work. States can decide on the criteria.

The Act also reduced federal financial commitments to a number of other assistance programs for the poor. Child Care assistance was block granted, but eligibility is still based on income and is not subject to time limits. The Food Stamp Program was modified in ways that resulted in the most substantial cost-reductions of all affected programs – including across-the-board reductions in household allotments – but it was not time-limited for families with children. Medicaid was not time-limited either.

Although Congress included a number of important prescriptive provisions about how TANF money can be used by states, a large measure of regulatory decision-making was devolved to the states, an aspect of the law that earned great support from various entities and groups, particularly on the state level. While PRWORA was still being debated, Utah had passed a welfare law in 1996, putting in statute the major provisions of Utah’s successful demonstration program, the Single Parent Employment Demonstration (SPED) program. SPED had tested Utah’s own brand of welfare reform in three Department of Human Services Offices – Kearns in Salt Lake City, St. George, and Roosevelt – from 1993-96. SPED enjoyed broad support, largely due to its individualized approach to helping families and its goal of moving them to above-poverty incomes through work and child support. Employment plans were to be developed by the client and case manager, tailored to each family’s individual situation, and based on careful assessment of family strengths and barriers and the resources needed by the family to allow it to move forward. The notable departure in the 1996 bill from SPED’s design was the imposition of a 36-month lifetime limit on financial assistance. SPED assumed that some families would need more time than others to be prepared to work; still others would always need financial support. In lieu of time limits, then, SPED required universal participation in self-sufficiency activities as long as financial assistance was needed by the individual family. The following year, the Legislature passed HB 269, establishing the Family Employment Program (FEP) as Utah’s TANF program. The 36-month lifetime limit was retained, along with much of the 1996 law mirroring Utah’s “home-grown” SPED program. In line with the federal law, allowable training was restricted to two years and education was limited to high school completion.
The new federal welfare law, like most programs for the poor, is aimed at a homogeneous “typical” welfare client. This client is a single, female parent of dependent children. She can work, especially if assisted by a case manager to plan and execute an effective job search. Understanding time limits and participation requirements of the new program, she will be motivated to go to work, something that Congress did not see happening enough under the old AFDC Program. If the client fails to make adequate progress, states can devise sanctions, including for example, the reduction or withdrawal of financial support. If this typical client has barriers to work, it is expected that they will be discovered through assessment or case management or both, and states may provide appropriate interventions or make referrals to outside resources. The legislation turns on an assumption that most clients will be ready to work by the time they reach their time limits, but acknowledging that there will be some exceptions, a limited number of extensions beyond time limits can be granted to families meeting “hardship” criteria. States are given the authority to establish those criteria, but are only allowed to spend TANF money for extensions beyond 60 months for up to a number of families constituting 20 percent of the average annual caseload.

Four years after passage of the Act, greatly reduced welfare caseloads and unspent quantities of federal TANF block grant dollars are hailed by some as evidence of successful welfare reform, but there is growing awareness that the way welfare reform was supposed to work for recipient families has played out poorly for some. There is still much to be known, but studies of “welfare leavers” – including one conducted by the Social Research Institute (SRI), Graduate School of Social Work, University of Utah and released in June 2000 – show that welfare reform, as we know it in 2001, indeed cuts caseloads and places the focus on work, but many of those who left welfare for reasons other than work are struggling to survive. Utah’s Department of Workforce Services (DWS) has maintained official commitment to the SPED-originated concept of an individualized approach with each client, but even so, the SRI study shows that families with difficult barriers to employment – a substantial proportion of the whole – are not necessarily getting the help they need before they lose financial assistance. In part, this attests to the fact that, in many cases, barriers are very difficult to recognize. In others, even with effective assessment and identification of some kinds of barriers, intervention may not be available or have the desired effect. That goes for people with health, mental health, or substance abuse problems; with a history of domestic violence or child abuse; with poor work histories; and whose children have severe behavioral problems. Regardless of the reason, the serious potential effect of the loss of financial assistance by families who are unprepared to be self-supporting makes the issue of dealing with families with special barriers to employment and effective functioning one of the most important aspects of welfare reform in need of careful attention in 2001.

Utah is in the forefront of state administering agencies attempting to learn about the impact of welfare reform on families with severe or multiple problems or both. This, too, is an outgrowth of the state’s long history of working to discover ways to help families on AFDC become self-sufficient. During the 1980s, Utah’s Department of Human Services, then the administering agency for assistance programs for the poor, began to look beyond merely providing financial assistance via AFDC, adopting as a goal helping welfare parents to become self-supporting. Later, particularly during the SPED
program, it became clear to case managers that a substantial number of families suffered from more serious or whole clusters of individual and family barriers that made not only finding and keeping a job difficult, but sometimes disrupted their ability to cope with basic life responsibilities. Hence, it was not surprising that the state’s 1997 welfare law mandated a study of long-term welfare recipients to be completed and reported to the last General Session of the Utah Legislature before the first group of Utah FEP families reached their 36-month time limits. The Utah Department of Workforce Services – created by the Utah Legislature in 1996 and given administrative responsibility for Utah’s public assistance programs in 1997 – contracted with SRI.

The results of the study, released in March 1999, gave a sobering glimpse of the number and magnitude of barriers confronted by a sizable proportion of families. These families are less likely to fare well under the new welfare system. The study revealed that states and counties administering TANF programs would need to take actions far beyond those required by PRWORA if some families with children are to be protected from serious jeopardy.

DWS extended the study and in June 2000, SRI released the abovementioned report on the second Phase of research. That study is based on interviews with over 400 long-term FEP parents who were off welfare due to increased income, time limits, or other reasons. Researchers concluded that, even among the subgroup of long-term families, parents who enjoyed successful outcomes tend to possess more positive characteristics and experiences, both prior to and during their time on the program, than those who have had serious difficulties since leaving. Families closed for time limits or sanctions tend to suffer from serious barriers and difficulties of various types. Being a member of a group that traditionally has endured exceptionally high unemployment rates – in the case of this study, Native Americans – was found to be one of those barriers.

DWS became interested in the impact of welfare reform on Native Americans in the Uintah Basin as a direct result of a provision in the Balance Budget Act of 1997. By way of background, after the passage of PRWORA, Indian tribes all over the country were alarmed at the impact major changes...

---

1 The Department of Workforce Services opened its doors on July 1, 1997, combining selected offices and responsibilities of four state agencies, as follows: 1) the Family Employment Program (FEP, Utah’s version of the Temporary Assistance for Needy Families or TANF, the program that replaced Aid to Families with Dependent Children or AFDC), Food Stamps, Child Care, Refugee Assistance, General Assistance, Work Toward Employment or the Emergency Work Program, and Medicaid eligibility for financial assistance recipients were transferred from the Department of Human Services; 2) Unemployment Insurance, Employment Services, Veterans’ Services, and Migrant Farmworker Services were transferred from the Department of Employment Security (Job Service); and 3) the Office of Child Care and its employer-focused child care programs, as well as the Office of Job Training’s On-the-Job Training, Career Counseling, Single Head-of Household Job Training, Assessment, and Classroom Training were transferred from the Department of Community and Economic Development. The Turning Point Program, employment training services for single parents and displaced homemakers, was transferred to DWS from the State Office of Education, but was almost entirely eliminated shortly thereafter.

2 This study is discussed in more detail on pp. 30.
to the national welfare system promised to have on Indian Country. The National Congress of American Indians (NCAI) spearheaded an effort to draw attention to a number of provisions that were seen as particularly disadvantageous. Congress, NCAI pointed out, had not considered the historical commitments made to provide basic supports to members of Indian tribes in exchange for the cession of tribal lands through treaties. The imposition of lifetime limits on financial assistance (TANF) needed by Indian families with children living on reservations, without a realistic chance of becoming employed, would be devastating. Congress responded in the Balanced Budget Act of 1997 by allowing exemptions to time limits for residents of any Indian reservation with a population of over 1,000 and an unemployment rate among adult reservation residents of over 50 percent.

In pursuing this provision, DWS determined that BIA unemployment figures for 1997 qualified people living on the Navajo Reservation and exempted families from Utah’s 36-month time limit beginning on December 31, 1999. But the “checkerboard” configuration of the Uintah-Ouray Reservation in the Uintah Basin has so far thwarted its eligibility for the exemption. There, because Congress had opened up the interior of the Reservation for land ownership by non-Indians early in the 20th Century, the majority of the population within the legal boundaries of the Uintah-Ouray Reservation is white. The law requires that all adults of working age, regardless of race, must be counted. The BIA calculated the 1997 unemployment rate of Indians at 77 percent, but that number was not relevant under the law. DWS officials indicate that they are still studying this matter, but for the time being, Utah’s time limit applies to Uintah-Ouray Reservation residents.

DWS officials at both the State level and in the Eastern region expressed interest in learning more about how welfare changes, including time limits, were affecting Indian families with children in the Uintah Basin and, in turn, how their needs might impact other service providers. In March, the Ute Tribe submitted a proposal seeking a portion of Utah’s TANF Performance Bonus monies to develop and facilitate a process to increase communications across all providers of services offered to and needed by FEP families. By bringing key players together on a regular basis over a two-year period, the Tribe hoped for a cooperative and collaborative approach to identifying strengths and weaknesses of the network of services to families, as well as to facilitate a better working relationship among all parties. The proposal was not selected for funding, but it further demonstrated interest in and need for information exchange. CPPA had already begun to gather information about how Native Americans were being impacted by welfare changes, and in April 2000, DWS authorized existing CPPA contract funds to be used for further study. The State Division of Indian Affairs subsequently contributed additional funding for this report.

What we have found is substantial local concern about a Native American population with extraordinary barriers to functioning within certain parameters of PRWORA, Utah State law, and DWS policies and practices. There is considerable concern among many people interviewed during this study that special barriers to employment and to recovery from individual and family problems render some welfare changes excessively harsh and unrealistic, both for people living in rural areas and, to an even greater extent, for Native Americans living there. The overall rural picture can be grim for vulnerable
families, first, because of the difficulty of finding job openings in an area with official unemployment rates that are substantially higher than the statewide average, and second, because of the shortage of resources needed by poor families to deal with other barriers to employment. Members of racial and ethnic subgroups and others who have traditionally had difficulty being hired for available jobs are doubly disadvantaged. Despite efforts by staff and administrators at the Roosevelt Office of DWS, where typically around 40 percent of the FEP caseload is Native American, Indian service providers are pessimistic. It seems clear that the impacts of a difficult job market and high unemployment cannot be negated by institutional diligence.

The authors find that some significant pieces of welfare reform law outlined in PRWORA, as well as in Utah statute and policy, require refinement, and that more resources are needed to assist families with barriers. Without such actions, the short- and long-term costs to families, children, and communities may be more than we will want to pay. Additionally, tribal leaders and both Indian and non-Indian service providers share concerns about welfare changes described to the researchers by providers in other Utah rural areas. The new welfare laws and policies have not yet managed to take into account some of the very real differences in people’s lives and environments.

A look at the way welfare reform may be affecting Indians in Utah’s Uintah Basin is timely, although as is explained in the Methodology Section of this report, serious data availability limitations make this current study far from complete. However, it begins to confront a challenge as PRWORA is under discussion prior to Reauthorization in 2002: to look deeper for a particular population group into generalizations contending that work, if made mandatory, and welfare, if made temporary, will have a positive impact on welfare parents, their children, and the community as a whole. While these notions appear to have validity for a certain segment of the welfare population, they are falling short of being realistic for others. After four years of welfare reform, we are beginning to know something about the circumstances of more troubled families, what they need, and how the current system may be dealing them a hand they cannot play. There is indication that, despite diligent job search and other participation efforts on the part of an individual FEP parent, the economic environment may still block her movement forward. Families may be told to move to areas with a brighter labor market picture, but the high cost of living, greater risks for children, and loss of their support structure may make that an untenable, or even a bad, decision. This may be particularly true for Native Americans whose culture ties them to Indian reservations.

Deciding how to respond to what we have learned will not be easy, but time has offered us some experience to begin to refine welfare reform as we know it, in 2001. The authors hope that this discussion of the impact of welfare reform on the Ute Tribe and other Indians in the Uintah Basin will contribute to this very necessary next step. The consequences of ignoring families for whom the first cut at reforming welfare is not working may, at the very least, be to the detriment of children in those families. This would be an exceedingly high price to pay for imagining that we could reform a 60 year old institution entirely satisfactorily on the first try. There is much work to be done as Congress looks at Reauthorization of the Act in 2002.
II. METHODOLOGY

Researchers contracted by the Center for Public Policy and Administration began with a thorough examination of information gathered during a focus group and a follow-up meeting conducted in Ft. Duchesne during the last months of 1999. Ute tribal representatives and service providers to Indians and the off-reservation community met late in October as part of the series of focus groups for CPPA's study of the impact of welfare reform on charitable and county service providers. Many questions about the workings of the new welfare system were raised there, as well a number of issues regarding rural circumstances and matters of significance for Native Americans. Attendees expressed interest in a second CPPA-sponsored meeting with DWS officials to answer questions and clarify laws and policies, and in December, a second meeting was held. The outcome was positive, but there were still many issues to be investigated and resolved, giving rise to discussion between CPPA and DWS for further study. Tribal leaders, Indian service providers, and local DWS officials were included as project objectives were established as follows:

1. To investigate and describe issues relating to Indians in the Uintah Basin and welfare reform.
2. To identify specific problems or areas in need of attention and suggest recommendations for solutions.
3. To gather and present demographic data pertinent to Ute/Indian FEP and FEP-eligible families living in the Uintah Basin.
4. To develop an inventory of existing public and private sector assistance programs, including tribal programs, for which these families may be eligible.

The research design for this study includes both qualitative and quantitative components.

Qualitative components

Building on information gathered at the abovementioned meetings, a broad range of individuals and groups were interviewed throughout the course of this study. We determined that it would be important to understand a variety of perspectives to continue identifying issues of import, as well as to obtain an understanding not only of what recommendations might be developed to address problems that emerged, but to obtain a sense of how solutions might be received in the local community. Individuals working closely with FEP families were determined to be an important source of information. We also wanted to benefit from their knowledge of local resources, and to understand the local referral system and perceptions of gaps in services.

Two extensive meetings formed the centerpiece of qualitative efforts, one with tribal leaders and service providers and the second with non-tribal community service providers. In advance of each meeting, a worksheet was mailed out to each participant to assist them in assembling information that would either aid with discussion or assist with the development of the service inventory concept.
Twelve people, representing most of the assistance programs run by the Ute Tribe and Bureau of Indian Affairs (BIA), attended the first meeting, held at Ft. Duchesne. Eleven non-Indian service providers and two Ute tribal representatives attended the second one, held at the Duchesne County Area Chamber of Commerce.

A number of individual interviews were conducted to obtain additional perspectives. Researchers also learned a great deal by attending monthly meetings between DWS and tribal and BIA service providers that began in May 2000. We also met individually and in small groups and talked numerous times by telephone with DWS employment counselors, administrators, and other staff.

Quantitative components

Essential quantitative data of various types turned out to be impossible to obtain. The unavailability or the incomparability of what data were obtained have resulted in the researchers’ determination that this investigation is only partially complete. As a result, we have included among our recommendations one calling for additional efforts by DWS to generate pertinent key program information and devote necessary resources to its analysis. Until this additional step is taken, the subject matter of this current study should not be considered to be adequately understood.

The types of data limitations we encountered are as follows, in order of priority:

5. Almost no state/federal assistance program information was obtained for this study. As we began the project in April 2000, we developed and submitted to the Department of Workforce Services a request for various types of data by Indian and non-Indian heads-of-household in the Roosevelt and Vernal DWS Employment Centers to reflect activities since the FEP program was brought up there in August of 1997. Caseload data were requested for FEP, Medicaid, Food Stamps, and Child Care assistance. We also intended to look at employment plan participation components for Indian and non-Indian FEP parents, as well as closure codes on FEP cases for those two groups.

However, our investigation of the impact of welfare reform on Native Americans in the Uintah Basin coincided with the final phases of bringing up the Department of Workforce Services’ new “UWORKS” computer system. As the research contract was ending in September, it became clear to DWS officials that only a small portion of our data request could be filled. In terms of program caseload and case closure information, we were provided with monthly totals for Indian families in the Roosevelt and Vernal Offices, but it was determined that it would be too expensive and time-consuming to provide comparable data for non-Indian families within the time frame. Without both sets of data, it is impossible to compare program utilization and other information, an important process needed to determine impact of policies and practices.
on Indian families. The value of a set of very detailed program utilization data for Indian families was largely diminished for the same reason. We concluded that, under the circumstances, important impacts of welfare reform such as program use, outcomes, income, and participation components could not reliably be investigated.

We will discuss the information we did receive in appropriate places in the body of the report, but as noted, we urge DWS to pursue the Center's data request as soon as possible, look carefully at findings in this report, and develop and implement a new research plan to facilitate understanding of the impact of welfare changes on Native Americans.

6. Nearly all of the available quantitative data pertaining to FEP was produced by the SRI, but a DWS procedural change of which SRI was not made aware caused inaccuracies in some data sets over an eight-month period. The institute collects a broad array of client characteristic information on FEP clients for DWS. It has been compiled statewide, by DWS region, and by local employment center since the program began in 1997. Although very useful, it was discovered early in the current study that data on a large proportion of clients in the Roosevelt and Vernal DWS offices had been shifted to the Price and Salt Lake offices, respectively. The shift, caused by a coding change not known to SRI, began to impact data in July 1999 and continued to do so until correction of the problem in April 2000. Statewide and regional information was not affected, but there is no reliable client characteristic information for the two Uintah Basin DWS offices for this period. This same problem was found to have affected much of the data provided to CPPA by DWS in September 2000, as well.

7. In many cases, there were no demographic data available more recent than the 1990 Census. While this problem is shared by virtually everyone doing research on populations, data that predates by six years the passage of the welfare laws must be used cautiously. We have included what we believe can serve somewhat accurately as an indication of some population circumstances, but it is hoped that some of the issues raised in this study will be revisited when 2000 Census data become available. In addition to the age of 1990 Census data, some were suppressed due to the small size of population groups, such as Native Americans residing in Duchesne County. It was, therefore, impossible to learn very much about some very basic, essential factors related to the circumstances of individuals, families, and children or how those circumstances for Indians might compare with non-Indians.

8. We were able to obtain some more current demographic data from the Ute Tribe Economic Development Department. It is included in this report. However, these data tend to pertain to enrolled members of the Ute Tribe living on the Uintah-Ouray Reservation. Again, comparisons with the non-Indian population are not possible. Additionally, they do not provide a view of non-enrolled Utes or members of other tribes, nor do they enumerate residents off the Reservation.
III. THE SETTING

The original lands of the Ute people totaled over 200,000 square miles and encompassed most of Utah and Colorado and portions of Nevada, Wyoming, Arizona, and New Mexico. These lands were home to 12 bands of Ute Indians. The Uintah Basin occupies 4.1 million acres of land in eastern Utah. The Reservation lands were set aside in 1861 by President Abraham Lincoln for the Uinta Valley Reservation and ratified by Congress in 1864. The boundaries were established to include all of the land within the drainage of the Duchesne River – from the southern slope of the Uinta Mountains to the Tavaputs Plateau and from the summit of Daniels Canyon to the confluence of the Duchesne and Green Rivers. The exterior boundaries of what is now known as the Uintah-Ouray Reservation remain roughly the same today, as confirmed by the Tenth Circuit Court of Appeals in its 1997 ruling in Hagen v. Utah, although enormous pieces of land within those boundaries – given to the U.S. Forest Service or opened up to private ownership by non-Indians in 1905 – are not under the jurisdiction of, nor of direct benefit to, the Tribe. The Uintah-Ouray Reservation Trust Lands are under the jurisdiction of the Ute Tribe. They encompass 1.9 million acres of land in parts of Duchesne, Uintah, and Grand Counties.

A. Population

In 1999, Ute Tribal membership, both on and off the Reservation, numbered just over 3,000. This is projected to increase by 49 percent by the end of the first decade of the 21st Century. Around 2,650 enrolled Ute Tribal members (85 percent of the total number) live on the Reservation. They comprise over 700 households. The remaining tribal members live elsewhere, for example, off-reservation in the Uintah Basin, on the Wasatch Front, or with other tribes due to a marriage connection (Adams, 2000). Around 4,000 other Native Americans, members of other tribes or groups, live in the Uintah Basin (Tri-County School Districts, 2000).

B. Income and poverty status

The following recent information was made available by the Ute Tribe Economic Development Department and the Ute Indian Tribally Designated Housing Entity (TDHE):

- Of the 740 Indian families living on the Uintah-Ouray Reservation in 1999, 90 percent are defined as low-income. Nearly 20 percent of households include an elderly member (Ute Indian Tribally Designated Housing Entity, 2000).

- About 75 percent of the low-income households on the Reservation live in substandard housing; around 50 percent live in over-crowded conditions (Ute Indian Tribally Designated Housing Entity, 2000).
• As many as 80 percent of Ute Tribal members living on the Uintah-Ouray Reservation are estimated to be unemployed (Ute Indian Tribally Designated Housing Entity, 2000).

• Of Indian families living on the Reservation in 1999, 147 (21 percent) have incomes between 50 percent and 100 percent of the Federal Poverty Level; 345 (49 percent) have incomes below 50 percent of Federal Poverty Level\(^3\) (Adams, 2000).

• 685 Ute Tribal members live in Duchesne County in a total of 159 households. Fifty-one of those households (32 percent) have incomes below 50 percent of the Federal Poverty Level and 49 others (31 percent) have incomes between 50 and 100 percent of the Federal Poverty Level (Adams, 2000).

• 2,435 Ute Tribal members live in Uintah County in 545 households. Ninety-eight of those households (18 percent) have incomes between 50 and 100 percent of the Federal Poverty Level; 294 (54 percent) are living on incomes below 50 percent of Federal Poverty Level (Adams, 2000).

• The average family size on the Reservation is 4.2 persons, although in recent years an extreme housing shortage has resulted in “doubling up,” where two to three families may live in one unit (Adams, 2000).

The 1990 Census found that American Indians are Utah’s poorest racial or ethnic group.\(^4\) The overall poverty rate for whites was 11.4; for Blacks, 30.5; Asian or Pacific Islanders, 20.9; and American Indians, 43.6. Persons of Hispanic origin of any race had a poverty rate of 22.8 (Bureau of the Census, 1993:Table 54). While we wait for the release of more recent information of this type from the 2000 Census, the following information for Uintah County\(^5\) can be considered indicative, since there is no reason to expect significant change:

\(^3\)For example, Federal Poverty Level in 1999 was $13,880 annually for a family of three.

\(^4\)The 1990 Census reports on 1989 income. The Poverty Thresholds used to “draw the line” for poverty level incomes are represented on a grid reflecting family size and number of children, but in general, annual poverty level income for a one-person household was $6,310; for two, $8,076; for three, $9,885; for four, $12,674; and for five, $14,990 (Bureau of the Census, CP-2-46, 1993).

\(^5\)The majority of Native Americans in the Uintah Basin actually live in Uintah County, therefore data presented on the basis of county of residence is more indicative. Duchesne County has a low overall population and for many designations, its Native American population was too small in 1990 to allow it to be published within Bureau of the Census confidentiality restraints.
The Department of Workforce Services estimated that 15.6 percent of Duchesne County’s residents were poor in 1997, making that county the third poorest in the state (Weathers, Walsh, and Diamond, 2000).

American Indians constitute just over 12 percent of the population of Uintah County. The poverty rate for whites of all ages was 14.9 percent. Nearly half of Indians were poor (Table 158). Poverty rates separated out for the Uintah-Ouray Reservation are roughly comparable to those for Uintah County (Bureau of the Census, 1993:Tables 158, 229).

One out of every two school age Native American children (age 5-17) was poor. Children under age five fared much worse – two-thirds of them lived in households with income below poverty level (Bureau of the Census, 1993:Table 158).

Everywhere and for every race, female-headed families with children have among the highest poverty rates. Indians living in Uintah County were no different, according to the 1990 Census. Of those with children under 18, 65.8 percent were poor; with children under 5, the poverty rate soared to 85.5 percent. Comparable rates for whites in Uintah County were 60.7 and 76.6 percent, respectively (Bureau of the Census, 1993:Table 158).

Per capital income in 1989 for whites was $8,912 and for Native Americans, $4,371 (Bureau of the Census, 1993:Table 157).

C. Assistance programs

The Ute Tribe administers a number of assistance programs, largely with a portion of funds received in payment for leased tribal lands and oil, mineral, gas, and water rights. Eligibility is restricted to officially enrolled members of the Ute Tribe who live on the Uintah-Ouray Reservation.6

The Bureau of Indian Affairs (BIA) also administers funds for use to assist Indians. BIA programs require proof of federal recognition as an Indian (verified one-quarter Indian) and residence on a reservation. Additionally, however, to be eligible for assistance through BIA programs, one must first exhaust all other avenues of possible help and have no other recourse.

Many Indians living in the Uintah Basin are not eligible for some or all types of assistance available to other Indians. Indians known as mixed bloods are not enrolled members of the Ute Tribe and, therefore are not eligible for Ute tribal programs. The exception are a few programs run by the Tribe that have funding from other sources. These funds can be used to serve a broader population.

---

6Ute tribal membership is complex, but in general requires that a person be at least five-eighths Ute. Certain children of enrolled members are also eligible for membership.
Indians of any tribal affiliation who are not living on a reservation are not eligible for either Ute Tribal or BIA programs. These groups, when in need of help, must rely on state or federally funded programs open to all citizens of the State of Utah, county services, or assistance provided by private entities such as religious or other nonprofit charitable organizations.

**Child and family support**

Ute Tribe Social Services include a variety of services to support youth and families. To be eligible, families must live on or near the Reservation. Although most services go to enrolled members of the Tribe, receipt of some funding from the BIA allows services to children who are one-quarter Indian of any tribe and those who are descendants of authorized members.

**Child care assistance**

The Ute Indian Tribe Child Care Program is funded by federal Child Care and Development Fund (block grant) monies. The program serves children of enrolled members of the Tribe under age 13. In FY 1998-99, 121 children from 73 families received care. Eighteen of those children needed care because their parents were enrolled in a full-time training or education program. (The tribal daycare program is described below in the discussion of tribal economic development enterprises.)

**Education assistance**

The Ute Tribe Education Division oversees educational opportunities for children and adults. Uintah River High School, a Charter School, provides a primarily Ute cultural environment to high school students. An Adult Education program is also offered.

The Ute Tribe Education Johnson O’Malley (JOM) Program seeks to enhance educational experiences and opportunities of low-income Ute students attending local public schools. The Parental Assistance Program can provide help with school materials and other types of educational support by paying vendors. JOM also arranges and supports performance incentives for students such as banquets and field trips.

The Ft. Duchesne Head Start Center provides services to low-income children of any tribal affiliation or race. There are six sites: Little Mesa, Randlett, Myton, White Rocks, Ft. Duchesne, and Four Winds. Enrollment in 1997-98 was 227. The program runs from September to May on a half-day schedule. Staff Advocates assess family needs and attempt to find solutions.

**Financial assistance**
The only potential for ongoing cash assistance program for Indian people is the General Assistance (GA) program, administered by the Bureau of Indian Affairs. GA can provide help on a bi-monthly basis. Assistance can only be given to those who are ineligible for state/federal assistance programs. Typically, for a family with dependent children to be eligible, they would have to have exhausted their 36-months on FEP. If families do not apply or are sanctioned for “non-participation,” or are closed for some other reason, they usually cannot be helped by GA. Ongoing work search is required. There are no time limits.

The Ute Tribe Emergency Employment Program (EEP) provides temporary work for one week to three months and seasonal employment lasting nine months to one year. The two programs combined serve from 90 to 170 individuals per year. Primary focus is on seasonal jobs.

One-time financial assistance may also be available for specified purposes. The Office of the Executive Director of the Ute Tribe hears requests for assistance of various types, including cash. Assistance is discretionary and is understood by tribal members to be the last resort source. Grants are typically not substantial or ongoing. Ute Tribe Social Services is also able to provide some cash assistance in situations where it is needed for family stabilization.

**Food and nutrition assistance**

The Ute Tribe Food Distribution program is designed to assist with food and nutrition needs. A monthly food package worth $37.45 per person is given out to low-income households living on Trust Land, Near area, and non-Trust Land. The program distributed nearly 230,000 pounds of food to 240 households during 1999.

**Health care assistance**

Indian Health Services (IHS) operates a health clinic at Ft. Duchesne that provides basic medical service to Indians. IHS is in the process of partnering with Utah’s Medicaid Program to increase coverage for clients, thereby leaving limited IHS resources available for those not eligible for Medicaid. IHS is federally funded and services are given to people who are federally recognized as Indians. It also attempts to assist people to work through the eligibility process for Supplemental Security Income (SSI). IHS partners with tribal child care programs to ensure children are immunized.

**Housing assistance**

The Ute Indian Tribally Designated Housing Entity (TDHE) operates programs for Ute Tribe members living on the Uintah-Ouray Reservation. The majority of those assisted live in Whiterocks, Myton, Randlett, Ouray, and Ft. Duchesne. Sixteen projects consisting of over 300 homes have been completed since 1967. As of 1999, the TDHE owned and managed 109 Low-income Rental units and 168 Mutual Self-Help Homeownership units. As is the case statewide, programs can only serve a
fraction of those who need housing help. The Low-income Rental and Mutual Self-Help programs have
a combined waiting list of 500 applicants; some have been on the waiting list for fifteen years. The
TDHE estimates that 490 rental units and 245 homeownership units are needed. Officials have noted
increased requests for emergency assistance for evictions and reductions in income for FEP families
since the welfare reform time limits have taken effect.

**Job training**

The Work Investment Act (WIA), passed by Congress in 1997, replaced Job Training Partnership Act (JTPA) programs, including those administered by Indian tribes and located on Indian reservations. The WIA programs run on the Uintah-Ouray Reservation serve both adults and youth (individuals ages 14-21). To be eligible, a person must be unemployed or underemployed, meet income guidelines, be federally recognized as an Indian, and live on an Indian reservation. Funding is limited. There are only 24 slots per year for adults and 28-30 slots in the Summer Youth Job Training Program. There are no stipends available to support families and individuals enrolled in training.

**D. Economic development**

The Ute Tribe employs a substantial number of people in tribal government and enterprises. Tribal enterprises include the following:

- The Plaza Grocery Store and gas station/convenience store located on U.S. Highway 40 in Ft. Duchesne employs nearly 50 people at moderate salaries.

- An additional gas station/convenience store is currently under construction in Myton. It opened in January 2001 and will employ 19-20 people.

- Ute Custom Feeders, the Northern Ute Tribe’s feed yard, handles 5,000 cows at a time, rotating 14,000 annually.

- A bottled water project near Whiterocks is under development. It is expected to generate around $1 million in profits annually.

- The most highly publicized and acclaimed endeavor is the Uintah River Technology Project. This is a pilot project that brings together the Ute Tribe, Uintah and Duchesne County governments, the Uintah Basin Area Technology Center, Utah State University, and Oracle, a private information technology company, under a U.S. Department of Agriculture Project called BRAVO (Building Rural America with Venture Opportunities).
• A Water Settlement Project will provide three new jobs in management and marketing.

• The tribal daycare is a for-profit enterprise serving area families with children without regard to tribal membership. Enrollment in August 2000 was 92.
IV. ISSUES AND FINDINGS

A. Welfare reform in a rural area: double trouble for Native American families

High unemployment – the case of the Uintah Basin and American Indians who live there.

The way work-based welfare reform will affect Indian families in the Uintah Basin causes substantial concern for many of those interviewed during this study. The new welfare laws are based on the assumption that recipient parents can find work if they try, at least by the time they reach their time limits, but Indian and non-Indian service providers see that expectation as unrealistic. They found it plausible that welfare families living on the Wasatch Front might be benefitting from the economy there with its record low unemployment rates, but due to the “boom” and mostly “bust” economy of the Uintah Basin, the general population has difficulty finding work. The employment prospects for Native American are far less promising.

It seems beyond dispute that limited employment opportunities will diminish families’ chances of reaching the goal of welfare reform: to find work. A regional job market is governed by external forces that exert a profound influence on outcomes for individual job seekers, yet the new welfare system is silent on the matter. It is left up to recipients to contend with the effects of a high unemployment rate and both their tools and time to do so are limited.

Time limits are of grave concern to tribal and non-tribal service providers, but that policy is not the only problem they see. We were told that, for Indian parents, the requirement to participate in job search activities, in the face of the grim job market, is tremendously discouraging. An unknown number are assumed to have turned away from FEP, despite their continuing need for help, because looking for work with almost no hope of success seems pointless and depressing. Many of these individuals have already looked for work in the past without results and have no reason to believe that additional job search will turn out any differently.

On a related note, providers suspect that some Indian FEP parents may enroll in the program and comply with the requirement to formulate an employment plan, but will subsequently have difficulties following through with Plan activities. These families are at risk case closure for “non-participation.” They will probably never come close to exhausting their 36 months of FEP eligibility.

Some people interviewed pointed out the pressure this places on DWS employment counselors. They are bound by the mission of their agency to focus client attention on employment planning and seeking work. Even though they know of the intense employment barriers faced by Native Americans, their best option is to remain optimistic and upbeat, and stress participation. If these barriers discourage either work or participation in employment plan activities, the only choice they see may be to implement the Conciliation Process (described below on p. 24) and perhaps ultimately close the case for “non-participation.”
Perhaps the most graphic illustration of the dilemma of time-limited, work-based welfare for Native Americans and others with severe employment barriers is the outcome for a theoretical FEP parent who flawlessly carries out her employment plan and still has not found work by the end of her 36-months of eligibility for FEP. There is currently no choice for the employment counselor but to terminate the family’s assistance. Utah law allows DWS to grant extensions to the state’s 36-month time limit for specific reasons. Like the federal law, the number holding extensions at any one time cannot exceed 20 percent of the average monthly caseload. Extensions can be granted if a parent or her dependent has a medical condition that prevents employment, if the parent has suffered from domestic violence and the experience has become a barrier to work, if she is age 19 or younger, or if there has been a specific “hardship” that has prevented work. Utah law allows extensions for part-time work under certain conditions. There is no mechanism to grant an extension when a parent is still unemployed due to high unemployment – on a regional or subgroup basis or both.

Job market forces in the Uintah Basin

Official unemployment rates figures for Duchesne and Uintah Counties are traditionally at least double those for the state as a whole. Average annual 1999 unemployment rates for the two counties, respectively, were 9.4 percent and 7.2 percent, while the state average that year was 3.7 percent. Relative to other counties, Duchesne County’s 1999 average unemployment rate was the highest in the state. At 7.2 percent, Uintah County was in fifth place, with a slightly lower unemployment rate than Garfield County (8.3), San Juan County (7.9 percent), and Emery County (7.3 percent). Job growth in the three-county area of the Uintah Basin (including Daggett County) over the next five years is expected to be 1.9 percent per year, substantially below the state average of 2.5 percent.

For Native Americans in the Uintah Basin, the situation is far more grim. 1999 figures are not available, but the Department of Workforce Services reports in its Utah Equal Employment Opportunity Information (EEO) report for 1997 that the unemployment rate of Utah’s ethnic and racial minorities is generally double that of white Utahns. However, the rate for Native Americans is triple that for whites (DWS, 1999).

It is important to recall that an unemployment estimate is calculated with a Department of Labor formula that includes only people age 16 and over who are not working and who were actively participating in job-seeking activities. The labor force is comprised of these unemployed, plus the employed age 16 and over. A potentially sizable number of people are “not in the labor force.” Therefore it is helpful to also look at a concept called “joblessness” with a specific definition: people who are of working age 16-64, but who are not working (American Indian Research and Policy Institute, 2000). Table 1 presents these data for Utah and selected areas, prepared by the DWS from 1990 Census data.
It must be understood that not all of these people actually wanted jobs. Included in these data are people with disabilities, retired people, full-time students, and caretakers for children, and elderly people. Many of these may not want or be able to work full- or even part-time, but some do wish to work. Others, including homemakers, may have given up looking for work or who otherwise believe jobs for them cannot be found. These “discouraged workers” are excluded from official unemployment calculations. Hence, a measure of “joblessness,” although far from being a perfect representation of the broader unemployment issue, provides some help adjusting for the fact that the unofficial rate excludes an unknown, but substantial subgroup of employable people who want, and likely need to work, but who nonetheless do not have jobs.

That said, Table 1 shows that a decade ago, when the official unemployment rate in the state of Utah was 5.3 percent (representing over 41,000 individuals), there were over 279,000 people who could be counted as “jobless,” nearly 28 percent of people of working age who were not working. In Duchesne County, where the official unemployment rate was 7.3 percent, nearly 2,400 people (35.7 percent) of working age were not working. In Uintah County, 10.2 percent was the official unemployment rate, but nearly 4,700 people met the “jobless” definition for a “joblessness” rate of 39.0 percent.

A look at “joblessness” among American Indians is instructive . . . and alarming. In 1990, Utah’s recent economic boom had not yet hit and the overall unemployment rate for the state was 5.3 percent. For Indians, however, 1,870 were officially unemployed for a rate of 20.8 percent, over four times the unemployment rate for whites (4.9 percent). The jobless rate for Indians was 50.6 percent; over 7,100 people of working age were not working. Returning to the issue of work-based welfare, the “joblessness” rate among Indian women of almost 54.0 percent is even more disturbing since the vast majority of single-parents of FEP families are women.

Both measures – official unemployment and joblessness – are less severe among American Indians in metropolitan areas than in rural ones like the Uintah Basin (although Duchesne County data are not available due to population size, see Uintah and San Juan County, as well as “nonmetropolitan Utah” figures). However, a move to the city to find work is fraught with a mix of disincentives – from high housing costs, crime rates, and additional risks for children to the loss of a social support structure. There is no guarantee of finding a job there either. The Ute Tribal Social Services Director reported that a number of Ute families who have sought better opportunities in cities along the Wasatch Front have given up and come back home. This concept will be discussed in more detail below.

The potential impact on FEP families of unemployment and joblessness

A 1997 study by Dr. Mary Jane Taylor of the Graduate School of Social Work, University of Utah investigated various experiences and outcomes for recipients of Aid to Families with Dependent Children involved in the Single Parent Employment Demonstration (SPED) Program in 1996 and found that a high regionalized unemployment rate had significant, critical impacts. The Roosevelt Office of the Utah Department of Human Services – then Utah’s administering agency for state and federal financial assistance programs – was one of three offices where the Demonstration Program was implemented. Roosevelt was selected specifically to test the effects of the Demonstration in an area where the general population suffers from high unemployment and a racial subgroup – Native Americans – fare even worse at obtaining jobs. Notably, in comparing SPED participants in the Roosevelt, St. George, and
the Kearns Office in Salt Lake City, data showed that Roosevelt participants were far less likely to leave the program for employment (23 percent) than participants in either Salt Lake (42 percent) or St. George (62 percent). Conversely, 59 percent of Roosevelt participants left SPED for reasons other than employment, a much larger percentage than in either of Salt Lake (44 percent) or St. George (29 percent). Study participants in Roosevelt also tended to remain on assistance longer than in the test areas with more employment opportunities. Researchers concluded that, “Welfare policy must avoid solutions which . . . ignore the complexity of factors associated with poverty and unemployment.” (Taylor, 1999)

The impact of high regional unemployment rates on outcomes for all welfare families is born out in data collected by SRI since the implementation of the Family Employment Program in 1997. Figure 1 shows FEP case closures coded “TR” (Transitional Medicaid) at the State level, in the Eastern Region, and in the two largest Employment Centers in the Uintah Basin. This closure code is understood to be the best available indicator of “working one’s way off welfare,” since all families who leave FEP because they are earning enough to no longer be income-eligible are then eligible for 24 months of Transitional Medicaid coverage. Two exceptions would be if their job pays too much for them to be eligible for Transitional Medicaid or if their job offers health insurance as a benefit, but both of those circumstances are quite rare for the FEP population. As Figure 1 shows, a substantially lower percentage of families who leave welfare in the DWS Eastern Region – of which the Uintah Basin is a part – do so due to employment than is the case statewide.

We sought information differentiating TR closures for Indian and non-Indian FEP families to enable comparison of employment outcomes for the two groups. However, SRI data do not break out closures by race and ethnic status and DWS was only able to provide those data for Indian families within the time parameters of this study.

---

7 These include “review not completed,” “participant information not verified,” “children no longer eligible,” “marriage,” “moved out of area,” “participant in public institution,” or “participant terminated for non-participation.”

8 The reader should note that Roosevelt and Vernal Office data are missing for 7/99-3/00. The long-term data collection efforts of the Social Research Institute, Graduate School of Social Work at the University of Utah encountered difficulties in approximately June 1999 as DWS began to have eligibility processed at Eligibility Service Centers, rather than in the Employment Centers where applicants/recipients receive services. SRI became aware of coding deficiencies early in 2000, as data began to show large caseload increases in some offices and dramatic declines in others. To correct the problem, since April 2000 SRI data pulls are done on the basis of zipcode of client residence, restoring reliability, but Roosevelt and Vernal Office data from July 1999 through March 2000 are not accurate. Data for these two offices during that period are missing from all graphs for this reason.
By state FEP policy, these cases include one or more eligible children and the head-of-household is any one of a number of family members related to the child(ren) by blood or marriage. The “specified relative” is not required to seek work and the case is not subject to time limits.

In the absence of other data, one possible indicator of the relative incidence of Indian and non-Indian TR closures is comparison of Roosevelt and Vernal Office TR closures. Because Native Americans typically make up around 40 percent of the FEP caseload at the Roosevelt Office and only around 5 percent of the caseload in the Vernal Office, Roosevelt arguably may shed some light on the circumstances of Indian FEP families in the Basin (SRI, 1997-2000). In the case of TR closures, the Roosevelt Office has increased somewhat, but has lagged far behind Vernal since fairly early in the program. Figure 2 focuses more specifically on this.

Despite fewer case closures due to work than the statewide average, FEP caseload reductions in the Eastern Region and at the Roosevelt and Vernal Offices have outstripped those of the state as a whole. Since August 1997, the FEP caseload in the state as a whole has declined by 29 percent. The Eastern Region’s caseload has gone down by 39 percent. Roosevelt’s caseload has declined by 34 percent and Vernal’s, by 42 percent (SRI, 1997-2000). Part of the reason for this, at least in the Roosevelt Office, is a higher percentage of closures due to sanctions for nonparticipation. This is discussed in more detail below (see p. 25-26).

An important question that has not been answered by data received during this study is whether Indian family enrollment in FEP has declined or increased. There was consensus among both Indian and non-Indian respondents that welfare changes have, through a number of processes, resulted in Indian families leaving the FEP rolls or never applying in the first place. SRI data for the majority of the FEP caseload – families headed by a single, usually female, parent who is required to participate in work-related activities in accordance with her employment plan and whose financial assistance is subject to 36-month lifetime limits – document a 55 percent reduction in the number of Indian families in June 2000 since August 1997. However, DWS data including Indian FEP cases of all types – the abovementioned type plus those headed by “specified relatives,” recipients of Supplemental Security Income (SSI), and legal and illegal aliens – shows an eight percent increase in the Indian FEP caseload.

To understand this variation in DWS data from our other data sources, we attempted to determine whether there could have been a substantial enough increase in other (non-participation) types of FEP cases to offset the 55 percent caseload reduction in participation cases and, if so, what kinds of case(s) those might be. SRI was able to ascertain for June 2000 that 44 of the 98 FEP cases of all types headed by Native Americans were “specified relative” cases. Although this would amount

---

9By state FEP policy, these cases include one or more eligible children and the head-of-household is any one of a number of family members related to the child(ren) by blood or marriage. The “specified relative” is not required to seek work and the case is not subject to time limits.
to a substantially larger percentage of caseload than is the case for the general population (in Roosevelt that same month, 34 percent of the FEP caseload were “specified relative” cases and the percentage statewide was 20 percent), Roosevelt DWS officials have told us that this has traditionally been true. On the other hand, if there is a substantial increase since the implementation of FEP, this may indicate an important impact on Indian family structure that warrants consideration. Due to a recent change in the SRI computer hardware, they were not able to provide us with comparable data for Indian FEP cases to allow determination of the actual percent change in Indian “specified relative” cases since FEP began, so that question of FEP caseload trends remains unanswered.

Further analysis of available caseload information shows that, indeed, there has been somewhat of a shift in the type of FEP cases being opened. Looking across all racial and ethnic groups, FEP cases requiring participation and subject to time limits have declined – statewide, by 40 percent; in the Eastern region, by 48 percent; in the Roosevelt and Vernal Offices, by 51 percent and 52 percent, respectively – while “specified relative” cases have increased. Statewide, in the Eastern region, and in the Roosevelt and Vernal Offices, the latter type of case has increased by 25 percent, 19 percent, 33 percent, and 43 percent, respectively. Another way to view the significance of “specified relative” cases is as a percentage of the total caseload. Statewide, in the Eastern region, and the Roosevelt Employment Center, it has doubled. In the Vernal Office, the percentage of caseload has more than tripled. This trend has been reported in other states. Since it indicates increased frequency of circumstances where the natural parent is out of the child’s home, there is reason to investigate the “specified relative” increase to ensure that public welfare policy changes are not encouraging family disintegration.

Families with serious barriers to employment

We heard from several people that major welfare changes may jeopardize particularly vulnerable families. They explained that people who are fairly job-ready and lack serious individual and family barriers to work may do well with time limits and participation requirements, but said they worry that families with greater difficulties may not be able to cope. Respondents spoke of those with work barriers – low job skills, and poor work histories and job-keeping skills – and with educational barriers – both the lack of a high school diploma or GED (General Education Development) and low math, reading, and language skills even with high school completion. They also talked about what they perceive to be a sizable group of clients with individual or family problems or both. Problems mentioned include domestic violence, various mental health problems, substance abuse, child behavior problems, etc. Some of the problems in this latter category were described as quite severe, needing professional intervention. Agoraphobia and personality disorders raised particular concerns. Hygiene problems due to poor living conditions were also mentioned. Additionally, logistical problems preventing work repeatedly came up. The lack of transportation can be an insurmountable barrier for many families in this area. There is no public transportation except the tribal transit system that operates during Monday through Thursday business hours in Ft. Duchesne only. At issue are parents’ abilities both to get and keep jobs.

Interviewees referred to two problematic areas. First, if these families are not helped prior to their reaching time limits, they could be cut off. Second, some personal and families problems may go
undetected by DWS, yet lead to participation problems. If underlying difficulties are still not discovered, sanction and case closure could result.

Utah’s Administrative Branch has long been aware of the difficult implications for welfare families with these kinds of barriers. The Department of Human Services began, and the Department of Workforce Services continues, important work to understand the extent of the situation. In terms of strategy, the first step is to discover what the barriers of each family are. Matching them with appropriate interventions follows.

In 1997, the bill passed by the Utah Legislature to implement FEP included a specific requirement that each client be assessed prior to the development of the family’s employment plan. The assessment tool adopted is designed to assist in identifying both barriers that are directly related to employability, and individual and family problems that could require intervention before the parent is able to move ahead with work.

Even with effective assessment, barriers may go undetected. In fact, some of the most difficult barriers for clients to cope with are the ones they wish the most to hide from others. One telltale sign can be the emergence of participation problems. In instances where one-on-one negotiations between the client and Employment Counselor do not result in acceptable participation in employment plan activities, FEP policy calls for initiation of the “conciliation process.” There are three goals: 1) “to encourage participation in individualized activities . . . ,” 2) “to ensure that the client, who is choosing not to participate, has made an informed choice about participation and cooperation requirements,” and 3) “to confirm that DWS workers and other appropriate parties have followed a uniform set of procedures and utilized appropriate resources to assist clients in resolving participation difficulties” (DWS, 1999). The skills of a specialized worker – generally, a trained Social Worker – are highly recommended in that policy and greatly increase the likelihood that hidden barriers will be discovered so that intervention can be provided.

A third opportunity to learn of barriers comes with the advent of time limits. FEP policy requires that, three months prior to closure, a Licensed Clinical Social Worker (LCSW) must be part of an effort to determine eligibility for extensions to time limits, particularly under the health (including mental health) criteria. If problems wait until a family’s 33rd month for discovery, much time has been lost; however an extension and appropriate intervention still may provide important assistance and a second chance for the family.

Especially in view of findings of the first two phases of DWS research on FEP families with barriers, the Department has implemented strategies to identify and assist them. However, these processes appear to have suffered some setbacks in the Roosevelt and Vernal Offices. First, the assessment form (Form 310) mentioned above is not necessarily used systematically nor completed fully for each client. Second, there was agreement, among both DWS personnel and people outside the
Department, that until October 1999, there was no one even available in either Uintah Basin Office with the type of training necessary to recognize and work with people with difficult to discover barriers, including substance abuse or mental health problems, either prior to or as part of the conciliation process\textsuperscript{11}.

In discussing participation issues, conciliation, and non-participation closures with employment counselors in the Roosevelt Office, we were told that many client problems have, indeed, proven to be beyond their skills to recognize or to determine appropriate interventions. They expressed considerable relief that an LCSW finally has been assigned to their Office. They cited examples of clients with whom they had struggled over “lack of follow-through” for extended periods of time, but who, when seen by the LCSW, were quickly diagnosed as having very specific, treatable problems. Appropriate intervention had resulted in very positive outcomes, rather than the dismal prospects of case closure, for which they were otherwise headed.

The LCSW to whom they referred agreed that employment counselors cannot be expected to carry out the functions of a trained social worker. Their job descriptions and skills relate to helping people find jobs, not to recognizing complex mental health or family dysfunctions. However, without the ready availability and active involvement of someone able to diagnose serious individual and family problems and arrange appropriate interventions, troubled families are at substantial risk of being perceived as “uncooperative” and terminated from financial support. Thus cut off, they and their children may lose an important point of contact through which they might have been able to receive other kinds of help they need.

Therefore, important opportunities to spot family barriers appear to have been lost each step of the way throughout most of the time FEP has been running. Moreover, as long as employment counselors lack skills and an LCSW is only scheduled for either the Roosevelt or Vernal Office one day every two weeks, the problem appears bound to persist.

We attempted to ascertain whether any of the abovementioned circumstances may have had a quantifiable impact. For this purpose, Roosevelt and Vernal Office case closures coded “Non-participation” (NP) were investigated since August 1997 and compared with NP closures on the State and Eastern region levels.

Figure 3 shows different results for the two Uintah Basin DWS offices. Since August

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{fig3.png}
\caption{FEP Case Closures}
\end{figure}

\textsuperscript{11}The LCSW brought on in October 1999 was assigned only to cases due to close in the “first wave” of FEP families to reach their 36-month time limits on December 31, 1999. Only after that date did the LCSW begin to be made available to work with the rest of the FEP caseload, including those in conciliation.
1997, when FEP was fully implemented in Eastern Region Employment Centers, the incidence of NP closures has risen and then stabilized statewide; the Roosevelt Office has substantially surpassed the increase in the state as a whole during months for which SRI information is reliable.\textsuperscript{12} Vernal’s NP closures as a percentage of all closures exceeded somewhat that of the state and Eastern Region during the first two years, but have recently dropped below the state average. As noted earlier, we were not able to obtain comparable information differentiating between Indian and non-Indian FEP families. Whether or not one group or the other is more or less likely to be terminated for “non-participation” cannot be known at this time.

\textbf{Gaps in resources – central to the rural dilemma}

Once barriers are identified, if welfare reform is to provide families with a chance to overcome them, the interventions they need must be available. Some of these resources may be available from DWS, but as is revealed in CPPA’s study of the impact of welfare reform on charitable sector services, more help is being sought from outside sources than before welfare reform.

DWS staff and service providers outside the system shared the concern that many of the specialized services that might be needed simply would not be available any closer than the Wasatch Front. Even if appropriate services could be found closer to home, it was said that inadequate staffing can prevent them from being delivered in a timely way. We observed some sense of resignation that unavailability of necessary services is just part of rural living, but also heard charges that state-level promises to value and assist areas off the Wasatch Front have not been honored.

Resentment over a disparity between state government’s attention to the Wasatch Front and the “Wasatch Back” is not new. However, factors such as the increased incidence of “big city” problems of crime, drugs, and other forms of social disruptions add a note of urgency. Likewise, increased pressure on local services related to poverty and family problems triggered by welfare changes appear to bring the sentiment into sharper focus.

Across group discussions and individual interviews for this study, a number of concerns about shortages, or the absence of necessary resources were raised:

- There are shortages in essential mental health services of all types. It was said that the typical waiting period for intervention services through Northeastern Counseling Center is six weeks.

- It is difficult to find services for youth. Children needing intensive services, including 24-hour secure placement, can rarely be handled in the Uintah Basin. When children must be sent to the Wasatch Front, it is often not possible to involve the family in therapy.

\textsuperscript{12}See footnote 8 for explanation of missing data from July 1999 through March 2000.
• There are few independent living options. This is of particular concern for FEP families when the youngest child is disabled and turns 18. The family is no longer eligible for financial assistance, but it generally must continue to provide full support due to lack of other options.

• There is a shortage of parenting and other family support services.

• There are not adequate follow-up and supportive services for people attempting to recover from substance abuse. The healing process may begin through a crisis intervention program, but maintenance treatment is in short supply.

• There is not a practicing psychiatrist in the area.

• With the exception of the Ute Tribe’s limited transit system, there is no public transportation in the Uintah Basin, either to access necessary services or to get to work. Most population centers are 30 to 50 miles apart.

• There is no consistent resource to provide “job-keeping” skills to FEP parents who need that help.

• Additional basic supports will be needed as more people no longer qualify for FEP, but, even though they may be working, are still not self-reliant.

• There is far from enough affordable housing for low-income families. This appears to be particularly true for Native Americans living on the Reservation.

B. Welfare reform issues in this part of Indian Country

Exemptions from time limits on reservations with high unemployment

Ute spokespersons are particularly interested in a provision in the Balanced Budget Act of 1997 which allows a special extension to welfare time limits for residents of Indian reservations. For each month families receive Temporary Assistance for Needy Families (TANF – in Utah, FEP) while living “within Indian Country”13 where the population is at least 1,000 and the unemployment rate among adults is 50 percent or above, that month does not count toward their time limit, i.e., the “clock does not tick.” For residents of reservations that do not fit these criteria, time limits are to be applied.

Tribal leaders see time-limited financial assistance as a withdrawal of promised support – support that was paid for with losses of Indian lands in historical treaties. They understand that the chances of Indians around the country finding employment anywhere have traditionally been and still are relatively slim. The Act does not address this. They know that the provision disallows this particular

13DWS is continuing to research possible definitions of this term.
Reservation because of still another congressional action – the 1903 allotment of Indian lands and subsequent opening up of the Reservation to settlement, creating the “checkerboard” configuration of Trust Lands within the exterior Reservation boundary. The Act does not appear to offer a realistic solution.

DWS met with tribal representatives in December 1999 to discuss this matter. DWS explained that the first 12 months after Utah time-limits were implemented fell in 1997; therefore, 1997 unemployment rates would be the appropriate ones to use. BIA unemployment statistics are acceptable, and were used by DWS to exempt all FEP families living on the Navajo Reservation from case closure due to time limits beginning on December 31, 1999. However, a more technical layer of rules precludes the Uintah-Ouray Reservation’s eligibility for this same exemption. DWS has received 1997 numbers for the Ute Tribe showing a population of 3,174 and an unemployment rate of 77 percent, but it was determined that the extension cannot be implemented, because the count did not include all residents of working age. Only Indians were counted. Since the Uintah-Ouray Reservation is “checkerboarded,” rather than a single land mass like the Navajo Reservation, and the official boundaries include nearly the entire Uintah Basin, the majority of residents within the official Reservation boundaries are actually white. Although the three-county area’s unemployment rate is significantly higher than the state average or that of the Wasatch Front Counties, adding in white adults, who have a much lower unemployment rate than Indian adults, ensures that Indian unemployment on the Uintah-Ouray Reservation cannot be considered for the Indian unemployment exemption to TANF time-limits.

These complexities resulted in the application of Utah’s 36-month time limit law to residents of the Uintah-Ouray Reservation beginning on December 31, 1999. Administrators report that by that time, they had not been able to find a way to apply the exemption provision. A solution has not been found by the time of this writing; however, DWS is continuing to research the issue.

The Department of Workforce Services points out an additional problem for all tribes, including those that may currently qualify for exemptions to time limits under this provision. That is the fact that BIA employment statistics are generated only every two years. There will be no 1998 numbers from that source to use to determine any reservation’s eligibility for exemptions for 2000 and all subsequent even-numbered years.

Perhaps this latter glitch will be resolved for land mass reservations by 2002 TANF Reauthorization, but without an additional change to accommodate the circumstances on “checkerboard” reservations like the Uintah-Ouray, the question is moot. Ute tribal leaders stress that Congress needs to acknowledge that it created the “checkerboard” configuration of the Reservation and failed to take it into account in its changes to the welfare system. They believe an amendment is needed to avoid penalizing families for being caught in a clash of Congressional actions.

Work-based welfare policies and discrimination in the workplace

During an October 1999 focus group conducted on the Reservation by CPPA, Ute tribal leaders and service providers pointed out that a work-based welfare system has the effect of
Utah’s Family Employment Program may exaggerate any negative results that exist by requiring participant parents to look for work far earlier in their connection with the state’s TANF program than is required by PRWORA (24 months). FEP requires applicants to complete and actively follow employment plans almost immediately, as part of the eligibility process.

Tribal representatives expressed concern that Indian FEP parents may face almost insurmountable barriers to actually finding work. It is widely believed that local off-reservation employers prefer not to hire Indians. This may be either because of a belief that they are less qualified or have a different “work ethic” than white workers, or due to residual resentments against the Ute Tribe rising out of a two-decade long jurisdictional lawsuit and associated conflicts between the Tribe and Roosevelt City. Regardless of the reasons, the FEP parent is thought to be severely disadvantaged. Ute tribal policy decisions to extend preference in hiring for tribal employment opportunities to tribal members provides an additional discriminatory barrier to some FEP parents. Members of other tribes and a sizable group known as Mixed Bloods face barriers to finding work in either job market.

Interviewees noted that traditionally, job search by Indians in the Uintah Basin is fraught with discouragement. On top of this, parents of dependent children, particularly single parents, in need of financial assistance now face the added pressure that job search is a participation requirement. The perception that discrimination is the likely cause for repeated failure to find work may well serve to make them feel too boxed in to retain or even seek FEP eligibility. Tribal providers fear that, through this welfare change, families are being driven away from help they desperately need because they simply cannot see a realistic way to access it.14

It is essential to note that this unintended consequence of welfare reform has implications for other TANF recipient job seekers besides Indians and is of national significance. Ute representatives agreed that needy members of any group that historically has experienced discrimination in the workplace is required, under welfare reform, to face the “dragon” of prejudicial hiring practices over and over to remain eligible for the small amount of assistance they can receive by meeting these participation requirements. Other people of color and people with disabilities share this added barrier to employment. In small, rural population centers, “newcomers” may have trouble finding work, as may those who are otherwise not “part of” the community. There is no extension or exemption to time limits to reflect the fact that neither convention nor legislation has been able to make hiring practices fair to all.

Hence, the individual job seeker receiving TANF assistance is left to confront this added barrier to finding work on his or her own. Administering state or county agencies may not fully grasp the impact of discrimination on recipient outcomes, and if they do, a public policy solution will not come easily. However, without the effort to confront this powerful and uncontrollable workplace and community phenomenon, welfare reform policies and practices calling for largely uniform approaches, 

---

14Utah’s Family Employment Program may exaggerate any negative results that exist by requiring participant parents to look for work far earlier in their connection with the state’s TANF program than is required by PRWORA (24 months). FEP requires applicants to complete and actively follow employment plans almost immediately, as part of the eligibility process.
such as job search first and looking away from potential discrimination in the workplace, are bound to disadvantage certain groups of families.

The urge for jobs within the Tribe

Employment counselors and tribal service providers agree that some Ute FEP parents would prefer to work within the tribal economic structure. Key reasons were given by tribal spokespersons. First, a job somewhere in Ft. Duchesne brings with it easy access to two of the most essential services for working parents with young children – transportation and child care. The tribal transit system operates during the same hours as tribal government and services, as does the child care center. Second, as indicated, many FEP or FEP-eligible parents have become discouraged and demoralized by job search in the off-reservation community. Even though there may not be immediate job openings with the Tribe for which they are qualified, they believe their chances of finding a job are better if they are free to focus their job search in that direction.

While this avenue holds promise for some FEP parents as the Tribe continues with its economic development efforts, both DWS spokespersons and tribal representatives indicate this may also present problems. Job seekers will need to possess or attain the necessary credentials and skills required to be hired for these jobs, and many do not currently qualify. The Ute Tribal Personnel Director reports that from three to eight jobs open up per month. The majority of jobs posted list as qualifications at least a high school diploma or a GED, and sometimes some type of additional educational degree, job training certification, or specific experience. She said that it is common for Ute single parents to lack the necessary credentials for positions within the Tribe.

Utah-specific related research on work-based welfare programs and dismal Indian employment opportunities

In a study of welfare outcomes for clients in Utah’s Single Parent Employment Demonstration (SPED) Program, Dr. Mary Jane Taylor of the Graduate School of Social Work, University of Utah found clear connections between race and low employment outcomes. Taylor looked at results for whites versus people of other races, and at Native Americans versus all other racial groups including whites. She found that, “. . . an Anglo American had a 109% greater likelihood of terminating for employment than did members of other race groups.” In the Roosevelt program, she found that terminating a SPED case for employment was “. . . 72% less likely for Native Americans than for other participants” (Taylor, 1999).

Phase II of the abovementioned SRI study of long-term Utah welfare leavers revealed similar results. The study, funded by the Department of Workforce Services and released in June 2000, involved characteristics and outcomes of 407 parents of families who had spent considerable time on welfare prior to leaving FEP at some time since the program began in 1997. They were divided into three groups based on the reason for which their case was closed: 1) for increased income (meaning

---

15See p. 3.
they were earning enough to be no longer income-eligible for FEP), 2) because of time limits, or 3) for other reasons, including at the recipient’s request, due to a failure to submit required information or verifications, no longer having an eligible child in the household, or due to an administrative decision that the client was not participating satisfactorily. Although it is not possible to ascertain specific information for those interviewed in the Uintah Basin, SRI found “a significant racial disparity among the three groups. People of color, primarily Hispanics, were more likely to be found in the group of cases closed due to time limits.” Whereas 43 percent of whites closed for increased income and 24 percent closed for time limits, the outcomes for Native Americans were essentially reversed. Only 29 percent closed for increased income and 48 percent were closed for time limits (Taylor, Barusch, and Vogel, 2000).

The impacts of time limits

For the first two years or more after the passage of PRWORA and the 1996 Utah law, provisions placing lifetime limits on the receipt of financial assistance by families with children were viewed as very troubling by many people working with vulnerable families. To some, time-limits were welfare reform. Like respondents in the current study, these service providers believed that FEP families headed by more employable parents might be able to cope with time-limits. However, they envisioned many very vulnerable families reaching their time limits and being cut off abruptly from the only existing source of regular, ongoing financial assistance that exists. These families would not be prepared in any way to take over the support of their children. Phase I of the same SRI study of long-term FEP recipients, released in February 1999, provides some evidence for that expectation. Multiple and severe barriers and long episodes on financial assistance seemed to go hand in hand. Congress and the Utah Legislature both made note of families with serious problems and allowed exemptions from time limits through what is generally known as “the 20 percent exemption” provision.  

The first group of Utah families reached their time limits on December 31, 1999, but what actually happened in terms of numbers was quite different from earlier expectations. During the final six months of 1999 and before the “first wave” of FEP recipients ran out of time, half of the families left the rolls. From June to the end of the year, the size of the group nearing their 36th month dropped from 822 to 403. When December 31 actually arrived, 261 of the remaining 403 families were given extensions; 142 were actually closed for time limits.

The whereabouts and situations of the 200 “long-term” welfare families who left just short of reaching their time limits is largely unknown. Some closed their cases due to increased income. DWS

---

16 A more complete discussion of an operational and practical flaw in this provision is found in CPPA’s publication Foundation Report: The Charitable Sector and Welfare Reform in Utah, April 1999. For purposes here, the number of available exemption decreases as caseloads drop, at the same time as a progressively larger proportion of those who remain on assistance are in need of exemptions. The stage is set for states to run out of exemptions at some point, although for the time being, low numbers of families reaching time limits have minimized concern about this very real statutory problem.
suggests “banking” as an explanation for other closures: parents running out of time decided to save what few months of eligibility they had left and closed their cases voluntarily. Some tribal service providers believe Ute families have seen approaching time limits as another reason to simply “go away” from the new welfare system. Although they still need help desperately, it does not work for them. Whatever the reasons, respondents in this study worry that many in this group of “welfare leavers” have unmet needs just like those whose cases actually were closed for time limits.

Returning again to the Phase II study SRI conducted for DWS, researchers included in the group whose FEP cases closed for “other” reasons (besides due to increased income or time limits) families who were sanctioned for “non-participation” and those who voluntarily closed their cases, as well as those whose cases closed because they failed to submit paperwork, appear for a review, or otherwise did not comply with program requirements. SRI describes both those closed for time limits and for “other” reasons as worse off than those closed for increased income:

... the general quality of their lives was worse than when they were on assistance. They were also more likely to report adverse consequences of loss of cash assistance, such as: housing problems, trouble paying rent, eviction, phone disconnection, loss of electricity or heat, inability to seek medical and dental care for themselves, inability to seek dental care for their children, inadequate clothing, lack of food, and a child leaving home (Taylor, Barusch, and Vogel, 2000).

This is probably to be expected. Whereas 73 percent of the group closed for time limits and 58 percent of the “other” group reported incomes below poverty, 68 percent of those closed for increased income had above-poverty income.

Currently, there is insufficient quantitative data available from any source to understand how Indian and non-Indian families have reacted to time limits in the Uintah Basin. However, Native American families have made up a larger proportion of those closed for time limits in the Roosevelt Office. Of the ten families who reached time limits on December 31, 1999 in the “first wave,” six (60 percent) were Native American. Indian families generally make up around 40 percent of the FEP caseload in that office. Eight families received extensions and were not terminated; half of them were Native Americans. Two families did not receive extensions; both of them were Indian. From December 31, 1999 to June 2000, a total of 21 families have reached time limits in the Roosevelt Office, 48 percent were Native Americans. Underscoring findings of the SRI about high percentages of long-term families with barriers, nine of the 15 families who were given extensions qualified due to a medical condition preventing work. It is encouraging to note that three of the six families who qualified for extensions due to employment were Indians. Still, four of the six families who were terminated due to time limits (67 percent) were Native Americans.

---

17 Caution is warranted in interpreting small numbers.
The issue of lifetime limits also raised concerns about other groups besides Indians whom existing FEP policy does not appear equipped to address. Respondents provided the following descriptions:

- Parents who cannot realistically work due to severe barriers need a program that assists them with problem-solving and offers needed interventions, as well as ongoing financial assistance and other supports without the expectation that they will ever become self-reliant. The “20 percent extension provisions” currently in state and federal law were not thought to be adequate or appropriate for this group.

- There is no effective mechanism, in FEP or in the community at large, to serve a “borderline” sub-group within the FEP caseload. These people have IQ’s of 70-80, too low to compete effectively for jobs in the open job market, but too high to qualify for financial support via the Supplemental Security Income (SSI) program. It does not appear that these families can qualify for extensions to time limits under any of the existing criteria. An added problem is that, under FEP policy, all who receive extensions are still expected to participate in activities in their employment plan. The vast majority of these people are unlikely to find work and almost certainly will never become self-sufficient. A more productive use of their time would be sheltered employment, but the few placements that exist are usually full.

- Likewise, services for FEP parents that may be diagnosed as “oppositionally defiant” are not available. People with this type of disorder are very hard to work with – even for highly skilled practitioners – yet employment counselors at DWS are expected to work with them within the parameters of FEP. These individuals, because of their malady, are often disagreeable, manipulative, and volatile. Their confrontive behaviors often prevent them from being hired, and those who begin jobs generally do not keep them for very long. In a conciliation process, they frequently react by refusing to cooperate or negotiate. Their chances of having their case closed long before they reach their time limits are substantial.\(^\text{18}\)

**Educational issues related to welfare reform**

Indian leaders and service providers are working very hard to provide better opportunities and educational outcomes for Indian children. Recent collaboration by tribal and other community leaders, and the tri-county school districts of Duchesne, Uintah, and Daggett resulted in a grant award from the U.S. Department of Education for a comprehensive after-school program. Over $3 million will be made available over the next three years for the “21\(^{st}\) Century Community Learning Centers (21\(^{st}\) CCLC) Connections Program” to improve educational performance of children, strengthen families, and reduce risks to children.

\(^\text{18}\)Similar observations were made in a Utah study of AFDC clients whose cases were closed in 1996 after going through the “conciliation process.” (Derr, 1997)
Respondents in this study raised educational concerns relating to both children and adults. Indian spokespersons acknowledged the tragedy of educational failure of individual students going through the school system now, but also pointed out that long term affects could extend to the economic and administrative well-being of Indians as a group.

**Children in poverty and at educational risk**

The links between poverty and poor performance in school, and family vulnerability troubled a number of other respondents. Indeed, the following statistics from the Utah State Office of Education (USOE), Finance and Statistics Department and the Duchesne and Uintah School Districts describe a population of children and youth still in school, but at “high risk:”

- During the 1998-99 school year, 34 percent of Duchesne District students and 32 percent of Uintah District students participated in the Free School Lunch program\(^{19}\) (USOE, Finance and Statistics, 2000).

- In the Duchesne District, American Indian students comprise large proportions of Myton and Neola Elementary School student bodies, 23 and 20 percent, respectively. Sixty-three percent of Myton Elementary students and 42 percent of Neola Elementary students received Free School Lunch the previous year. The Standard Achievement Test (SAT) composite score\(^{20}\) for Myton Elementary School was in the 19\(^{th}\) percentile, the second lowest composite score for any school in the two districts; the Neola Elementary School ranked in the 38\(^{th}\) percentile (Duchesne School District, 1999 and USOE, Finance and Statistics, 2000).

- The Thompsen School in Duchesne District offers grades 7-12; 30 percent of students are Native American. Seventy percent of students participated in the Free School Lunch program. The composite SAT score was the 23\(^{rd}\) percentile, third lowest of all Duchesne and Uintah District schools (Duchesne and Uintah School Districts, 1999 and USOE, Finance and Statistics, 2000).

- Eighty-six percent of Todd Elementary students participated in the Free School Lunch program; the SAT composite score of 16 was in the lowest of any school in either of the two school districts. Eighty percent of students at Todd Elementary are Native Americans (Duchesne and Uintah School Districts, 1999 and USOE, Finance and Statistics, 2000).

- Native American students make up nearly 60 percent of the student body at West Jr. High in the Uintah School District. Seventy-three percent of the student body participated in the Free School Lunch program. The composite SAT scores were in the 23\(^{rd}\) percentile (Uintah School District, 1999 and USOE, Finance and Statistics, 2000).

---

\(^{19}\)Eligibility for Free School Lunch is limited to families with incomes at or below 130 percent of the Federal Poverty Level.

\(^{20}\)Combining achievement in math, reading, language, science, and social science.
Low educational attainment as an employment barrier for Indian FEP parents

Educational issues for adults came up frequently during this study, as well. Without an adequate educational base to prepare individuals for the work world, we were told, Native American job-seekers enrolled in FEP may not qualify for job openings that exist. Some informants spoke of high drop-out rates, increasing the likelihood that FEP parents face the job market without a high school diploma. We gathered the following data, including 1990 Census data, in an attempt to provide some context:

• Only one out of three Native American women in Uintah County over age 25 could qualify for a job requiring more than a high school diploma or equivalency (Bureau of the Census, 1993:Table 152).

• Statewide, Native Americans have the 3rd highest drop-out rate of racial and ethnic subgroups. In FY 1999, Black students had the highest rates at 10.7 percent, followed by Hispanics (9.3 percent), Native Americans (8.0 percent), Pacific Islanders (6.8 percent), and Asians (4.5 percent). The white drop-out rate was 3.2 percent (USOE, Finance and Statistics, 2000).

• On the individual school district level, the highest drop-out rates for Native American children were generally along the Wasatch Front, with the Salt Lake School District’s the highest, at 25.0 percent. (Park City District’s drop-out rate for Indians of 50 percent is based on a student population of 2.) In the Uintah Basin districts, Uintah’s drop-out rate for Native American students was 9.5 percent and Duchesne’s was 6.9 percent (USOE, Finance and Statistics, 2000).

• The 1990 Census found that 47 percent of Uintah County Native Americans over age 25 lacked high school completion. Another 30.9 percent of Native Americans over age 25 reported high school graduation as the highest educational level attained. The percentage of adult high school graduates on the Uintah-Ouray Reservation was slightly lower at 27.6 percent (Bureau of the Census, 1993: Tables 152, 223).

High school completion is a frequent activity in Native American FEP parents’ employment plans, but employment counselors in the Roosevelt DWS Office report problems. They related their frustration with more than one Indian who, after agreeing to pursue their GED (General Education Development) as a step in their employment plans, repeatedly failed to follow through.\(^{21}\) Indian service providers agreed that this can occur, citing transportation to and from child care and school as a serious barrier to maintaining a consistent attendance record, including for young students who drop out. Furthermore, since school so frequently had been a disagreeable or overwhelming experience for them

\(^{21}\)The Department of Workforce Services State Office notes that client failure to carry out a plan to complete a GED is a problem found statewide and among all groups.
during their youth, even though many Indian FEP parents know they will need a GED to reach employment goals, they have difficulty going through with the necessary activities.

An additional perceived educational barrier to employment is more subtle than the lack of high school completion. We were told that off-reservation employers may shy away from hiring Indian high school graduates, believing that the diploma does not mean that they possess the math, reading, or language skills high school completion that might be presumed for a white graduate. We were told that, while some Indian students cope well in area schools, others have difficulties for a variety of reasons. Those in the latter group reach high school far enough behind in their mastery of required subject matter that they cannot catch up without special remediation. There is suspicion that many in the school system have low expectations for Indians’ scholastic abilities. Probably to avoid subjecting them to a failure experience, some teachers let those who are behind finish school anyway. The net effect of allowing them to graduate at lower standards leaves them with low educational skills and few career options, or feeds the abovementioned belief among off-reservation employers, or both.

The extent to which this dynamic is at work may call for careful thought when considering self-sufficiency strategies. It is typical to hear targeted vocational and job skills training touted when considering solutions for subgroups that have historically suffered from low employability and earning power. But a prerequisite to succeed in most training programs is mastery of basic educational skills. Some Indian leaders worry that too many Indian students leave the school system without this foundation. It is clear that the solution to educational difficulties for Indians in the Uintah Basin is not a simple one.

Finally, a language barrier may stand in the way of some Native American FEP parents, yet this barrier may not be adequately recognized by an employment counselor without an in-depth assessment. Tribal representatives told us that English deficiencies may cause misunderstandings with DWS employment counselors, as well as with off-reservation employers. We discussed the possibility of language problems with DWS staff and found mixed views. Although outdated, the 1990 Census found that 9.5 percent of American Indians age 16-64 living in Uintah County said they could not “speak English well,” compared to 1.2 percent of white respondents (Bureau of the Census, 1993:Table 152). More research would be needed to better assess the possible role of English comprehension in FEP activities.

**Coming home**

This study found substantial concern that specific policies of welfare reform may put in motion a population shift that will strain already limited tribal and local community resources. The phenomenon was introduced by tribal leaders as "coming home." They explained that Utes, living off the Reservation and reaching TANF time limits without becoming self-sufficient, are likely to return to the Reservation in hopes of finding options there. "Coming home" is seen by some Ute spokespersons as potentially one of the most important and difficult unintended consequences of welfare reform.

The impact could be far-reaching. Despite ongoing tribal economic development efforts aimed at increasing employment opportunities, it is unlikely that there will be enough jobs to meet the
anticipated growing demand caused by Utes "coming home." In fact, although existing and planned tribal strategies for creating jobs are viewed with enthusiasm and hope, tribal leaders do not anticipate being able to employ everyone currently living on or near the Reservation who needs a job. There is no reason to expect that non-tribal job searches will become any less problematic as more Indian job seekers approach local off-reservation employers. This could create a future where already economically depressed reservations and rural communities become the gathering places for Indian individuals and families without hope.

When the concept was brought up by tribal representatives at a meeting with non-Indian charitable sector and community service providers, participants observed that "coming home" may extend to a much larger group of the least employable welfare recipients. For decades, the limited job prospects in the Uintah Basin have caused people to go to the Wasatch Front and other places seeking work. Some have found it, but others have not. Family break-ups have occurred and single parents with children and few work skills have turned to public assistance. With work requirements and time limits on one hand, and employment barriers on the other, rural areas in general can expect to see the most vulnerable white welfare families return to their roots.

The authors find this concern entirely plausible, although it may occur slowly enough that the effects are missed until social stresses become substantial. In the larger study of the impact of welfare reform on the charitable sector, it has been found that religious groups and other non-profit providers are, in fact, shouldering more of the burden for meeting the needs of the poor where they are as federal/state programs have been scaled back and people have “fallen through the cracks.” We reached the same conclusion in our study of the impact of welfare reform on county service providers of human services. This is occurring even in times of economic strength in many parts of the state. What has been added to this discussion by the current study is the suggestion that people negatively affected by welfare changes may return home in search of an informal support structure. Welfare reform – with work-based expectations, restrictions on the provision of education and training, and time-limits – may create a steady exodus of families who could not effectively connect with the job market elsewhere, and return to their rural homes, including Indian reservations. This leaves already inadequate tribal and BIA financial assistance programs, as well as non-tribal charitable and community resources, as the only recourse.

Utah “specified relative” policy and Ute family structure

We were told of a dilemma created for Ute families by Utah FEP policy regarding individuals eligible to receive financial assistance on behalf of children under the “specified relative” category. This problem occurs when the Ute Tribal Council has determined that it is in a Ute child’s best interest to order a kinship placement for the child, and the family or individual with whom the child is to be placed needs financial assistance to help provide for the child’s needs. Given the high poverty rate among Utes, this is a relatively frequent condition. Under the Child Welfare Agreement Between the Ute Indian Tribe of the Uintah-Ouray Reservation and the State of Utah, Ute tribal authorities have the right to decide

---

22 Downloadable copies of these two studies are available at www.cppa.utah.edu/wri/.
with whom a child may be placed when a kinship placement is required. In the Ute culture, the concept of “kin” or “family” extends beyond blood or even marriage ties to individuals who are so close in love and mutual responsibility to have become “like family.” As a result of the abovementioned Agreement, the Utah Department of Human Services, Division of Child and Family Services cooperates with the Ute Tribal Council in these placements.

However, when it comes to accessing financial assistance, FEP rules conflict. Under first AFDC and now TANF rules, a caretaker or specified relative who has a specific relationship to a child in the home may apply for financial assistance for that child. PRWORA allows states to establish their own rules governing who is eligible, but currently, Utah policy carries over federal AFDC rules for “specified relative,” thereby restricting eligibility to any of a number of blood relatives or relatives by marriage. “Like family” does not qualify. Tribal spokespersons worry that the conflicting policies of the two Utah state agencies stand in the way of Indian children receiving the most appropriate kinship placement when financial assistance is essential to support the child.

We learned from both the Division of Child and Family Services and DWS officials that this situation has been a matter of ongoing discussion and negotiation. DWS is seeking a solution that both respects cultural elements and avoids opening the door too wide to “specified relative” financial assistance eligibility. As described elsewhere, this particular type of FEP assistance does not require participation by the head of household in work-related activities and is not time-limited. As a result, DWS officials note that changes in eligibility criteria that would tend to increase the caseload would have substantial budgetary implications.

C. Welfare reform issues beyond the Uintah Basin

The challenge of getting help under the new welfare system

The researchers heard a consistent complaint that families in need of help have difficulty getting it from the Department of Workforce Services. This comes from both tribal and non-tribal service providers outside DWS. Since this allegation was reminiscent of comments made by charitable sector representatives and county officials in focus groups we conducted last year, we asked respondents in the current study for more clarification of specific circumstances.

Some Indian and non-Indian service providers presumed that their own lack of knowledge of welfare changes and DWS programs was partly to blame when their clients were unable to get help. One related that she had sent a client to DWS, instructing them to apply for FEP. Since it was a two-parent family, they would only have been eligible for the Working Toward Employment program (also called the Emergency Work Program). The DWS staff person who reviewed the application simply denied it. Only when the provider returned with the applicant family to advocate on their behalf was the client able to get through the process.
Providers lamented that they and their clients lack necessary understanding of what is really available through DWS and how clients can access that help. The large number of acronyms used to refer to the various programs added to the confusion and made communicating with DWS staff difficult. Some providers also indicated that the lack of written information about programs and services was disempowering for clients. They said that the process of asking for help was difficult enough without doing so in total ignorance of what to expect, what help exists, who might be eligible, and what restrictions or requirements might be attached.

As noted, concern about the difficulty of finding help has been expressed in all parts of the state, but one tribal provider speculated that a cultural factor may also be at work when needy Indian families fail to get help from DWS. She referred to the high cultural value placed in the Ute culture on making one’s own way. Within this, when an individual encounters difficulties, help is to be sought and provided from within one’s own group. The group to whom one turns may be blood family or “like family” (see p. 37). However, due to widespread poverty and joblessness of the Indian community, adequate help cannot be mustered in traditional ways. It is at this point that state/federal “welfare” programs that are understood to provide financial assistance or Food Stamps are sought. However, this is done with reluctance and shame by families steeped in Ute tradition. What appears to be a maze to be navigated before help can be obtained is all it takes to send these families on their way empty-handed, despite their families’ needs.

Several Indian respondents mentioned other problems that might be specific to Native American applicants or participants. As in discussions of employment barriers, language problems came up. One person suggested that DWS’s reminders to applicants that financial assistance is no longer an “entitlement” may be understood by a Ute family to mean that they have no right to apply, i.e., they are not “entitled” to apply. They may also take DWS’s description of financial and other kinds of aid as “only support for employment” to mean that help is only available if one has a job. For Indian families who see extremely limited likelihood that they can ever find work, this introduction to the Family Employment Program may end any thoughts of applying. To the extent that any of this is in play for Indian families who might have applied for the Family Employment Program, Food Stamps, Medicaid, Child Care, or other programs administered by the Department of Workforce Services, it appears that many of those most in need of help may not get it.

Another difficulty mentioned is the shift in ongoing eligibility functions for assistance programs from the Roosevelt Office to Price. DWS reported that the shift to a system utilizing the telephone was motivated by the high satisfaction ratings given to the Unemployment Insurance Call Center. It has received support from FEP and Food Stamp clients who find transactions by phone to be convenient. However, we heard from both Indian and non-Indian service providers that the change has created problems. It was noted frequently that, in general, many Indians prefer face-to-face transactions and that doing business over the telephone is uncomfortable and even intimidating. A larger, practical issue is the fact that many Native Americans – and other poor individuals and families – do not have telephones and must do their calling from a pay phone. If a transaction can be completed quickly and effectively during the first call, the eligibility service center concept may work. However, this is often not possible. We were told that, if the appropriate staff person is not available or if the staff person finds the need to call the client back to complete the transaction, the outcome becomes difficult immediately.
Some providers knew of clients who had suffered case closure because they were not able to work effectively with the eligibility service center system.

Other respondents in the study discussed additional problems clients may have accessing services and negotiating processes. Some talked about transportation limitations, which sometimes cause clients to miss appointments with DWS staff. Perhaps one of the most troubling change for Indian clients was increased focus on program or system activities that require the use of a computer. Although it was acknowledged that learning computer skills is an important step in the world in which Native Americans operate, systems that require the use of computers to access services put a large proportion of Indians in need of help at a tremendous disadvantage because of unfamiliarity, lack of access, or both.

Some non-Indian providers suggest that Native Americans would not be the only group who may be discouraged from applying for these or similar reasons, and lamented a sense that, with the advent of work-based welfare, it seems “out of vogue” to raise the concept of “meeting the basic needs” of poor families. They charged that these needs can and should be met by DWS-administered programs such as FEP and that providing aid should be a priority with the agency. Moreover, they identified DWS case managers as the logical and most effective points of contact to help troubled families access additional services they might need. Yet, they said, the connection does not appear to be occurring for many families who need the help. These respondents understood that employment counselors’ main job is to help people find jobs, but they see desperate family needs and individual problems as factors that, if not attended to first, will actually thwart any attempts the client may make to address work-related requirements.

Department of Workforce Services administrators with whom we shared these concerns assured us that it is not the agency’s intent to discourage eligible people from applying for assistance programs. They explained that, indeed, the agency is committed to work-based welfare reform, charged by Congress and the Utah Legislature to get families receiving welfare off of financial assistance and into jobs. However, it is also within DWS’s mission, goals, and objectives to provide assistance to needy families “with dignity” and without undue stress. They stated that resolving this type of difficulty is a high priority of DWS and efforts are ongoing.

The authors have concluded that, for those who need help, work-based welfare reform’s message about where help “fits” is hard to hear. For the work-based welfare “system,” the message from those who need help is hard to incorporate into the flow of activities and expectations related to work. We speculate that, to date, this reform conundrum has resulted in somewhat over-zealous focus by DWS on its work-related functions. This may occur out of a sense that it is necessary to go to substantial lengths to ensure that applicants, recipient families, and the community in general do not miss the nature of changes that have taken place, both in terms of the welfare system and the state institution that administers it. However, as long as the balance in messages about function tip in that direction, people in need of basic supportive services are likely to experience it as a barrier. Service providers and others outside DWS are likely to continue to be critical on their clients’ behalf.
For Indian service providers in the Uintah Basin, monthly meetings initiated in May 2000 by the Department of Workforce Services have provided opportunities for tribal and BIA providers to learn more about the assistance programs that are, indeed, in operation. Strategies are being discussed to enable these individuals to better assist their clients with DWS processes. This step is enthusiastically supported by those involved. However, we suspect that an urge for better balance between the employment function and assistance functions of DWS will continue as long as individual clients have problems navigating the required procedures. State level efforts to grapple with ways to bring work and help into effective balance are, we believe necessary and appropriate.

Concerns about children – the short and long views

The central concern about welfare reform expressed by Indians interviewed for this study was the potential for negative impacts it may hold for children. In this, there was much agreement by non-Indian informants. In fact, several problem areas brought up by Uintah Basin residents mirror those raised by participants during the 1999 focus groups statewide with county officials and representatives of the charitable sector, particularly those held in communities off the Wasatch Front.

We heard substantial apprehension about a perception that FEP requirements may lessen parents’ ability to care for and nurture their children. Unconvinced that poor, single parents should be expected to work just like parents in more stable economic and social circumstances, tribal representatives and non-Indian respondents spoke of a tremendous vulnerability, for both children and adults, created by the precarious conditions that lead to application for federal and state financial assistance. They worry that, by requiring single mothers of very young children to work or participate in out-of-home activities, important threads holding the family together may be damaged and children’s developmental foundations may be eroded. If their children are older, parents’ unavailability to provide supervision and nurturing may open the door for children to get into trouble. The policy of requiring single parents to choose between having some financial means to support their children and being able to raise those children was described as out of synch with what is needed at this time of growing concern about children and youth. One community leader from Roosevelt charged that we should be doing all we can to turn around some of the disturbing behaviors of today’s children, not worrying so much about whether their parents work for nearly nothing. While we are putting so much energy into getting the parents to work, he said, the children are slipping away.

Added to apprehensions already described above and in the discussion, the following is a summary of issues relating to children in welfare families that were raised by people interviewed during this study:

- Having a working parent may not actually be better for children than having a parent on welfare, as welfare reform proponents contend. Since most FEP parents find low wage, often unstable jobs, tend not to enjoy increased earning power over time, and experience higher stress and lower energy levels, they may not be able to manage a whole range of important parental interactions with their children.
Utah Children, a Salt Lake-based, statewide child research and advocacy organization, reports that 16 percent of children in the Uintah Basin (Tri-county Local Health District) are without coverage. This is the highest rate in the state (Utah Children, 2000).

Additionally, children in working poor families are exposed to increased potential risks because their parent is working, e.g., lack of supervision and poor quality child care or “latch-key” situations.

The juvenile crime rate in the Uintah Basin is extremely high. In 1999, juveniles committed almost 900 class A, B, and C misdemeanors and 217 felony offenses. The Ute Tribe Social Services Director estimates that the incidence of such crimes committed by Indian juveniles is at least 5 percent higher (Tri-County School Districts, 2000). Welfare laws requiring parental participation in out-of-home activities are silent on the whole matter of other critical family responsibilities, including addressing serious behavior problems of children.

Child care arrangements are often difficult to locate and may not be of good quality. Across the Uintah Basin, there are 379 licensed child care slots and a population of over 7,800 children aged 0-17 with both or their only parent in the work force. For poor families in this area, transportation limitations combined with distances that must be traveled present a far greater challenge than for their counterparts in urban areas (Tri-County School Districts, 2000).

Children in the Tri-County Health District are more likely to lack health care coverage than in any other part of the state.23

Indian leaders grapple with additional children’s issues they believe are unique to their children. There is a tension caused by the delicate balance between the need, on one hand, to help children retain Indian traditions and cultural ties, and, on the other, the essential necessity for their economic well-being to ensure that they can successfully compete and participate effectively in the white world. There is uncertainty about how best to assist children with these difficult questions. Additional stresses on parents coping poorly with work-based welfare requirements or participation requirements that make parents unavailable to children were identified as potentially adding to this precarious situation. Indian respondents fear a vicious cycle or even a downward spiral if families do not somehow get help with these many-faceted challenges.

Social disruption – an outgrowth of welfare reform?

Uintah Basin service providers and others, both in focus groups and private interviews, expressed alarm at increased crime rates. Rural residents such as these, and especially heads of families with children, often have made deliberate choices to live in the state’s less populated, economically vital areas to avoid day-to-day exposure to the levels and types of crimes that are linked with city living. Ute families often remain on or return to the Reservation for similar reasons, as well as out of cultural concerns. There is still a sense of relief and security in this regard, but increasing evidence of violence, crime, gangs, drugs, and signs of social disruption raise concerns in all communities.

---

23Utah Children, a Salt Lake-based, statewide child research and advocacy organization, reports that 16 percent of children in the Uintah Basin (Tri-county Local Health District) are without coverage. This is the highest rate in the state (Utah Children, 2000).
Other research done by CPPA has encountered similar fears across the state. 1999 Focus Group participants in both urban and rural areas voiced worries that stress and deprivation resulting from a number of welfare changes may contribute to desperation and, in turn, crime. One informant in the current study observed irony in the fact that PRWORA’s repeal of AFDC – a program without time-limits charged repeatedly in congressional debates with causing family disruption, demoralization of individuals, and poor role modeling for children – is now rather widely seen by service providers “in the trenches” as destined to increase the frequency of crime. Various scenarios were raised, from stressed-related acts such as domestic violence, including child abuse and neglect, and increased substance abuse, to criminal activities related to financial desperation such as theft and the manufacture and sale of drugs. At base, those interviewed over these two years of welfare research predict that, as long as welfare reform does not specifically and successfully seek to reduce poverty and truly help people achieve a better quality of life, its policies will be responsible for an increase in certain types of crime.

Of particular interest in this regard are remarks of a law enforcement official who attended one meeting during this current study. He stopped short of suggesting a direct link to welfare reform, but after listening to others raise the concerns described just above, he noted that offenders he sees are younger, and more violent, self-involved, and aggressive. They are less concerned about consequences of their actions and less respectful of private property. He lamented that young people seem to lack direction and are not adequately prepared to take on responsibilities of supporting themselves. He suggested that blame for this state affairs must be shared by various entities and individuals, but there is need to start when children are young to ensure that they have proper socialization and the skills they will need to be productive, contributing adults. He suspects that this need is increasingly not being met for today’s youth.

People working with welfare families in the Uintah Basin, both Indian and non-Indian, believe that many are disappearing from the welfare roles without finding work. They suspect that these families are more numerous than those who actually find work. Moreover, those who do find jobs confront low pay and logistical complications to keeping their jobs. Some of these problems are insurmountable and they fall back into unemployment. Indian service providers see this, coupled with the additional barriers producing persistent, long-term low employment rates for Indians. In an area like the Uintah Basin, where work is extremely hard to find, dropping caseloads are believed by some to simply promise a perhaps quiet, but nonetheless real, gathering storm.

D. Conclusion

If one searches through what has been heard during this study for one central word, that word would be “poverty.” Respondents – Indian and non-Indian alike – spoke volumes about its presence, and decried both its negative impact and the official silence on the subject across the state and federal public policy horizon. They recommended changes that would bring some relief and pointed out that the high costs of economic devastation have always been and still are born by everyone in society, not just by the poor themselves. The inability to meet basic needs, they said, hampers the ability to focus on self-sufficiency activities and work. It fosters depression and despair that can lead to unhealthy
behaviors. And of greatest concern is poverty’s impact on children. As one tribal provider put it, “If we lose the children, then what will happen?”

It is important to note, though, that Welfare Reform as we know it in 2001 does not have the reduction of poverty as its goal. For that matter, neither did the old welfare system. Neither PRWORA nor Utah statute establishing the FEP make any claims of the sort. Both seek to reduce welfare rolls and get more people to work. This, they have done. On one hand, then, it may be said that it is unfair to be discomfitted about circumstances surrounding welfare reform. Poverty is outside the scope of the legislation. But on the other hand, the way the word “poverty” is woven through the concerns of those involved in this study of welfare reform’s impact may suggest that the focus of the legislation is not yet on point.

In a speech on the legal and practical status of Indian tribes, BYU law professor Larry EchoHawk shared the central theme of traditional Indian government known as “The Seventh Generation:”

As we walk upon the earth we plant our feet carefully because we see the faces of the future generations looking up at us from beneath the ground and we must never forget them. Our challenge is to leave behind us a world that is better than the one we live in today (The Iroquois Confederation).

In a complex world of competing priorities, it may seem difficult to apply a test to governmental decisions that looks ahead seven generations. But if respondents in this study were to render a Seventh Generation assessment of the current welfare system, we imagine that the majority would call for a redirection.
V. KEY PROBLEM AREAS AND RECOMMENDATIONS FOR POSSIBLE SOLUTIONS

Federal and State welfare reform arrived in the Uintah Basin in 1996, but the impacts on the Ute Tribe, other Native Americans, and other Basin residents have not yet been fully understood. Congress allowed states considerable flexibility to design and develop their own programs and to solve their own problems. A number of issues and problems were identified by individuals interviewed during this study. Some may be unique to the Uintah Basin; others are likely shared by other rural areas, the state as a whole, or states across the nation. Likewise, solutions may be best pursued at the local, state, or national level. Some may require work on several levels simultaneously, in collaboration. These are difficult to represent organizationally, but we have attempted three groupings: local, beyond the Uintah Basin, and other levels.

The authors stress that all problems were brought to us by participants in this study. Some recommendations were offered by them, as well, and we developed others. They are meant to be helpful to decision-makers and others who read this report.

The reader will note that we have also included two sets of data obtained from DWS in this section. They are commentaries regarding some of our individual problem statements and recommendations. Both sets were produced by DWS officials after we distributed a draft of this report to various key parties in mid-August, 2000. On August 31, DWS Eastern Region administrators sponsored a meeting held on the Reservation to respond to the draft recommendations. The meeting was attended by representatives of various Ute Tribe and BIA social service entities, the Utah Division of Indian Affairs, state and local social service agencies and organizations, the Episcopal and LDS Churches, State Senator Beverly Evans, County Commissioners Ted Kappen (Duchesne) and Herb Snyder (Uintah), area educational entities, the Center for Public Policy and Administration, and both state and Eastern Region DWS officials. The Eastern Region’s responses were distributed in writing and discussed at the meeting. We understand them to reflect the Eastern Region’s initial reaction to our findings and recommendations for problem solutions. They are provided below in italics, generally appear directly after our recommendations to which they pertain, and are labeled “DWS, Eastern Region, August 31, 2000.” At the close of the meeting, officials from the DWS State Office agreed to provide their responses to our recommendations along with a summary of other pertinent actions in writing at a later time. The resultant document was received in October. The various entries are provided below, associated with our recommendations, in italics, generally following pertinent Eastern Region entries, and are labeled “DWS, State Office, October 25, 2000.

All italicized material should be considered to represent point-in-time reactions. The August 31 meeting generated positive discussion, and provided an opportunity for all in attendance to share views on welfare reform and the needs of families. Clarification of some points and views was achieved and some collaborative connections made. By the time of publication of this report, a number of subsequent meetings and consultations have taken place and work has begun to implement several of our recommendations, including in some cases, some of those the Eastern Region initially found unnecessary or problematic.
Local Problems & Recommendations

Problem: Some parents approach DWS Employment Centers in an emotional and material condition to begin immediately to plan and carry out employment-related activities; however, others are in crisis. They may be deeply troubled with personal or family problems and are often too fearful and stressed about their financial circumstances to cope effectively with future planning. There is a common perception among service providers outside of DWS that, for this latter group of families, the employment-focused pathway is often discouraging. As a result, families who are the most vulnerable and in need of help and stabilization may not connect with appropriate services. They may be putting pressure on already overloaded tribal and community services or may be getting no help at all.

DWS, Eastern Region, August 31, 2000: We consider that perception good news. As DWS, we want to be seen as an employment office, as success in the TANF program is measured by how many of our customers are finding work and attaining earned income. The DWS focus will continue to be employment. However, some still view DWS as the ‘welfare office’.

We do not agree with the statement that employment focus is seen as harming families. In the large majority of cases, it has helped families end dependence on the welfare system, enter the employment world, and build successful households. There are some, as the study points out, that require extra help. DWS and the community agencies are trying to provide this extra support.

Recommendation 1: That the DWS Eastern Region Uintah Basin Council and staff study ways to redesign their procedures so that people in need of assistance can easily access assistance programs. An essential part of this would be the development of information about programs and services of all types that will help clients better understand what may be available and help community-based agencies to coordinate resources and make referrals. A second critical component is a revision to the “pathway” to services. Any redesigned “pathway” should be tested with customers, agencies, and Ute Tribe representatives before it is enacted.

DWS, Eastern Region, August 31, 2000: Our Vernal and Roosevelt DWS Offices have been very active in working with and coordinating with the Local Interagency Council (LIC) and FACT (Families, Agencies, Communities Together) councils. These councils are a great place to share information and programs with other area agencies. Additionally, we are involved with the Youth in Custody committee, which provides oversight to many of the youth programs in the area. We are also involved in meeting monthly with human services professionals at the Ute Tribe to better coordinate our programs.

Our Eastern Region offices are continually reviewing their pathways to ensure that services are being delivered in a seamless, quality manner. The Roosevelt Office would like to invite anyone here today to come and visit the employment center and go through the pathway. It is designed to have an information specialist meet you at the door and
determine the type of services in which you are interested, and then direct you to those services.

DWS has made strong efforts to provide information on its services by maintaining a Website which details information on our employment centers and services provided therein. We have developed videos that describe our services; we have a slide show that is available on our Website that walks customers through our employment and supportive services. Also, the Department has developed brochures on all of its programs that are available in many public offices.

DWS, State Office, October 25, 2000: The Department of Workforce Services (DWS) Eastern Region will invite the Ute Tribe and other community members to go through the process of accessing services at the local Employment Center. The members participating will then provide feedback on any improvements or suggestions for increased customer service/access.

Recommendation 2: That DWS out-station an Assistance Outreach Specialist/ Employment Counselor at the Ute tribal offices for one half-day each week to raise awareness of DWS services, assist potential applicants, and facilitate coordination and information-sharing with tribal service providers. The optimal out-stationed worker would be an American Indian with a Social Work degree.

DWS, Eastern Region, August 31, 2000: The Roosevelt Office would be very interested in pursuing such an arrangement with the Tribe. Our Roosevelt Office is reviewing staffing considerations and the cost for outstationing a worker. We would hope it would be a partnership where the Tribe would make available an office and computer station, and DWS could provide a staff person as the need develops.

Our Regional Council is responsible for selecting and approving locations for offices. We would like to get the Council involved in evaluating this recommendation.

DWS, State Office, October 25, 2000: The recommendation to outstation a full time employment counselor and/or social worker is not feasible within current financial resources. DWS Eastern Region, however is looking at ways to increase outreach and coordination efforts.

Current reports from the Ute Tribe indicated that only 23 families are being served by the Tribe as compared to 236 last year. The concern is the uncertainty of whether these families no longer being served still are in need of services or if they are being served by DWS. Glenna Harper, Bureau of Indian Affairs will provide social security numbers of these families to Shelly Ivie, DWS Eastern Region. Shelly will in turn compare those numbers against DWS tracking system to see if any are receiving services from DWS and if so, what type.
Authors’ note: Since the August 31, 2000 meeting, DWS has agreed to outstation an employment counselor on the Uintah-Ouray Reservation. Initially, scheduling will be by appointment, but DWS has committed to revisit the possibility of regularly scheduled office hours if needed. The Tribe has provided office space.

**Recommendation 3:** That DWS develop, field test, publish, and distribute a Basin Resource Guide for use by DWS staff and the community. A helpful model could be *The Salt Lake Area Human Services Directory*, updated and published annually by the Salt Lake Information and Referral Center. The resource guide should be updated on a regular basis.

**DWS, Eastern Region, August 31, 2000:** A list of community resources is already available. The LIC or (FACT) has a system for its continual update as well. We have brought some of the Guides with us today. Please provide input and feedback on the resources.

Authors’ note: At the October monthly meeting between the Ute Tribe, DWS, and Vocational Rehabilitation, DWS Eastern Region administrators announced that the Basin Resource Guide recommendation had been referred to the Local Interagency Council. When completed, the Guide will be made available both on the Internet and in hard copy to meet the needs of a broad range of community resources, including tribal providers. CPPA submitted a possible model format and all information collected during this study to DWS at that time.

**Recommendation 4:** That DWS design and implement an outreach campaign for the whole community – Indian and non-Indian – so that, a) needy families know what types of supportive services are available and how help can be accessed, b) families can choose among options that will benefit them and, c) community-based organizations can coordinate their assistance services with those of DWS. In designing the campaign, care is needed to ensure that there are adequate mechanisms to get the word out to potential clients that will be likely to reach them, including those who lack computer expertise.

**DWS, Eastern Region, August 31, 2000:** We feel that we already have a fairly aggressive outreach program, particularly as we coordinate with the LIC, FACT team (both of whose membership agencies are in contact daily with needy families), and other community groups. In addition, DWS is on the radio, Internet, and coordinates with the Dept. of Health and Indian Health Services. An area where DWS might improve its outreach would be to visit local churches and inform them of our services.

**DWS, State Office, October 25, 2000:** Forrest Cuch, State Division of Indian Affairs, is working with the Gates Foundation on corporate sponsorship for Internet connections to support access and information. It is important to include linking with the schools. Laurie DiPadova agreed to send to Bob Gilbert (DWS Eastern Region) information on corporate involvement from Arizona. In addition, the self service portion of UWORKS computer system is expected to increase accessibility for customer information and service. These efforts need to ensure any outreach information or access to services
through computer systems is visual, user friendly, and diverse, i.e. meets needs of different populations.

**DWS Eastern Region** will follow up on increasing their outreach efforts by initiating contact with local churches to inform them of our services.

**Recommendation 5**: That DWS develop clear, written program descriptions for local service providers to facilitate coordination and effective use of resources. These tools would assist other service providers in understanding some of the basic eligibility requirements and other general program parameters so that they can more effectively refer clients. It would also be helpful if DWS would continue to host and expand periodic meetings with providers to share new information and respond to concerns.

**DWS, Eastern Region, August 31, 2000**: We can’t give everyone policy manuals for all of our programs, but we have provided to sister agencies copies of our manuals for their use. We have been encouraged with the progress made in our monthly coordination meetings with the Tribe, how they began with customer training issues, then have moved on to human services issues, specific programs, and towards the sharing of services. We want to offer the possibility of having joint case staffings. In addition, if there are specific program questions, Shelly Ivie would be available at 722-6500.

Authors’ note: Monthly meetings between DWS and tribal and BIA service providers are continuing as this report goes to press.

**Recommendation 6**: That DWS examine program utilization across all assistance programs to determine whether or not eligible, needy families are using all available assistance programs, or if welfare changes in FEP have caused some to lose out on other necessary assistance for which they are eligible (Food Stamps, Medicaid, Child Care) due to misunderstanding of current program rules. This investigation is particularly important for families who leave FEP under circumstances where a case manager is not directly involved and therefore cannot counsel the client on their eligibility for other possible types of assistance. Data could also be analyzed to understand possible impacts of welfare changes on private charitable assistance programs and resources.

**DWS, Eastern Region, August 31, 2000**: Every person has an opportunity to participate in programs for which they are eligible. We were constantly reviewing this with our staff. In addition, when clients come in to discuss services, a DWS supervisor attends the meeting, and a client can invite a representative as well. When a client is closed off a program, we look for other programs for which the customer is eligible.

**Recommendation 7**: That DWS convene at least one meeting of interested parties to consider the types of data that should be collected and made available if the impacts of welfare reform on families and children are to be understood. It seems clear from this study that a number of
types of program data are needed by ethnic and racial subgroups. There are undoubtedly other types of information needed.

Authors’ note: The above recommendation was added after the August 31, 2000 meeting and therefore was not in the draft to which DWS Eastern Region responded.

**Recommendation 8:** That DWS reconsider concepts and suggested activities of the “Maximizing Resources Project” proposal submitted by the Ute Tribe in March 2000 as part of the TANF Performance Bonus process. The proposal was not selected for funding, but has merit in light of issues surfaced during this study, as the process described called for increased and wider communication about FEP families and mobilizing existing resources to assist them.

*DWS, Eastern Region, August 31, 2000:* The Maximizing Resources Project could be resubmitted for consideration for TANF funding. We might point out that one of the main reasons for initiating meetings between DWS and the Tribe was to identify the communication and service shortfalls and begin solving them. The meetings have made considerable progress towards that end.

*DWS, State Office, October 25, 2000:* The Ute Tribe proposal, “Maximizing Resources Project” was submitted for consideration of funding under the TANF High Performance Bonus dollars. It didn’t receive the funding, however DWS Region Council indicates the proposal will be forwarded for funding priority under the TANF surplus dollars.

**Problem:** In the Uintah Basin (and undoubtedly in other rural areas of the state), enormous distances and the lack of public transportation cast participation requirements and other aspects of work-based welfare in an entirely different light that in more urbanized areas with more transportation options for FEP families.

*DWS, Eastern Region, August 31, 2000:* We commend the Tribe for taking the lead in this area in sponsoring a local bus.

**Recommendation 9:** That (at least) the DWS Eastern Region thoroughly review its options to assist families with transportation problems and its participation policies, and make changes as needed to ensure that those without reliable, ongoing transportation are not disadvantaged.

*DWS, Eastern Region, August 31, 2000:* Each employment counselor has responsibility to review the case and identify barriers, help the customer remove the barriers, and work to see that the customer can reach his employment goals.

FYI, transportation came up as one of the community needs in the recent TANF ‘Rainy Day’ funds meeting.

**Problem:** Complex and multiple barriers appear to prevent Indians from receiving adequate educational skills needed for self-sufficiency.
Recommendation 10: That public school boards, administrators and teachers work with tribal officials, parents, and students to rethink their approach to Indian education, stressing success experiences and basic competencies.

DWS, Eastern Region, August 31, 2000: This may be best addressed by the local school system, including public schools, technology center and higher education. DWS would be willing to participate in discussions with local school programs.

DWS provides, on a contractual basis, work-based learning services on-site at Duchesne County high schools and at Uintah High School. Under the contract, DWS employment counselors arrange for internships for high school students with local employers. Perhaps the Tribe charter school would have interest in this program.

DWS, State Office, October 25, 2000: Forrest Cuch submitted an action plan to improve education for Native Americans and Hispanics, statewide.

Forrest Cuch will contact Superintendent Richard Jones for a discussion of this issue at the School District Board meeting.

Recommendation 11: That the Utah State Board of Education review available materials related to the management and use of school fee waivers by all children, including Native Americans, to ensure that school fees are not excluding low-income students from participation in school-sponsored activities.

DWS, Eastern Region, August 31, 2000: This may be best addressed by the local school system, including public schools, technology center and higher education. DWS would be willing to participate in discussions with local school programs.

Recommendation 12: That DWS sponsor skill building, unemployment benefits, Earned Income Credit (EIC) and other benefits workshops on the Reservation.

DWS, Eastern Region, August 31, 2000: The Roosevelt Office has begun advertising workshops with tribal service providers, and will begin holding such workshops on the Reservation this fall.

DWS, State Office, October 25, 2000: DWS Eastern Region (Roosevelt) will sponsor workshops on skill building, unemployment benefits, Earned Income Tax Credits, and other employment services on the Reservation beginning October, 2000.

Recommendation 13: That DWS investigate ways for FEP families and others enrolled in training programs to be able to pay living expenses.
DWS, Eastern Region, August 31, 2000: There are already many ways for FEP families to have extra money to pay living expenses: monthly TANF cash assistance, food stamp cashout program, unemployment payments, part-time jobs, PELL grants, financial scholarships, and others. In addition to these items, the local adult ed programs will submit a request for TANF ‘Rainy Day’ funds so that a stipend could go to customers who are working on a GED, or received it within a past few years, and are continuing their education.

**Recommendation 14:** That DWS enhance coordination with the Tribe WIA program in doing assessments, providing support services like Food Stamps, sharing client eligibility information for programs, and sharing information on which employers are good to work with.

DWS, Eastern Region, August 31, 2000: We are enthused about enhancing coordination. The LIC and FACT teams and the monthly coordination meetings between DWS and the UTE Tribe have set a strong foundation upon which to build.

### Problems and Recommendations Beyond the Uintah Basin

Note: Among the items in this section, we have referenced some of the same problems that appeared in the earlier section. These may benefit from solutions devised jointly on the local and state levels.

**Problem:** Quantitative data needed to conduct this research could not be made available by DWS during the time/funding parameters established for the study, leaving a number of important questions about the impact of welfare reform on Native American families in the Uintah Basin unanswered.

**Recommendation 15:** That DWS commission an additional phase of study of the subject matter of this current study. To accomplish this, DWS should make generating necessary program data – such as that requested for the current study – a priority, so that the recommended phase of investigation can begin as soon as possible.

DWS, State Office, October 25, 2000: DWS is currently exploring enhancements to gather more specific data statewide based on ethnicity. This effort should assist in generating more helpful data in the Uintah Basin.

**Problem:** DWS administrative structures complicate the process needy people must navigate to obtain critical emergency or stabilization assistance.

**Recommendation 16:** That DWS redesign their assistance program procedures for accessibility and provide in-service training to employment counselors on the new approach. A system of incentives for employment counselors should be instituted in the FEP program that credits the worker when barriers to workplace functioning are identified, as well as when workers provide help that results in a barrier being overcome.
Recommendation 17: That DWS produce written assistance program information in clear language for distribution to customers. Fact sheets, brochures, self-advocacy booklets, and resource guides should be available in alternative formats and in languages common to the area served. They should also be checked for low-literacy comprehension and tested with customers before final production.

DWS, State Office, October 25, 2000: DWS State Office will convene a series of meetings surrounding outreach strategies for supportive services. Glenna Harper, Bureau of Indian Affairs, Gina Cornia, Utah Issues, and Miki Adams-Grimes, DWS Central Region Workforce Services Council have agreed to participate. Darin Brush, DWS State Office, is the contact person.

Recommendation 18: That DWS closely monitor its Constituent Services customer and community calls for information that may flag areas of assistance delivery systems in need of improvement. Further, DWS should consider organizing a Constituent Services Council or Committee so that information from related Health and Human Services Constituent Services representatives can be compiled and mined for useful data to upgrade services. An annual report to the public should also be considered.

DWS, State Office, October 25, 2000: Request for consideration of compiling data from DWS Constituent Services calls with Health and Human Services Constituent Services data and reporting to the public annually will be referred to Darin Brush, DWS State Office. A new tracking system has just been implemented, making data easily available to assist DWS in improving services.

Recommendation 19: That the 211/Community Assistance Phone Number Campaign be supported by all parties so that toll free information on community assistance programs is available statewide and a clearinghouse for agency collaboration is established.

DWS, State Office, October 25, 2000: The Department of Workforce Services agrees on the value of the 211/Community Assistance Phone Number Campaign and does support it. DWS is one of the partnering agencies supporting this initiative.

Problem: Barriers to employment and other life skill difficulties need to be identified early and effectively if appropriate interventions are to be provided to FEP families in a timely fashion, but inadequate staffing may be allowing these individual difficulties to go undetected. These may include mental health, cultural differences, language barriers, substance abuse, learning disabilities, children with behavior problems, and so on.

Recommendation 20: That new FEP policy be written to ensure that assessment takes place early. The assessment tool used by DWS (Form 310) is only part of the solution, since even if used consistently, many problems are too complex to be detected with it. However, if all sections were to be completed systematically with all applicants, this would be a first step.
**Recommendation 21:** That Employment Centers ensure that employment counselors are adequately prepared to recognize indications of personal and family barriers and problems as soon as possible in their interactions with clients. New workers need to be provided with tools they need and ongoing in-service training and other supports need to be put in place for both new and more experienced workers. It is important that the identification of problems and effective response by arranging appropriate interventions are given high priority among Employment Counselor goals.

**Problem:** On a related note, employment counselors report that they do not have the tools to respond when a parent with an employment plan does not appear to be following through. Without the means to discover reasons behind what can be generically called “participation problems,” sanctions may reflect undiscovered problems and unaddressed needs.

**Recommendation 22:** That DWS provide for more specialized workers, preferably Licensed Clinical Social Workers (LCSWs), with specific charges as to their roles in Employment Centers. The Uintah Basin is one area that is in particular need of this augmentation. Roles would include, a) early identification of families with problems, b) staffing, c) building strategies for addressing problems into employment plans, d) regular follow-up, e) substantial, mandatory involvement in conciliation proceedings prior to adverse action being taken and in consideration of extensions to time limits, and maintenance of careful case records for use in all phases of work with individual families, as well as to add to the body of knowledge about families with barriers.

**Authors’ note:** The schedule of the DWS Social Worker in the Roosevelt and Vernal Office has been recently increased from one day every two weeks to one day per week. Additionally, DWS has contacted with Northeastern Counseling Center to increase mental health resources to Native Americans. In mid-February 2001, a mental health case manager and a therapist were hired. Currently, both are part-time; the case manger is a member of the Ute Tribe.
**Recommendation 23:** That DWS utilize information from all phases of SRI research, plus case records produced by LCSWs, to develop a state-funded program for people with severe or permanent barriers to employment. Information and planning that results from this process should be communicated to appropriate parties for inclusion into congressional discussions related to Reauthorization.

**Problem:** People with low IQs (but above the SSI cutoff of 70) who need financial assistance do not fit well on the work-focused FEP program as offered by DWS. The development of an employment plan for them, given the shortage in many areas of sheltered work situations, is not in their best interest. They are almost guaranteed to reach their time-limits without becoming employed, there is not an extension criteria for which they qualify, and they cannot be expected to support themselves.

**Recommendation 24:** That DWS partner with Division of Services for People with Disabilities (DSPD) or appropriate entities in the development of sheltered work options or community service programs in every part of the state for those who cannot be expected to succeed in the general labor market.

DWS, State Office, October 25, 2000: DWS will take into consideration the suggestion to develop sheltered work options or community service programs in every part of the state for those who cannot be expected to succeed in the general labor market. Due to the nature of collaboration on this suggestion, DWS cannot commit but will explore possibilities with the Department of Vocational Rehabilitation.

**Problem:** Some FEP parents have disabilities that they or a professional believe would qualify them for the Supplemental Security Income (SSI) program administered by the Social Security Administration (SSA). The application process is quite arduous and denials of first applications are very common so that most applicants need help to continue on with an appeal of their denial. Indian Health Services (IHS) assists Native Americans trying to get through this process, but they are very short-handed and referrals are increasing.

**Recommendation 25:** The DWS employment counselors and IHS develop a partnership in accomplishing the tasks needed to assist Indian SSI applicants. For example, employment counselors could fill out the parts of the application about which they have information, excluding the parts calling for medical information that IHS can provide. Employment counselors could also arrange the required telephone interview between the client and SSA. IHS could continue with the remainder of the process.

**Problem:** Work-based welfare reform forces people who face discrimination in the workplace to confront prevailing, negative workplace and societal attitudes with little hope of success. Employment counselors have no procedural options to cope with this, either. In fact, they may share community attitudes and allow them to affect their work with these clients, however unwittingly. Solutions are admittedly difficult, especially at the local level, but this reality should not be ignored.
Recommendation 26: That the DWS State Council initiate discussions on racial, ethnic and other discrimination issues, and develop a strategy for use in communities throughout the state, possibly with regional Workforce Services Councils as the centerpiece.

DWS State Office, October 25, 2000: DWS State Office will refer the recommendation for the State Workforce Services Council to initiate discussions and develop strategies on racial, ethnic, and other discrimination issues; to the State Council for consideration. Forrest Cuch is willing to offer his services to present on diversity/cultural issues if requested by the Council.

Recommendation 27: That DWS arrange for and offer cultural sensitivity training to Employment Center staff and administrators.

Problem: To enforce time-limits on welfare recipients equally without regard to external conditions such as high unemployment stretches the limits of fairness and applies a one-size-fits-all strategy without consideration of important local conditions.

Recommendation 28: That DWS reconvene the Extension Task Force to consider high regional or subgroup unemployment as additional criteria for “hardship” extensions. The task force should add members from rural areas with high unemployment.

Recommendation 29: That DWS, at least in areas of high unemployment, meet with those with job training expertise and employers to develop ways to focus more expeditiously on job preparation. The Workforce Investment Act, PRWORA, and state laws should be studied carefully to determine legal parameters, after which an approach should be devised that provides the maximum flexibility to clients to obtain training for available jobs.

Problem: As more is known about barriers of some families subject to FEP time limits, the need to ensure that there is adequate flexibility in the use of extensions to time limits becomes more clear. This particular study features the need for extensions in areas of high unemployment. Another related issue is the need for extensions for subgroups within the FEP population who suffer from exceptional difficulties becoming employed, such as American Indians or people with disabilities. However, the fact that both Utah and federal law limit the number of extensions to 20 percent of the average caseload stands in the way of making policies that will allow the most rational use of extensions.

Recommendation 30: That the Utah Legislature repeal the “20 percent extension” provision and replace it with one based on individual family circumstances. The total number of extensions would not be limited so that actual need can be met.

Recommendation 31: That Governor Leavitt work with the National Governors’ Association to encourage Congress during Reauthorization of PRWORA to allow states to repeal the “20 percent extension” provisions in their state statutes and replace them with an extension provision based on individual family circumstances, thereby ensuring that the total number of extensions would no longer be capped so that actual need can be met.
Problem: There is little data on the well-being of children in families leaving the FEP system.

Recommendation 32: That DWS partner with the Division of Child and Family Services and consult with the Department of Health and the State Office of Education to study child welfare caseloads and other data to determine impacts on children in “welfare leaver” families.

Problem: Under the Child Welfare Agreement Between the Ute Indian Tribe of the Uintah-Ouray Reservation and the State of Utah, Ute tribal authorities have the right to decide with whom a child may be placed when a kinship placement is required. If, however, the placement family needs financial assistance to support the child, FEP policy will deny the application unless certain blood relationships exist.

Recommendation 33: That DWS, the Department of Human Services, and the Ute Tribe devise a solution to this discrepancy between state agency approaches, possibly involving the Child Development Team currently working on a revised Child Welfare Agreement. One avenue that could be explored would be for DWS to modify FEP “specified relative” policy to add language such as, “an individual who, under a Child Welfare Agreement between a recognized Indian Nation and the State of Utah, is designated by an authorized tribal entity as ‘kin’ for purposes of a kinship placement,” to the list of qualified individuals.

DWS, State Office, October 25, 2000: Cathie Pappas, DWS State Office will convene a workgroup to examine whether adequate flexibility exists to address the designation of kinship issue and forward any strategies recommended by the group. The group will consist of DWS, DHS-Child Welfare and Ute Tribe staff.

Recommendations to Decision-Makers at Other Levels

Problem: The new welfare system does not appear adequately cognizant of either individuals and families who cannot succeed in the workplace or the difficulties faced by the growing sector of working poor. Yet, these problems do exist and some solutions will be needed.

Recommendation 34: That the Governor of Utah and his cabinet identify the specific Department or State Agency that is charged with addressing poverty issues and assist that entity to set up a process to devise strategies to mitigate poverty, at least among Utah families with children. Discussion of child and family poverty should also be raised among issues pertaining to TANF Reauthorization in 2002.

Problem: The requirement in the Balanced Budget Act of 1997 that an Indian reservation have a 50 percent unemployment rate among on-reservation residents of working age to qualify for exemptions to federal welfare time limits is excessive.

Recommendation 35: That Congress reduce the unemployment rate in this provision to a realistic level in its TANF Reauthorization process. Congress is encouraged to consult with the
National Congress of American Indians (NCAI) and include input from other Indian organizations in the upcoming Reauthorization process.

Problem: The “checkerboard” configuration of the Uintah-Ouray Reservation was not taken into account when the abovementioned provision for granting exemptions to time limits was written. Consequently, even though Indians living on this particular Reservation face similar employment difficulties to those on qualifying reservations, they are still subject to the federally established 60-month welfare time-limits.

Recommendation 36: That Utah’s Congressional Delegation collaborate with the Ute Tribe and NCAI to devise a strategy for the 2002 Reauthorization that allows residents of the Uintah-Ouray Reservation Trust Lands the same recourse to high unemployment rates and time limits as exists for land mass reservations.

DWS, State Office, October 25, 2000: The recommendation for the Ute Tribe, National Congress of American Indians and Utah’s Congressional Delegation devise a strategy for the 2002 Reauthorization that allows residents of the Uintah-Ouray Reservation Trust Lands the same recourse to high unemployment rates and time limits as exists for land mass reservations; to Forrest Cuch. Mr. Cuch is putting together a subcommittee of the State Native American Coordination Council to address this issue.

Recommendation 37: The Utah State Legislature pass a resolution in support of congressional action to amend PRWORA as described above.

Problem: Problems surfaced in this study of Uintah Basin Native Americans’ experience with welfare reform undoubtedly affect other tribes in Utah and across all states; solutions will be needed there, as well.

Recommendation 38: That the State Division of Indian Affairs convene a working group, including representatives of State agencies involved in supportive programs and services needed by FEP families and of Utah’s Indian tribes. The charge of the group would be to discuss and determine state and federal policies and laws that would improve outcomes for Indian families using these services. A written report with recommendations should be given to the Governor, State Legislature, Congress, and NCAI.

DWS, State Office, October 25, 2000: The recommendation for the Division of Indian Affairs to convene a working group to determine state and federal policies and laws that would improve outcomes for Native American families using supportive services is currently being addressed through the Division’s strategic work plan being developed.

Problem: The majority of jobs FEP parents obtain pay low wages. The Earned Income Credit (EIC) is one way of increasing the amount of income families are able to keep, but it is a benefit that is not yet used by many low-income families, especially if their incomes are low enough that they are not required to file a return. Indian (and other Utah) families need to be made aware of the benefits of utilizing it.
Recommendation 39: That DWS add an explanation of EIC to its orientation, as well as reorient FEP parents who find jobs. DWS could also work with others in the community to develop an aggressive publicity campaign about the benefits of EIC and how to access it.

DWS, State Office, October 25, 2000: The recommendation to add an explanation of the Earned Income Tax Credit to Employment Centers orientation is referred to Shelly Ivie for follow up.

The recommendation to work with the community to develop an aggressive publicity campaign on EIC benefits will be referred to the outreach strategies meetings referred to in recommendation #17.

Recommendation 40: EIC needs to be expanded at state and national levels.
Selected Sources


www.airpi.org/unemploy.html.


EchoHawk, Larry. “The Legal and Political Status of Tribes.” (Transcript), n.d.


