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## Excerpt from Fort Berthold Agency News Bulletin, May 12, 1955

Ralph Shane

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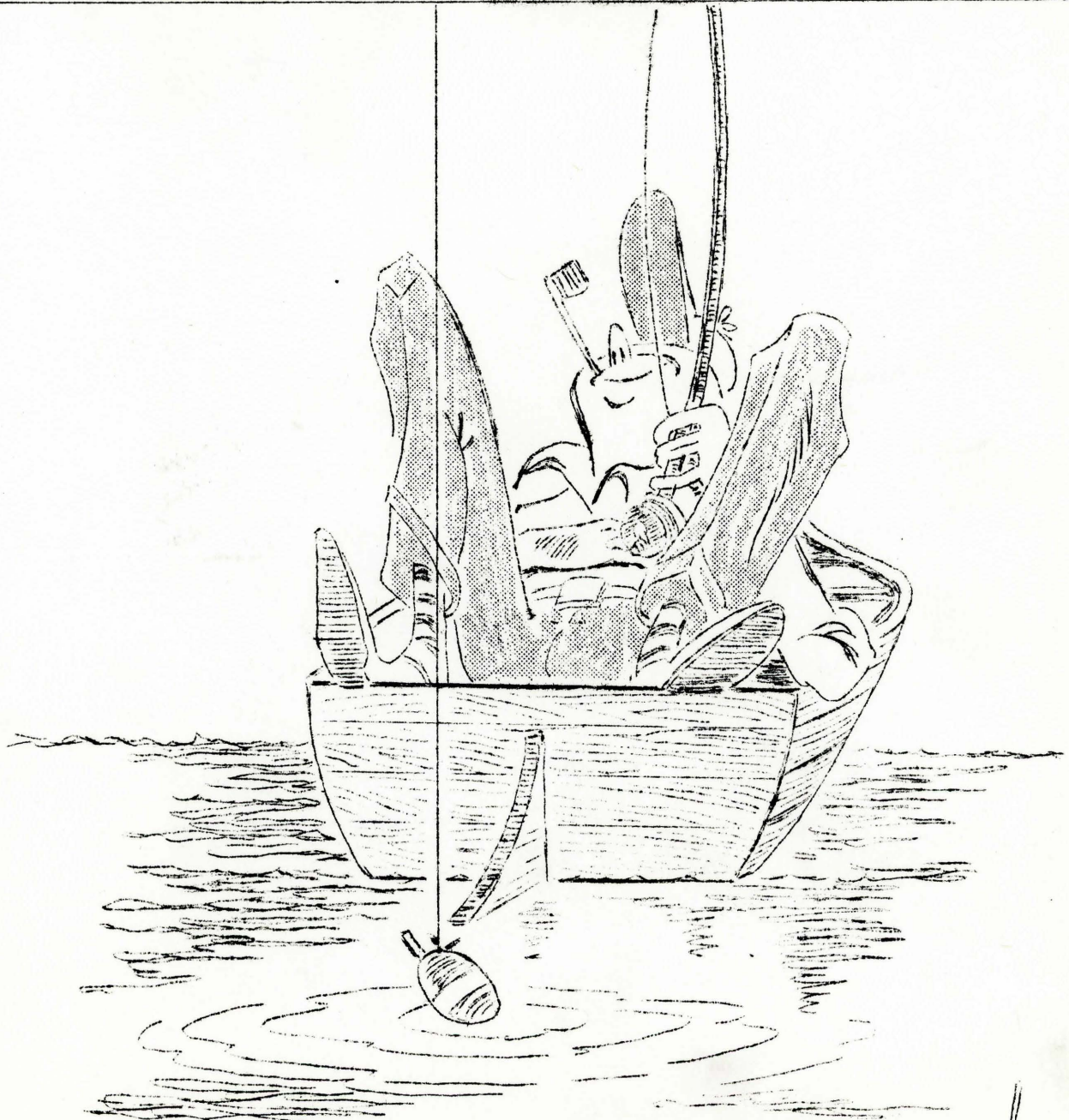
# FORT BERTHOLD AGENCY NEWS BULLETIN

NEW TOWN, NO. DAK.

MAY 12, 1955

VOL. 6

NO. 5



IT'S ABOUT THAT TIME OF THE YEAR!

## SUPERINTENDENT'S COMMENTS

The business of the day for the last two weeks in the Agency Office is Minors' Funds. The funds in question are the per capita payment of \$500.00 recently deposited into the I.I.M. accounts of the children. Many requests are being made for use of minors' funds but it must be remembered that strict I.I.M. regulations apply to the disbursement of children's money.

The regulations which apply are quoted elsewhere in this issue of the Bulletin and an interpretation made of the regulation phrase by phrase, and almost word by word. But it all boils down to this: A child's funds cannot be withdrawn except as the funds will be expended for the benefit of that very child.

We are writing plans for children's funds but really they are not plans for spending the funds, instead they are plans for making those funds last as long as possible so that the child will get the most good from his own money. The regulations say a child's money must be spent only for his own health, education, and welfare. Health and education are terms which are easy to recognize but the welfare of the child can include more things.

Some of the children want some nice clothes for graduation or the Junior-Senior Prom and their folks can't afford to buy them for their children. Some children need other things that their folks can't afford to buy for them like a lot of dental work on their teeth, a new pair of glasses, or maybe a special operation like removal of tonsils.

It is alright to buy these things from a child's funds if the parents can't afford them. Some people want to buy paid up life insurance policies for the child, or health and hospitalization insurance. Some want to invest the child's money in government bonds and some want to invest it in land. Some want to buy educational insurance policies, or just leave the money until the minor is ready to start to college. Most of these plans indicate the interest of the parents in the future of their children.

Children's funds are not to be put into risk investments like crops or livestock. They are not to be used for things that depreciate fast like automobiles or machinery. They are not to be used to buy food for all the family nor to build a fence around the pasture or repair the barn. The plan should safeguard the child's funds for his own best use.

*Ralph M. Shane*  
Ralph M. Shane  
Superintendent

WELFARE

The Commissioner authorized a distribution of a per capita payment of \$500.00 to each person living at midnight on March 25, 1955, whose name appeared on the rolls of the Three Affiliated Tribes of the Fort Berthold Reservation. The shares of persons who were minors were deposited in their individual Indian money accounts to be expended under the Code of Federal Regulations, Title 25, Part 221. The money in the per capita share of a minor is to be available only for his use and benefit and shall not be considered as property holdings available to other members of his family.

Several months ago we printed in the Bulletin an interpretation of minor's funds. This is again being put in the Bulletin for your re-reading.

Minor's funds are available for their use. They can be made available to parents after they have discussed a plan and written a plan, covering a period of time for the child's specific needs. For instance if you have two children in your home they will have different needs. Mary may need a tonsillectomy and this will be considered from her funds. Johnny may be like father and want to be a rancher, and it would be to his advantage to have a saddle horse to ride the range. This would be considered from his funds. In other words, an individual plan for an individual child from an individual account. A plan thought out and discussed by both mother and father.

Miss Pawson will have a schedule published in the NewsSheet of office days to be held at the various agency sites in the segments. This is to save many people an expensive trip to New Town.

There has been much confusion with regard to this point of minor's funds. We would like to clarify this confusion and Miss Pawson, as she can see the parents, will be glad to help them in thinking through their plans for their children.

\* \* \* \* \*

Children are our greatest natural resource. And the law treats them as such. The law does much to make sure that children have a chance to grow up into healthy, educated adults. For as adults, they must carry on our government, industry and business.

Under the law, a father has a duty to support his minor children, even though the parents are divorced, and either or both have married again.

For example, take John Smith. When he and his wife Susan were divorced, the court ordered John to pay Susan \$100. each month to support their children. John paid each month for a year. Then he heard that Susan had married again. So he quit. Officers arrested him on a charge of not supporting his children, a crime punishable by imprisonment. John protested to his lawyer that his former wife had married again. His children had a new father. So he no longer owed a duty to the children.

The lawyer told John that he was still the children's father and he was responsible for their welfare, at least until the stepfather or some one else adopted them, or until they became of age. But so long as Susan's second husband had not adopted the children, John had to pay to support them. The court could send him to jail for failing to obey the court order. Even without a court order, John could go to jail for neglecting his children.

Welfare, Continued

This is written to inform not to advise. No person should ever apply or interpret any law without the aid of an attorney who knows the facts, because the facts may change the application of the law.

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Many parents have been asking recently about their children's funds. Children's funds are for their future health, welfare, and education.

The following is a copy of a memorandum, dated December 28, 1954:

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
Aberdeen Area Office  
820 South Main  
Aberdeen, South Dakota

December 28, 1954

Memorandum

TO ALL SUPERINTENDENTS AND OFFICERS-IN-CHARGE IN THE ABERDEEN AREA

Subject: Disbursement of Minor's Funds under Authority of 25 CFR 221.4

The following is an informal review and interpretation of the intent of the regulations pertaining to the disbursement of minor's funds and the Superintendents' responsibilities. This should be of assistance in making determinations and approving plans as required by the Sec. 221.4.

Wording of the Regulations

Interpretation

"Funds of a minor may be disbursed.

"The Superintendent is not under mandate to disburse except under the conditions provided for in this section of the regulations. Neither minor nor adult is given the right to withdraw funds as is specifically stated in Part 221.3.

"Funds of a minor may be disbursed for the minor's support, health, education and welfare.

"The purpose for which disbursements can be made is established as support, health, education or welfare. Broad latitude has been given in the interpretation of welfare, but the Superintendent is required to determine within the most selfish interests of the minor whether or not the disbursement will be for such purposes as will advance the development of the minor.

"Funds of a minor may be disbursed to parents, State-appointed guardians, fiduciaries, or to persons having the control and custody of the minor.

"The regulations confer the right to receive funds disbursed by the Superintendent upon parents, State-appointed guardians, fiduciaries or persons responsible for the day to day care and control of the minor. Both under Federal Regulations and under State law the right to give a valid receipt for funds or other personal property is a conferred right, not an inherent right. No person should be recognized as qualified to give a valid receipt for a minor's funds on deposit in an Individual Indian Money Account except as designated in these Regulations.

"Funds of a minor may be disbursed for the purposes cited and to the persons or agencies cited, and under plans approved by the Superintendent, and in this respect Superintendents are authorized to require modification of an approved plan whenever deemed in the best interest of the minor!

"The persons or agency applying for the funds of a minor should accompany the application with a plan for the minor covering a span of time against which the funds are to be disbursed. In many situations disbursements to carry out the plan may be required in monthly payments to the applicant or a designated person. In such cases the period planned for should be at least three months; therefore, for a fiscal quarter, and longer if possible.

"In the case of parents who apply for funds from the accounts of their minor children, it should be recognized that minors under 21 years of age are the financial responsibility of their parents. Disbursements from their funds, income or principal, should be supplementary to the support provided by their parents.

"State-appointed guardians, fiduciaries or persons having control and custody of the minors do not have the same obligations by law to support the minors in their custody. The plans submitted by these persons may include full support.

"Before approval of the plan the parents, State-appointed guardians, fiduciaries, or persons having control and custody of the minor, should be required by the Superintendent to put the proposed plan for the minor

into writing and should determine for the Superintendent the cost on a monthly or quarterly basis of carrying out the plan as proposed. If the actual income is unknown at the time the plan is proposed or if it is difficult to anticipate the amount, a tentative plan may be approved based only on estimates and this should be subject to revision in the light of actual facts as income is received.

"The plan for the minor should include interest-bearing savings or investment in capital assets of value which increases. Such savings or investment should be in the name of the minor and should not be considered as a part of the property holdings available to other members of the minor's family.

"At the earliest possible opportunity when minors are removed from the custody and control of their natural parents by Court action, and referred for supervision, custody and care to the county department of public welfare, the Superintendent should require a plan which includes interest-bearing savings in an account, or in insurance or in bonds, or in an educational fund whichever is appropriate for the age of the minor, taking into consideration one or more methods of savings within the most selfish interest of the minor.

"In determining the conditions under which funds may be disbursed directly to the minor, the Superintendent may be guided by the independence of the minor from the custody and control of his parents or other adults as indicated by his age, his employment and his support and care of himself. He may also be guided by the degree of emancipation the minor has acquired by reasons of marriage or service in the armed forces.

"Funds of a minor may be disbursed directly to the minor upon such conditions as the Superintendent may prescribe.

"The funds of a minor may be disbursed to parents, State-appointed guardians, fiduciaries, persons having the control and custody of the minor in such amounts as he may

"The Regulations limit the authority of the Superintendent in the amount of disbursement to his determination of such amounts as he deems necessary in the best interest of the minor. He

deem necessary in the best interest of the minor.

is not authorized to release or to transfer his control over a minor's account. He may call for a modified plan, and in doing so he may request the plan to include increased interest-bearing savings. When in his considered judgment as to the best interest of the minor, he disburses the entire amount of accumulated funds in a minor's account, the disbursement must be made either in the name of the minor or in the name of the person applying, noting on the check for the minor, recording his name. In cases where disbursements and checks issued involve more than one minor, the amount from each minor's account should be shown on the face of the checks."

(sgd) W. O. Roberts

W. O. Roberts  
Area Director

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Memorial Service Held For Kenneth Dragswolf

A very beautiful Memorial Service was held March 29, 1955 in the Shell Village Community Hall for the late Kenneth Dragswolf. Sponsor of this gathering was Earnestine Dragswolf Smith, assisted by her mother, Mary, and brothers, Calvin and Hugh, as well as other near relatives. The Tom Badgun Legion Post had charge of the military details as Kenneth was a veteran. Percy Rush was Master of Ceremonies.

The meeting was opened by prayer. Kenneth Dragswolf's own song was sung, while a stillness moved upon all present. The program consisted of speeches by Driver, Frank Young Bear, a song by the Fox Society, an address by Judge Davis Bedell, a sextette by the War Sisters from White Shield. A talk by Rev. Case was followed by everyone singing America after which this part of the service was closed with the benediction.

Following the giving of many gifts of quilts, blankets, war bonnets, and horses, a very bountiful lunch was served to all. Recess was called with announcement that an Indian Dance would follow in the evening.

H. W. Case  
Regional Pastor