

**§ 20.704**

(d) The applicant or recipient's right to present both oral and written evidence during the hearing;

(e) The applicant's or recipient's right to confront and cross-examine witnesses at the hearing;

(f) The applicant's or recipient's right of one continuance of not more than 10 days with respect to the date of hearing; and

(g) The applicant's or recipient's right to examine and copy, at a reasonable time before the hearing, his/her case record as it relates to the proposed action being contested.

**§ 20.704 Who conducts the hearing or appeal of a Bureau decision or action and what is the process?**

(a) The Superintendent or his/her designated representative conducts the hearing in an informal but orderly manner, records the hearing, and provides the applicant or recipient with a transcript of the hearing upon request.

(b) The Superintendent or his/her designated representative must render a written decision within 10 days of the completion of the hearing. The written decision must include:

(1) A written statement covering the evidence relied upon and reasons for the decision; and

(2) The applicant's or recipient's right to appeal the Superintendent or his/her designated representative's decision pursuant to 25 CFR part 2 and request Bureau assistance in preparation of the appeal.

**§ 20.705 Can an applicant or recipient appeal a tribal decision?**

Yes, the applicant or recipient must pursue the appeal process applicable to the Public Law 93-638 contract, Public Law 102-477 grant, or Public Law 103-413 self-governance annual funding agreement. If no appeal process exists, then the applicant or recipient must pursue the appeal through the appropriate tribal forum.

**PART 23—INDIAN CHILD WELFARE ACT**

**Subpart A—Purpose, Definitions, and Policy**

Sec.

23.1 Purpose.

23.2 Definitions.

**25 CFR Ch. I (4-1-08 Edition)**

23.3 Policy.

23.4 Information collection.

**Subpart B—Notice of Involuntary Child Custody Proceedings and Payment for Appointed Counsel in State Courts**

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23.12 Designated tribal agent for service of notice.

23.13 Payment for appointed counsel in involuntary Indian child custody proceedings in state courts.

**Subpart C—Grants to Indian Tribes for Title II Indian Child and Family Service Programs**

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23.22 Purpose of tribal government grants.

23.23 Tribal government application contents.

**Subpart D—Grants to Off-Reservation Indian Organizations for Title II Indian Child and Family Service Programs**

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23.32 Purpose of off-reservation grants.

23.33 Competitive off-reservation application contents and application selection criteria.

23.34 Review and decision on off-reservation applications by Area Director.

23.35 Deadline for Central Office action.

**Subpart E—General and Uniform Grant Administration Provisions and Requirements**

23.41 Uniform grant administration provisions, requirements and applicability.

23.42 Technical assistance.

23.43 Authority for grant approval and execution.

23.44 Grant administration and monitoring.

23.45 Subgrants.

23.46 Financial management, internal and external controls and other assurances.

23.47 Reports and availability of information to Indians.

23.48 Matching shares and agreements.

23.49 Fair and uniform provision of services.

23.50 Service eligibility.

23.51 Grant carry-over authority.

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**Subpart F—Appeals**

23.61 Appeals from decision or action by Agency Superintendent, Area Director or Grants Officer.

23.62 Appeals from decision or action by Area Director under subpart D.

23.63 Appeals from inaction of official.