

<h1>ACF</h1> <p>Administration For Children And Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
	1. Log No: ACYF-CB-IM-17-04	2. Issuance Date: Sept. 22, 2017
	3. Originating Office: Children's Bureau	
	4. Key Words: Extension Criteria for Current Child Welfare Demonstration Projects	

INFORMATION MEMORANDUM

TO: Title IV-E Agencies Administering or Supervising Current Child Welfare Demonstration Projects

SUBJECT: Title IV-E Child Welfare Demonstration Project Requests for Extensions – Procedures and Criteria

LEGAL AND RELATED REFERENCES: Title IV-B of the Social Security Act
 Title IV-E of the Social Security Act
 Section 1130 of the Social Security Act, as amended by Public Law 112-34

PURPOSE: This Information Memorandum (IM) supersedes ACYF-CB-IM-02-06 issued May 23, 2002 which addressed procedures for requesting extensions of child welfare waiver demonstrations. The purpose of this IM is to alert title IV-E agencies to updated and streamlined procedures that the Department of Health and Human Services will follow in considering requests to extend child welfare waiver demonstration projects approved under the authority of section 1130 of the Social Security Act. In accordance with existing statutory authority, any extension granted will end by no later than September 30, 2019.

DUE DATE: Any Title IV-E agency seeking an extension, must apply no later than 90 days (one fiscal quarter) before the demonstration's expiration date.

Background:

Section 1130 of the Social Security Act (Act), as amended, provides the Department of Health and Human Services with authority to approve child welfare waiver demonstrations. These demonstration projects involve the waiver of certain requirements of titles IV-E and IV-B, the sections of the Act that govern the foster

care, adoption assistance and optional kinship guardianship assistance programs, including related expenses for program administration, training, and automated systems; as well as the Chafee Foster Care Independence Program, the Stephanie Tubbs Jones Child Welfare Services program, and the Promoting Safe and Stable Families program.

Conceived as a strategy for generating new knowledge about innovative and effective child welfare practices, waivers grant flexibility in the use of federal funds (particularly title IV-E foster care funds) for alternative services and supports that promote safety, permanency, and well-being for children in the child protection and foster care systems. Among the key requirements of the waiver authority are that demonstrations be:

- Cost-neutral to the Federal government for the duration of the project period; and
- Evaluated by an independent third-party to demonstrate if project interventions have improved the safety, permanency and well-being outcomes for children and families served by the demonstration project and to assess demonstration projects with respect to efficiency, economy and other appropriate measures of program management.

The Congress first provided authority to approve waiver demonstrations in 1994. The authority was extended and expanded by the Adoption and Safe Families Act (ASFA) of 1997, and then continued with some brief lapses until March 31, 2006. Most recently, the Child and Family Services Improvement and Innovation Act (Public Law [PL]112–34), signed into law on September 30, 2011, reinstated the authority, allowing the Department to approve up to 10 new projects in each of fiscal years (FYs) 2012 – FY 2014.

Section 1130(d) of the Act specifies that a demonstration project may be conducted for not more than five years, unless in the judgment of the Secretary, the demonstration should be allowed to continue. However, as amended by P.L. 112-34, the law further specifies that no demonstration project approved under section 1130 may be conducted after September 30, 2019.

In light of the limited time remaining in waiver authority, the Department has determined it is appropriate to provide a streamlined process for jurisdictions with demonstration projects expiring before the statutory termination date to request an extension.

Procedures to request an extension

Any Title IV-E agency that has an approved child welfare demonstration project currently scheduled to end before September 30, 2019 may apply for an extension by submitting a letter to the Associate Commissioner of the Children's Bureau no later 90 days (one fiscal quarter) prior to a waiver's expiration date, explaining the reasons the agency wishes to continue the project. The letter must specify the current end

date for the demonstration as well as the desired length of the extension (to conclude no later than September 30, 2019). In addition, the letter must briefly describe:

- The extent to which the state has successfully implemented the interventions identified in its waiver terms and conditions;
- The demonstration's major evaluation findings to-date;
- The extent to which the state has been able to reinvest title IV-E foster care funds in other child welfare service interventions, as allowed under the waiver terms and conditions;
- Any proposed modifications to the existing project and the reasons for requesting such modifications. In general, given the short time remaining in waiver authority, the Department will not consider any major changes to demonstration terms and conditions.

The letter must also provide an assurance that the agency will continue to submit semi-annual progress reports and quarterly financial reports on a timely basis and submit the final evaluation report by the due date specified in the original terms and conditions.

Following receipt and review of the letter requesting the extension, the Department will consider the agency's request, taking into account the following criteria:

1. The extent to which the title IV-E agency has (a) complied with the Terms and Conditions and any amendment(s); (b) implemented the demonstration project as intended; and (c) submitted high-quality progress reports, evaluation reports and other documents in a timely manner.
2. The extent to which the title IV-E agency has demonstrated that it has maintained proper fiscal controls, submitted all title IV-E demonstration project claims using form CB-496 Part 3 in accordance with the agency's approved quarterly payment schedule (applicable to demonstrations operating under a capped allocation) in a timely matter and/or otherwise documented federal cost neutrality in accordance with the waiver Terms and Conditions.
3. The extent to which the agency has provided a strong rationale for extending the project, such as evidence that the demonstration is contributing to positive improvements in service delivery and child and family outcomes.

The Department will inform the title IV-E agency in writing of its decision on the extension prior to expiration of the waiver. If the Department determines the title IV-E agency has met the criteria for an extension, the Department will prepare an amendment to the waiver Terms and Conditions to reflect the new end date for the demonstration and to make other conforming amendments, as needed.

During the period of any approved extension, the title IV-E agency will be expected to work with its third-party evaluator to complete evaluation activities and submit the final evaluation report to the Children's Bureau by the due date specified in the waiver Terms and Conditions (generally six months after the previously approved end date). Given the limited time available during the extension period, agencies will not be required to initiate new evaluation activities, but will be expected to address any questions from the Children's Bureau about the final evaluation findings and provide additional updates, as appropriate, on evaluation findings as part of its semi-annual progress reports.

FOR FURTHER INFORMATION:

The Children's Bureau staff is available to the States to answer questions on developing a request for extension. For further information, please contact Gail Collins, Director of Division of Program Implementation at Gail.Collins@acf.hhs.gov.

/s/

Jerry Milner
Acting Commissioner
Administration on Children, Youth and Families