

HONORING INNOVATIONS

Notes from the Field for System of Care Communities in Indian Country

Issue Number 17 • July 2015

FORMAL PARTNERSHIP ENGAGEMENT **Establishing MOUs and MOAs in Innovative Program Development**

For over 20 years, the national system of care (SOC) movement has helped states, localities, and tribal entities reform their child and family services and build a new coordinated service approach on a foundation of SOC values and principles. Because an SOC is not a program or model, but is instead an organizing framework and value base, each community tailors their SOC to meet their particular needs. Building and formalizing partnerships has been a critical part of this evolution because of the complexity of multiple child-serving systems working together in new ways.

Formal agreements help to guide the system of care change process. A formal agreement can serve a utilitarian purpose as part of a written roadmap to change, but can also portray the spirit and momentum of primary health and behavioral health providers who join together to serve their community. For many tribal communities, a formal agreement also serves as an institutional memory.

Why Agreements Are Needed

Written agreements are an important step in the change process. Agreements help to ensure that change occurs as planned among service partners, and can help ensure that all parties have the information they need to collaborate.

Formal agreements can demonstrate:

- Partner commitment and priority to build and sustain an SOC
- Intent to implement a full range of cross-system collaboration with entities such as child welfare, juvenile justice, drug and alcohol, primary health care, education, housing, and other systems impacting your service population
- Commitment to fully involve family, youth and consumers in planning, implementation and evaluation efforts
- Pledge to adhere to local and national standards of cultural and linguistic competency, such as the National Standards for Culturally and Linguistically Appropriate Standards in Health and Health Care regarding diversity and disparity
- Plans to collectively review policies and regulations and make changes that result in improved service delivery and outcomes
- Plans for development of joint training and workforce development efforts
- Plans for integration of a system-wide, trauma-informed approach to treatment
- Commitment to incorporate best and evidence-based practices
- Development of protected data sharing for fuller understanding of the tribal family picture and to reduce the number of times a family has to re-tell their story
- Commitment to the creation of new financing models and strategies (including support for federal match requirements) to sustain the SOC

continued on page 2

Why Agreements are Needed, *continued from p. 1*

Substance Abuse and Mental Health Services Administration (SAMHSA) grantees are required to collect and report certain data so that SAMHSA can respond to the Government Performance and Results Modernization Act of 2010. Some of the information that grantees are required to report is addressed in their inter-agency and intra-agency agreements.

Formal agreements between child-serving systems can assist with the grantee's ability to report:¹

- Number of agencies/organizations that entered into formal written inter/intra organizational agreements (e.g., memorandum of understanding [MOUs] / memorandum of agreement [MOAs]) to improve mental health-related practices and activities as a result of the grant
- Number of policy changes completed
- Number of organizations or communities implementing mental health-related training programs
- Number of youth/family members/peers who provide mental health-related services as a result of the grant
- Number of individuals referred and receiving mental health services
- Employment and education performance measures
- Stability in housing indicators
- Rate of readmission to psychiatric hospitals
- Social supports and social connectedness
- Client perception of care received

In addition, tribal grantees may be required to demonstrate that they are working with state government services (including state Medicaid agencies) to achieve the broader systemic changes needed to expand and sustain the SOC. A formal agreement with the state can demonstrate intent, and outline steps toward collaboration.

¹ Some of these data points reflect the fact that some SAMHSA reporting requirements have to be pulled from partner systems and/or partner systems need to be collecting such information. Because they are independent, closed systems, it is often a struggle to share the protected information without a signed agreement in place.

Honoring Innovations is published by the National Indian Child Welfare Association
5100 SW Macadam Avenue, Suite 300, Portland, Oregon, 97239
P: (503) 222-4044 F: (503) 222-4007 www.nicwa.org

These notes from the field describe best practices in American Indian/Alaska Native (AI/AN) systems of care for current and graduated system of care communities.

A "best practice" in the field of AI/AN children's mental health is a process, method, training, or event that is believed to have a direct link to providing the desired outcome.

NICWA believes that such a practice requires that seven specific criteria are met. The program must: demonstrate potential for longevity; be replicable; exist harmoniously with Indigenous values and teachings; be sustainable; secure community acceptance; include the input of stakeholders across generations; and demonstrate culturally competent staffing.

This product was developed with support from the Child, Adolescent and Family Branch (CAFB), Center for Mental Health Services (CMHS), Substance Abuse and Mental Health Services Administration (SAMHSA).

The content of this publication does not necessarily reflect the views, opinions, or policies of CAFB, CMHS, SAMHSA, or the Department of Health and Human Services.



NICWA
National Indian Child Welfare Association
Protecting Our Children • Preserving Our Culture



CONTENTS

Why Agreements are Needed 1.

Tribal SOCs Use Various Agreements 3.

Difference Between MOU and MOA 3.

Overcoming Challenges 5.

Contributor This Issue:

Holly Echo-Hawk

Tribal Systems of Care Use Various Agreements for Systems Change

The tribal systems of care and their partners have used different types of agreements to move their system change forward. The types of agreements or mandates used by the tribal system of care partnerships include:

- Memorandum of Understanding
- Memorandum of Agreement
- Tribal Resolution
- Operating Guidelines
- Culture-Based Common MOA

MOUs and MOAs have been the most common form of agreements used by the tribal systems of care. Some tribal systems of care are unique in that they could use tribal resolutions to mandate collaboration among tribal programs.

MOUs vs. MOAs

An **MOU** is a formal agreement between two or more parties. Companies and organizations can use MOUs to establish official partnerships. It expresses a convergence of will between the parties, indicating an intended common line of action. MOUs are not legally binding but they carry a degree of seriousness and mutual respect. An MOU is a more formal alternative to a gentlemen's agreement. In business, an MOU is often the first step towards a legal contract. In U.S. law, an MOU is synonymous with a letter of intent, which is a non-binding written agreement that implies a binding contract is to follow. For SOC, an MOU expresses a commitment to being part of a system of care.

An **MOA** is a written, cooperative agreement between agencies or programs that join together for a special purpose. Similar to an MOU, an MOA will express a convergence of will between the parties, and may also lay out the ground rules for a positive cooperative effort. However, an MOA usually goes beyond the general MOU statement to move forward with a common line of action. An MOA will state the intent, but follow with more details of mutual responsibilities of how the entities will cooperate on an agreed upon project or an agreed objective. In an MOA, the agreed upon responsibilities of each partner will be listed, including a commitment to collaborate in specific ways, participate in specialized training, participate in collaborative case reviews, and other items specific to the SOC. The MOA may also list binding terms that makes the partnership a cohesive unit. There is often an obligation of funds attached to certain terms in the agreement. Tribal SOCs find MOAs useful because they include specific implementation steps for their SOC development.

A Memorandum of Agreement usually goes beyond the general MOU statement to move forward with a common line of action. An MOA will state the intent, but follow with more details of mutual responsibilities of how the entities will cooperate on an agreed upon project or an agreed objective.

continued on page 4

What is the difference between an MOU and an MOA?

An MOU can be considered a first, and important, step toward a more detailed MOA. Many tribal communities use both terms. Consult with your tribal attorney on the specific differences and customary use in your community.

Memorandum of understanding (MOU) reflects a convergence of will to follow a common line of action; a non-binding agreement but can set the tone for a more detailed MOA to follow.

Memorandum of agreement (MOA) lists more details of responsibilities, including obligations of funds; a MOA can be a binding agreement.

Tribal SOCs Use Various Types of Agreements, *continued from p. 3*

Tribal Resolutions, Operating Guidelines, and Culture-Based Common MOAs

In some communities, tribal elected officials created and passed **tribal resolutions** to support the local SOC development. This means that mandates to collaborate and improve outcomes for tribal children and families were codified in tribal law. In one case, the tribe mandated a community-wide, multi-year effort to address historical trauma through a Native-facilitated process. Another tribal community used the tribal resolution process to create a Tribal Provider Networking Board, with a list of designated senior management representatives from tribal services and offices, process for voting membership, required convening times during the year, report-back and recommendation process to the tribal council, and description of various oversight committees.

There are alternatives to the typical MOU and MOA. As part of their partnership, Detroit and Wayne County developed the usual multi-agency agreements, including an MOU and an MOA. However, the review and signature gathering process for these formal agreements was too cumbersome and took too much time to move forward. For example, some child-serving systems wanted their own language/terms inserted, and each system required an internal legal review. Various system review requirements, internal to each particular child-serving system, resulted in an overly labored process. Moving to an **operating guidelines** format proved to be most useful. The operating guidelines affirmed the collective group's intent to fulfill their SOC vision and principles, created a cross-system management group with a required meeting schedule, listed the public system and community-based organization membership, outlined a process for any change in membership,

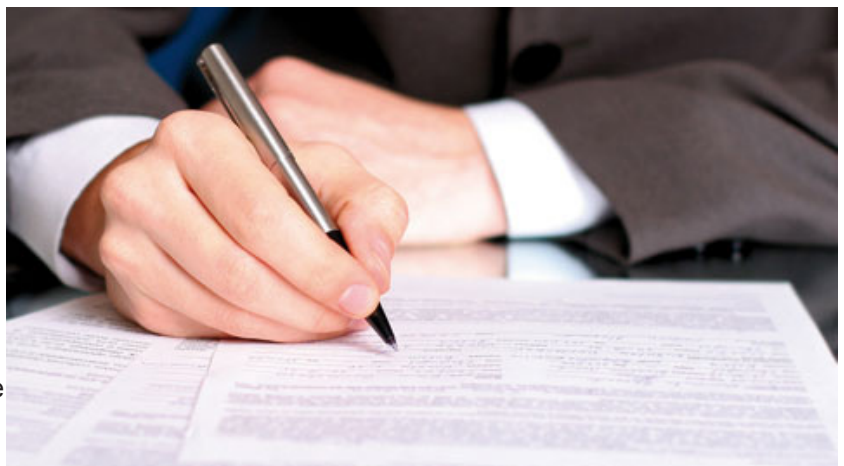
outlined the duties of the chairperson, co-chairperson and committee chairs, and outlined the standing committees. The operating guidelines also included a clause about conflict resolution between members. The operating guidelines are reviewed and updated during an annual three-day process, using an SOC consultant for national perspective and facilitation.

Some tribal communities have rejected standard MOU or MOA formats because they were so legalistic. They were difficult to understand and in danger of becoming a rote piece of paper with no spirit. Some tribal communities revamped the standard MOU or MOA format and developed culture-driven agreements. For example, tribal cultural values and the strength of cultural identity form the foundation of the purpose statement in a **culture-based common MOA**. By entering into this type of culture-specific

Tribal cultural values and the strength of cultural identity form the foundation of the purpose statement in a culture-based common MOA. By entering into this type of culture-specific agreement, collaborators agree to recognize the tribe's unique potential and resources to advance the well-being of their youth.

agreement, collaborators agree to recognize the tribe's unique potential and resources to advance the well-being of their youth.

Some agreements focused on the cultural and historical perspective of trauma healing. Others require that non-tribal collaborators give full faith and credit to traditional laws and customs as valid intervention methods. As part of establishing shared responsibility between parties, one agreement stated that tribal leadership should be used to engage and involve tribal parents. The center of a culture-based MOA or MOU was the power and resources of cultural values. It was called a "common MOA" because, by consensus, it replaced the multitude of general MOAs that were circulated as part of the funding-seeking proposal process. The culture-based common MOA was readily embraced by tribal programs and made a significant contribution to the renewed "cultural spirit" of the SOC.



Overcoming Challenges to Reach Meaningful Agreements

Tribal SOCs spoke of a range of challenges encountered as they work to develop partnerships and written agreements. For example, in some tribal communities, MOA signature collection became such a common part of fund seeking that it became routine, nearly to the point of meaningless. Other issues or challenges to the agreement seeking process included:

- Community needs can overwhelm limited staff, leaving many staff and administrators with the “running on ice” feeling with little time to discuss written agreements.
- Overworked staff and programs may feel they will overcommit in a written agreement.
- Some partners felt that because the SOC was funded by a “grant”, and concern about “what happens when the grant goes away” may have limited their willingness to sign an agreement.
- Tribal communities were familiar with how to negotiate with local community-based organizations (CBOs), but unfamiliar with how to negotiate agreements with county or state entities.
- Retirement or turnover of key allies in state systems delayed progress.
- Reaching the top chain of command in large bureaucratic systems can be a challenge.
- Some county and state officials misunderstood the goals of tribal SOCs, referring them to tribal liaisons where a relationship already existed rather than brokering new partnerships with high-level, state system decision makers.
- Many senior-level county and state officials were naive or unaware of systemic oppression and discrimination by omission, and did not understand that their senior-level job could make changes.
- Size difference between large bureaucratic systems and small tribal CBOs meant that tribal entities had a greater fight to be heard in partnership development.
- Native SOCs often feel a constant struggle to not to lose their tribal voice in multi-agency agreements with main-stream systems.
- Frequent tribal elections require MOA history review with the newly elected and a new signature seeking process.

“More than Just a Piece of Paper”

Tribal systems of care had much advice to share about how to make a written agreement meaningful, alive, and worthy. Many felt that the foundation of any written agreement is based on relationships. That is, taking the time to gain knowledge about your fellow health provider’s work place and their provider system can help greatly during the agreement process.

Taking the time to gain knowledge about your fellow health provider’s work place and provider system can help greatly during the agreement process.

Other advice included:

- Create a level playing field (for example, although tribal clients may be a small percentage of statewide clients, the tribal system of care has much to offer in terms of cultural engagement and treatment strategies).
- Include a conflict resolution process in your agreement.
- Seek partners who sincerely want to learn and want to help.
- Caution non-tribal leadership to not overstate their knowledge of tribes or tribal interest areas.
- Review the background information about your fellow provider’s policy and procedures (for example, student rights and responsibilities, special education regulations, housing rules, etc.) before any initial drafts of an agreement.
- Conduct an annual meeting to revise or review any proposed changes and to identify new staff or new agency procedures.
- Print the agreement on the letterhead of the highest elected official or administrator.
- Develop a cross-system management group that meets frequently and consistently to keep your agreement grounded in practice reality.

continued on page 6

Overcoming Challenges, *continued from p. 5*

The terms and language used in a written agreement can be powerful. For example, replacing the term “client” for that of “relative” in one tribal reservation community completely shifted the energy and responsibility of staff and administrators. The term “client” creates a professional distance. The term “relative” creates an image of helping a relative and rebuilding your family and community.

Many within tribal SOCs also agree that the terms and language used in a written agreement can be powerful. For example, replacing the term “client” for that of “relative” in one tribal reservation community completely shifted the energy and responsibility of staff and administrators. The term “client” creates a professional distance. The term “relative” creates an image of helping a relative and rebuilding your family and community.

Other common phrases used in tribal agreements include:

- “To establish a shared responsibility”
- “Partners in this agreement commit to...”
- “Recognizing the tribal entity’s unique potential to advance the well-being of tribal youth...”
- “Recognizing that the tribal government plays a very crucial role in the education and overall welfare of the tribal youth with tribal support and resources”
- “Giving full faith and credit to traditional laws and customs”

Final Tips from Tribal Systems of Care

The tribal systems of care have much experience with multi-system, multi-level and cross-cultural agreements. Some of their advice about the written agreement process includes:

- Create a shared mission.
- Facilitate a process for all partners to better understand what each other does.
- Learn each other’s protocols and systems.
- Incorporate tribal values into and throughout the agreement.
- Take a strength-based approach to cultural education for broader system providers.
- Create a collaborating body composed of key system leadership.
- Develop a conflict resolution/mediation process for provider differences.
- Hold annual cross-system management retreats to review your work plan, accomplishments, and barriers.
- If key players are absent at review meetings, make an effort to pull them back in.

Summary

The cornerstone in building and sustaining new approaches to services is often written in agreements where health systems, organizations, and programs commit to, and demonstrate change in, their practice and coordination. A well-written agreement can make a big difference in creating a buy-in into the spirit of your SOC.

Editor’s Note: NICWA would like to thank those tribal systems of care who contributed their insight to these notes from the field.



NICWA works to support the safety, health, and spiritual strength of Native children along the broad continuum of their lives. We promote building tribal capacity to prevent child abuse and neglect through positive systems change at the state, federal, and tribal level.

Our Vision Every Indian child must have access to community-based, culturally appropriate services that help them grow up safe, healthy, and spiritually strong—free from abuse, neglect, sexual exploitation, and the damaging effects of substance abuse.

Our Mission NICWA is dedicated to the well-being of American Indian and Alaska Native children and families.

To learn more about NICWA, visit www.nicwa.org.