

# ACF

Administration  
for Children  
and Families

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

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**4. Key Words:** Continuing Responsibilities

## INFORMATION MEMORANDUM

**TO:** STATE AGENCIES ADMINISTERING PROGRAMS UNDER TITLES I, IV-A, IV-B, IV-E, X, XIV, XVI(AABD) AND XX OF THE SOCIAL SECURITY ACT STATE AGENCIES ADMINISTERING PROGRAMS UNDER THE DEVELOPMENTAL DISABILITIES AND BILL OF RIGHTS ACT STATE AGENCIES ADMINISTERING FEDERALLY FUNDED PROGRAMS SERVING RUNAWAY AND HOMELESS YOUTH AND ABUSED AND NEGLECTED CHILDREN

**SUBJECT:** Current Legal Requirements in the Social Services Programs.

**CONTENT:** We are responding to numerous concerns regarding current State responsibilities for their social services programs in light of the Administration's proposed block grant legislation.

For example, we have been asked:

1. must a State publish a proposed and final title XX Comprehensive Services Plan for its 1982 program period'
2. must a State participate in joint planning efforts for the child welfare services program under title IV-B'
3. how can a State participate in the title IV-E foster care maintenance and adoption assistance program without final regulations'
4. what requirement must a State meet when there is a conflict between the current regulations and a subsequent law for which no final regulations have been published'
5. will final regulations be issued for the title XX training plan which must be approved by the Secretary by October 1,1981'
6. must a State continue to meet all the requirements of the current law and regulations in all the above programs, or is some alternative action possible'

Our response to these concerns is that until new legislation is enacted, States must continue to follow the legal requirements in effect. This means that States are bound by the law even though final regulations have not been issued. We have no authority to waive these requirements except

for demonstration purposes in certain programs as provided under Section 1115 of the Social Security Act.

However, we are making every effort to assist States in meeting these requirements during this period and in reducing the burden of unnecessary requirements whenever possible. We will continue to do this during the transition to the new program if the block grant proposal is passed. For example, although final regulations have not been published for the title IV-B and new title IV-E program, Interim Plan preprints for both IV-B and IV-E have been sent to States to assure program continuity and funding. These Interim plans include only those provisions required by law. We will make every effort to provide timely guidance to States with respect to the requirement for a title XX training plan limiting our guidance only to the requirements of the statute. States may now implement and incorporate into their State plans some optional provisions in P.L. 96-272 for title XX of the Social Security Act even though final rules have not yet been published. For example, under title XX, States may design a multi-year services plan, provide emergency shelter to adults (if included in their services plans) and make grants to hire welfare recipients in child day care facilities.

In light of the proposed block grant legislation, we would encourage States to coordinate the development of their FY 1982 social services plans under the categorical programs. States already participating in the simplified planning projects sponsored by HDS and the Department may find this experience helpful in thinking about a more unified social services planning system within the State.

**INQUIRIES:** For inquiries and assistance contact HDS Regional Administrators

/s/

Warren Master  
Acting Assistant Secretary for Human Development Services