

ACF

Administration
for Children
and Families

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children, Youth and Families**

1. Log No: ACYF-CB-IM-00-02

2. Issuance Date: February 18, 2000

3. Originating Office: Children's Bureau

4. Key Words: Title IV-E Eligibility Reviews, Enforcement of MEPA, Child and Family Services Review, Final Rule

INFORMATION MEMORANDUM

TO: State Agencies, Tribes, Tribal Organizations, and Territories Administering Titles IV-B and IV-E

SUBJECT: Final Rule for Titles IV-B and IV-E of the Social Security Act (the Act): Child and Family Services Reviews; Title IV-E Eligibility Reviews; Enforcement of Section 471(a)(18) of the Act; and the Foster Care Maintenance Payments Program

LEGAL AND RELATED REFERENCES: Titles IV-B and IV-E of the Social Security Act, the Social Security Act Amendments of 1994 (Public Law 103-432), the Multiethnic Placement Act as amended by Public Law 104-188; and the Adoption and Safe Families Act of 1997 (Public Law 105-89).

PURPOSE: The purpose of this information memorandum (IM) is to inform the States, Tribes, and Territories of the publication of a final rule for title IV-B, Child and Family Services and title IV-E, Federal Payments for Foster Care and Adoption. This IM also identifies policies that are superseded by this final rule.

INFORMATION: A final rule was published on January 25, 2000 in the *Federal Register* (65 FR 4019 - 4093) that amends the Federal regulations at 45 CFR 1355 and 1356. This final rule:

- amends existing regulations concerning Child and Family Services by adding new requirements governing the review of a State;s conformity with its plan under titles IV-B and IV-E of the Act;
- codifies the corrective action/penalty structure at section 474(d) of the Act for use in enforcing the antidiscriminatiton requirements at section 471(a)(18) ;
- implements the Federal foster care maintenance payments program, including certain provisions of the Adoption and Safe Families Act, and;
- codifies the title IV-E foster care eligibility review process.

In this final rule, we have made significant revisions to the proposed rule, published in the **Federal Register** on September 18, 1998 (63 FR 50058), in response to the many comments we received.

SUPERSEDED MATERIAL: We are removing any policies that are now superseded as a result of this final rule, a statutory change, or are time sensitive. Attached, are two lists. The first identifies those issuances that are being withdrawn in their entirety. Since a single policy issuance can address numerous topics, the second list identifies those policy issuances where only a portion of the issuance is being superseded.

EFFECTIVE DATE: The final rule will be effective March 27,2000, 60 days after publication.

INQUIRES TO: ACF Regional Administrators

/s/
Patricia Montoya
Commissioner
Administration on Children, Youth, and Families

Attachments:

Final Rule - [HTML version](#) or [PDF Version](#)

[List of Withdrawn Policy Issuances](#)

[List of Superseded Policies](#)

SUPERSEDED CHILD WELFARE POLICIES

EFFECTIVE JANUARY 25, 2000

SUBJECT	NUMBER	ISSUANCE DATE
Foster Care Case Review Questions: 1 and 3	PIQ-81-01	10/20/81
Seven Issues in Foster Care Questions: 4 and 5	PIQ-82-01	01/19/82
Training; Foster Parents; Agency Staff; FFP Under Title IV-E Question: 1	PIQ-82-17	10/14/82
Federal Financial Participation Under Title IV-E; Section 427; & Eligibility For Adoption Assistance Questions: 2 and 3	PIQ-85-05	04/12/85
Clarification of Title IV-E and Title IV-B Issues Questions: 4 and 7	PIQ-85-06	06/05/85
Relationship of Eligibility Under Title IV-E Foster Care to Title IV-A Requirements Questions: 1 and 6	PIQ-85-07	06/25/85
Judicial Determination Requirement In Voluntary Placements & Federal Financial Participation (FFP) Under Title IV-E Question: 3	PIQ-85-09	10/10/85
Title IV-E Foster Care Policy Interpretations Regarding Eligibility Of a Child Not Physically Removed From Home of a Relative and Definition Of Foster Family Home Question: 1		

WITHDRAWN CHILD WELFARE POLICY ISSUANCES

EFFECTIVE JANUARY 25, 2000

INFORMATION MEMORANDA (IM)		
<u>SUBJECT</u>	<u>NUMBER</u>	<u>ISSUANCE DATE</u>
Title IV-E Adoption Assistance & Use Of Title XX Social Services Block Grant Funds for Post-Adoption Services & Title IV-E Funds for Training	IM-85-02	01/09/85
Title IV-E Foster Care - Financial Reviews	IM-85-04	01/25/85
Federal Financial Review of Title IV-E Foster Care Program	IM-85-25	08/14/85
Use of <i>Nunc Pro Tunc</i> Orders to Satisfy the Judicial Determination Requirements of Section 472(a) (1) of the Act	IM-87-28	10/07/87
Handbook for the Conduct of Title IV-B Section 427 Reviews	IM-88-22	08/18/88
Use of <i>Nunc Pro Tunc</i> Orders to Satisfy the Judicial Determination Requirement of Section 472 (a) (1) of the Act	IM-89-08	04/17/89
Kinship Foster Care and the Requirements Under Title IV-B, Section 427 of the Social Security Act	IM-91-11	05/10/91
Possible Limitation on Amount of Allowable Child Placement Services, Administrative Expenditures and Training Costs Reimbursable Under Title IV-E and for Federal Fiscal Year (FY) 1995	IM-CB-95-12	03/10/95
POLICY ANNOUNCEMENTS (PA)		
Allowable Costs Under Title IV-A For Foster Care Institutions	PA-82-02	09/13/82
Use of Sampling in Reviews (Including Audits) as the Basis for Disallowance	PA-83-02	05/04/83
The Requirements of Sections 471(a) (5) & 472(a) (1) of the SSA Regarding Prevention & Reunification Services & the Judicial Determination Necessary for Eligibility Under Title IV-E (Reasonable Efforts)	PA-84-01	01/13/84
Applicability to Title IV-E of the Title IV-A Eligibility Requirement to Register for the Work Incentive Program	PA-89-01	02/14/89
PROGRAM INSTRUCTIONS (PI)		

Legislative Goals for Foster Care	PI-80-03	12/19/80
Title IV-E State Plan	PI-81-02	03/23/81
Title IV-A State Plan Amendments	PI-81-06	05/10/81
Section 427 Funds Request	PI-81-07	07/01/81
Title IV-E State Plan Submission	PI-82-01	01/11/82
Section 427 Certification for FY82	PI-82-04	04/16/82
Section 427 Validation Review	PI-82-06	06/03/82
Deadline for FY83 Certification of Eligibility Under Section 427 of the SSA for States Not Previously Certifying Eligibility	PI-83-02	04/08/83
Amendment to Title IV-E State Plan	PI-83-06	07/29/83
Placements Pursuant to Voluntary Placement Agreements	PI-84-02	01/11/84
Deadline for FY84 Certification of Eligibility Under Section 427 of the SSA for States Not Previously Certifying Their Eligibility or Which Have Withdrawn Their Initial Year Certifications for FY83	PI-84-04	06/01/84
Deadline for FY84 Certification of Eligibility Under Sec 427 of the SSA for Indian Tribes & Indian Organizations	PI-84-06	05/30/84
Section 427 Compliance —Triennial	PI-85-02	01/29/85
Section 427 Reviews-Case Plan Requirements & Applicability of 45 CFR 1356.21(d) to Section 427Compliance Reviews	PI-85-03	03/14/85
Deadline for Fiscal Year 1985 Certification of Eligibility (Section 427)	PI-85-07	07/12/85
New Sampling Procedure for Triennial Reviews - Decision Table V	PI-86-03	08/19/86
Allowability of the Use of Affidavits for Section 427 Financial Reviews	PI-89-07	07/18/89
Title IV-E & Title IV-B Case Plan Requirements - Health and Educational Records	PI-90-11	05/31/90
Requirements for State Match of Federal Independent Living Funds Over a Certain Amount	PI-90-16	10/02/90
Section 427 Quinquennial Compliance Reviews	PI-92-03	04/30/92

Expiration of 75 Percent Match for Certain Categories of Short-Term Training Expenditures Under the Title IV-E Program	PI-93-02	02/25/93
Permanent Reauthorization of the Independent Living Program	PI-93-16	12/10/93
Indian Child Welfare Act	PI-CB-95-12	08/11/95
Extension of Enhanced Federal Financial Participation Rate for the Child Welfare Program Under Title IV-E of the Social Security Act (the Act)	ACYF-PI-CB-96-15	09/16/96
POLICY INTERPRETATION QUESTION (PIQ)		
Preplacement Preventive Services	PIQ-81-04	10/26/81
Statewide Information Systems and Requirements for Additional Funding	PIQ-82-05	03/08/82
FFP and Voluntary Placement	PIQ-82-06	04/07/82
Initial Responsibility for Placement And Care	PIQ-82-09	08/12/82
Dispositional Hearing: Foster Care	PIQ-82-11	10/28/82
FC Inventory, Information System and Case Review System	PIQ-82-12	07/12/82
Title IV-A Eligibility Issues in Foster Care Under Title IV-E	PIQ-82-14	12/02/82
AFDC Requirements and Title IV-E Eligibility	PIQ-82-15	09/13/82
Applicability to Title IV-E of the Title IV-A Eligibility Requirements To Register for the Work Incentive Program and to Furnish a Social Security Number to the State	PIQ-83-02	05/19/83
Clarification of the Definition of Original Foster Care Placement	PIQ-83-06	11/04/83
Title IV-E Eligibility for Unaccompanied Minor Refugee Children	PIQ-83-07	10/24/83
Continuation of Adoption Assistance Payments for a Child Whose Adoptive Parents are Deceased	PIQ-84-04	06/25/84
Use of Title IV-E and IV-B Funds In Behalf of Illegal Aliens	PIQ-84-07	11/07/84
Availability of Closed Case Records For Review Under Section 427 of the Social Security Act (the Act)	PIQ-84-08	12/27/84
Dispositional Hearing	PIQ-85-08	08/22/85
Clarification of Required Format and Content of Court Orders	PIQ-86-02	05/08/86

Utilized to Establish Eligibility for Title IV-E FC Reviews		
Request for Clarification of State Adoption Subsidy Requirements in Relation to Section 473(a) (2) of the Social Security Act (the Act)	PIQ-87-05	11/18/87 and 12/17/87
Dispositional Hearing Requirement Section 427 Reviews	PIQ-88-01	01/13/88
Entitlement of Resident Alien Children to Receive FC Maintenance & Adoption Assistance Payments Under Title IV-E of the Social Security Act	PIQ-88-05	09/07/88
Early Review Demonstration Projects And Federal Periodic review Requirements	PIQ-90-01	05/11/90
Clarification of State and Tribal Responsibilities Under a Title IV-E Agreement	PIQ-91-01	04/02/91
Use of Federal Independent Living Funds	PIQ-91-06	10/13/91