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

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INFORMATION MEMORANDUM

TO: State Agencies Administering or Supervising the Administration of Title IV-E of the Social Security Act

SUBJECT: Availability of FY 1992 Funds for the Independent Living Program

LEGAL AND RELATED REFERENCES: Sections 472, 474(a), 475(1), and 477 of Title IV-E of the Social Security Act; 45 CFR Part 92; [ACYF-PI-90-01](#), issued January 12, 1990; [ACYF-PI-90-16](#), issued October 2, 1990

BACKGROUND: The Omnibus Budget Reconciliation Act of 1989, Public Law (P.L.) 101-239, reauthorized the Independent Living (IL) Program for fiscal years (FYs) 1990 through 1992 and provided an increase in IL funds from \$45 million for FY 1989 to \$50 million for FY 1990. For FY 1991, \$60 million was authorized and appropriated; for FY 1992, \$70 million was authorized.

While FY 1992 IL funds have not yet been appropriated, it is expected that Congress will approve the \$70 million previously authorized.

All States are entitled to their share of \$45 million with no requirements for cost sharing. However, State matching funds will be required for any State that elects to receive some or all of its share of the additional amount above \$45 million (\$25 million).

Regulatory requirements at 45 CFR Part 92 establish the rules for cost sharing and matching funds. Eligible matching contributions may be cash or in-kind contributions of services, equipment or property, and may originate with a third party.

P.L. 101-508 amended section 477 to extend, at State option, eligibility for IL services supported with Federal funds to children formerly in foster care up to age 21.

PURPOSE: The purpose of this Information Memorandum is to provide information regarding (1) the procedures to be followed in applying for FY 1992 IL funds and in reporting on program

activities and services; (2) the matching contribution requirements; (3) the extension of eligibility for amount of individual State allotments under the anticipated FY 1992 appropriation of \$70 million for the IL Initiatives Program.

INFORMATION: FY 1992 Application Procedures, The instructions provided by Program Instruction [ACYF-PI-90-01](#) (Attachment A), issued January 12, 1990, remain in effect and must be followed in order to receive FY 1992 IL funds. The Program Instruction sets forth information regarding the following topics: availability of funds, definition of eligible participants (amended by P.L. 101-508), IL programs and activities, prohibition of the use of IL funds for room and board, application requirements and submittal, reallocation of funds, reporting requirements, and application approval and changes.

The closing date for receipt of FY 1992 applications is January 31, 1992. However, in order to expedite the receipt of FY 1992 IL funds, States are encouraged to submit their applications well before that date. Awards will be made after the appropriation is passed by Congress and the application is approved by the Administration on Children, Youth and Families. Applications which would require modification may be revised by the State at a later date, if necessary. The funds awarded in FY 1992 must be obligated and expended FY 1991 Program Report. The Program Report covering FY 1991 activities and services is due no later than January 1, 1992.

Matching Contribution Requirements. On October 20, 1990, Program Instruction [ACYF-PI-90-16](#) (Attachment B) was issued to provide information on the requirements for dollar-for-dollar State match of Federal IL funds over \$45 million. The PI also provided instructions on regulatory requirements, as well as on other limitations regarding the State match. Matching contributions may be in cash or in kind (contributions of services, equipment, or property). Contributions, either in cash or in kind, which originate with a third party are also acceptable as State match.

Extension of Age Eligibility. P.L. 101-508 amended section 477 (a)(2)(C) to allow States the option to extend IL eligibility to youth formerly in foster care until they reach the age of 21. For example, if a youth left foster care at age 17 (whether title IV-E eligible or non-title IV-E eligible), the State could, if it wished, continue to provide assistance to the youth up to age 21.

This provision amended section 477(a)(2)(C) and became effective October 1, 1990. The legislation, as amended, not only continues the option for a State to provide IL services after foster care but extends the time during which IL services may be provided. Previously, a State could opt to provide IL services for a maximum of six months after discharge from foster care. Under the amendment, States may now opt to provide IL services up to the time a former foster child reaches age 21. Therefore, the State should indicate in its application (1) whether it elects to provide IL services to children after they leave foster care up to the age of 21 and, if so, (2) provide information on how this option will be integrated into the State's overall planning and implementation of IL services.

Tentative FY 1992 Allotments. Attachment C provides the tentative FY 1992 IL allotments for each State and includes both the basic amount (the State's share of the \$45 million) and the additional amount available for State match (the State's share of the additional \$25 million).

As part of the FY 1992 application process, each State must (1) indicate whether or not it will apply for and match the additional funds over the \$45 million basic amount; and (2) specify the amount of the funds it will apply for and match, if applicable. Because it is possible that some States will not apply for their full allocation, each State should also (3) indicate whether or not it will accept and match additional funds that may become available through the subsequent reallocation of excess IL funds; and (4) specify the minimum and maximum amount of reallocated funds the State will accept and match, if available. The State matching information is to be provided on the form included as Attachment D.

INQUIRIES TO: Regional Administrators, ACF
Region I-X or
Irene Hammond (202) 245-0666
Program Operations Division, Children's Bureau
Washington, D.C.

Wade F. Horn, Ph.D.
Commissioner

Attachments:

[Attachment A:](#) ACYF-PI-90-01

[Attachment B:](#) ACYF-PI-90-16

[Attachment C:](#) FY 1992 Independent Living Program Tentative Allotments

[Attachment D:](#) State Matching Information

[Attachment E:](#) Section 477 of the Social Security Act

**Fiscal Year 1992
Title IV-E-Independent Living Initiative
Allotments Pending Appropriation**

Name of State	Basic Amount	Additional Amount	Total
Alabama	\$667,601	\$370,889	\$1,038,490
Alaska	8,378	4,654	13,032
Arizona	223,562	124,201	347,763
Arkansas	174,176	96,764	270,940
California	8,023,999	4,457,778	12,481,777
Colorado	530,906	294,948	825,854
Connecticut	485,047	269,471	754,518
Delaware	130,522	72,512	203,034
Dist. of Col	701,995	389,997	1,091,992
Florida	634,529	352,516	987,045
Georgia	706,405	392,447	1,098,852
Hawaii	11,465	6,369	17,834
Idaho	68,788	38,216	107,004
Illinois	1,810,989	1,006,105	2,817,094
Indiana	655,695	364,275	1,019,970
Iowa	289,264	160,702	449,966
Kansas	461,235	256,242	717,477
Kentucky	508,858	282,699	791,557
Louisiana	873,084	485,047	1,358,131
Maine	363,785	202,103	565,888
Maryland	795,918	442,177	1,238,095
Massachusetts	408,762	227,090	635,852
Michigan	2,681,869	1,489,927	4,171,796
Minnesota	734,185	407,881	1,142,066
Mississippi	330,714	183,730	514,444
Missouri	832,517	462,509	1,295,026
Montana	156,979	87,211	244,190
Nebraska	280,004	155,558	435,562
Nevada	98,773	54,874	153,647
New Hampshire	205,924	114,402	320,326
New Jersey	1,477,188	820,660	2,297,848

New Mexico	133,167	73,982	207,149
New York	7,448,116	4,137,842	11,585,958
North Carolina	672,010	373,339	1,045,349
North Dakota	123,466	68,592	192,058
Ohio	1,839,209	1,021,783	2,860,992
Oklahoma	398,620	221,456	620,076
Oregon	598,371	332,428	930,799
Pennsylvania	2,981,716	1,656,509	4,638,225
Rhode Island	202,397	112,443	314,840
South Carolina	372,604	207,002	579,606
South Dakota	124,348	69,082	193,430
Tennessee	500,039	277,799	777,838
Texas	1,183,955	657,753	1,841,708
Utah	130,081	72,267	202,348
Vermont	190,050	105,583	295,633
Virginia	875,289	486,272	1,361,561
Washington	530,465	294,703	825,168
West Virginia	335,123	186,179	521,302
Wisconsin	999,196	555,109	1,554,305
Wyoming	28,662	15,923	44,585
TOTALS	\$45,000,000	\$25,000,000	\$70,000,000

**FY 1992 Independent Living Program
State Matching Information
State of _____**

1. Share of FY 1992 IL Basic Amount (\$45 million) requested _____
(Indicate specific amount or "all.")
2. Will the State apply for funds at a higher level than the basic amount and match the additional funds over the \$45 million basic amount?

Yes _____
No _____

If yes, specify the additional amount of funds the State will apply for and the amount of the required match.

Federal \$ _____ State \$ _____

3. If funds become available through reallocation, will the State apply for and match these funds?

Yes _____
No _____

If yes, specify the minimum and maximum amount of reallocated funds (if available) the State will accept, and the amount of the required match.

Federal Minimum \$ _____
Federal Maximum \$ _____

State Match \$ _____ **State Match** \$ _____

**SOCIAL SECURITY ACT-477(c)
INDEPENDENT LIVING INITIATIVES**

[236]

SEC. 477. [42 U.S.C. 677] (a)

(1) Payments shall be made in accordance with this section for the purpose of assisting States and localities in establishing and carrying out programs designed to assist children described in paragraph (2) who have attained age 16 in making the transition from foster care to independent living. Any State which provides for the establishment and carrying out of one or more such programs in accordance with this section for a fiscal year shall be entitled to receive payments under this section for such fiscal year, in an amount determined under subsection (e) of this section. Such payments shall be made only for the fiscal years 1987 through 1992. [236]

(2) A program established and carried out under paragraph (1) - (A) shall be designed to assist children with respect to whom foster care maintenance payments are being made by the State under this part, (B) may at the option of the State also include any or all other children in foster care under the responsibility of the State, and (C) may at the option of the State also include any child who has not attained age 21 [237] to whom foster care maintenance payments were previously made by a State under this part and whose payments were discontinued on or after the date such child attained age 16, and any child who previously was in foster care described in subparagraph (B) and for whom such care was discontinued on or after the date such child attained age 16 [238]; and a written transitional independent living plan of the type described in subsection (d)(6) of this section shall be developed for such child as a part of such program.

(b) Administration or supervision of programs by State agency; payments to State to conduct and provide activities and services The State agency administering or supervising the administration of the State's programs under this part shall be responsible for administering or supervising the administration of the State's programs described in subsection (a) of this section. Payment under this section shall be made to the State, and shall be used for the purpose of conducting and providing in accordance with this section (directly or under contracts with local governmental entities or private nonprofit organizations) the activities and services required to carry out the program or programs involved.

(c) Description of program; assurances of effective and efficient operation of program and of compliance; time for submission to Secretary.

In order for a State to receive payments under this section for any fiscal year, the State agency must submit to the Secretary, in such manner and form as the Secretary may prescribe, a description of the program together with satisfactory assurances that the program will be operated in an effective and efficient manner and will otherwise meet the requirements of this section.

In the case of payments for fiscal year 1987, such description and assurances must be submitted within 90 days after the Secretary promulgates regulations as required under subsection (i) of this

section, and in the case of payments for any of the fiscal years 1988 through 1992 [239], such description and assurances must be submitted prior to February 1 of such fiscal year.

(d) In carrying out the purpose described in subsection (a), it shall be the objective of each program established under this section to help the individuals participating in such program to prepare to live independently upon leaving foster care. Such programs may include (subject to the availability of funds) programs to -

1. enable participants to seek a high school diploma or its equivalent or to take part in appropriate vocational training;
2. provide training in daily living skills, budgeting, locating and maintaining housing, and career planning;
3. provide for individual and group counseling;
4. integrate and coordinate services otherwise available to participants;
5. provide for the establishment of outreach programs designed to attract individuals who are eligible to participate in the program;
6. provide each participant a written transitional independent living plan which shall be based on an assessment of his needs, and which shall be incorporated into his case plan, as described in section 675(1) of this title; and
7. provide participants with other services and assistance designed to improve their transition to independent living.

(e) (1)(A) [240] The basic [241] amount to which a State shall be entitled under section 474(a)(4) of this title for each of the fiscal years 1987 through 1992 [242] shall be an amount which bears the same ratio to the basic ceiling for such fiscal year [243] as such State's average number of children receiving foster care maintenance payments under this part in fiscal year 1984 bears to the total of the average number of children receiving such payments under this part for all States for fiscal year 1984.

(B) The maximum additional amount to which a State shall be entitled under section 474(a)(4) of this title for fiscal years 1991 and 1992 shall be an amount which bears the same ratio to the additional ceiling for such fiscal year as the basic amount of such State bears to \$45,000,000. [244]

(C) As used in this section:

(i) The term 'basic ceiling' means -

(I) for fiscal year 1990, \$50,000,000; and

(II) for each fiscal year other than fiscal year 1990, \$45,000,000.

(ii) The term "additional ceiling" means -

(I) for fiscal year 1991, \$15,000,000; and

(II) for fiscal year 1992, \$25,000,000. [245]

(2) If any State does not apply for funds under this section for any fiscal year within the time provided in subsection (c) the funds to which such State would have been entitled for such fiscal year shall be reallocated to one or more other States on the basis of their relative need for additional payments under this section (as determined by the Secretary).

(3) Any amounts payable to States under this section shall be in addition to amounts payable to States under subsections (a)(1), (a)(2), and (a)(3) of section 674 of this title, and shall supplement and not replace any other funds which may be available for the same general purposes in the localities involved.

Amounts payable under this section may not be used for the provision of room or board.

(f) Payments; restrictions; estimation and adjustment; time of expenditure

Payments made to a State under this section for any fiscal year -

1. shall be used only for the specific purposes described in this section;
2. may be made on an estimated basis in advance of the determination of the exact amount, with appropriate subsequent adjustments to take account of any error in the estimates; and
3. shall be expended by such State in such fiscal year or in the succeeding fiscal year.

Notwithstanding paragraph (3), payments made to a State under this section for the fiscal year 1987 and unobligated may be expended by such State in the fiscal year 1989.

(g) Report by States to Secretary; evaluation by Secretary and report to Congress

(1) Not later than the first January 1 following the end of each fiscal year, each State shall submit to the Secretary a report on the programs carried out during such fiscal year with the amounts received under this section. Such report -

- A. shall be in such form and contain such information as may be necessary to provide an accurate description of such activities, to provide a complete record of the purposes for which the funds were spent, and to indicate the extent to which the expenditure of such funds succeeded in accomplishing the purpose described in subsection (a) of this section; and
- B. shall specifically contain such information as the Secretary may require in order to carry out the evaluation under paragraph (2).

(2)(A) Not later than July 1, 1988, the Secretary shall submit an interim report on the activities carried out under this section.

(B) Not later than March 1, 1989, the Secretary, on the basis of the reports submitted by States under paragraph (1) for the fiscal years 1987 and 1988, and on the basis of such additional

information as the Secretary may obtain or develop, shall evaluate the use by States of the payments made available under this section for such fiscal year with respect to the purpose of this section, with the objective of appraising the achievements of the programs for which such payments were made available, and developing comprehensive information and data on the basis of which decisions can be made with respect to the improvement of such programs and the necessity for providing further payments in subsequent years. The Secretary shall report such evaluation to the Congress. As a part of such evaluation, the Secretary shall include, at a minimum, a detailed overall description of the number and characteristics of the individuals served by the programs, the various kinds of activities conducted and services provided and the results achieved, and shall set forth in detail findings and comments with respect to the various State programs and a statement of plans and recommendations for the future.

(h) Notwithstanding any other provision of this subchapter, payments made and services provided to participants in a program under this section, as a direct consequence of their participation in such program, shall not be considered as income or resources for purposes of determining eligibility (or the eligibility of any other persons) for aid under the State's plan approved under section 402 or 471, or for purposes of determining the level of such aid.

(i) The Secretary shall promulgate final regulations for implementing this section within 60 days after the date of the enactment of this section [246].

[SEC. 478. Repealed. [247]]

COLLECTION OF DATA RELATING TO ADOPTION AND FOSTER CARE[248]

SEC. 479. [42 U.S.C. 679] (a) (1) Not later than 90 days after the date of the enactment of this subsection [249], the Secretary shall establish an Advisory Committee on Adoption and Foster Care Information (in this section referred to as the "Advisory Committee) to study the various methods of establishing, administering, and financing a system for the collection of data with respect to adoption and foster care in the United States.

(2) The study required by paragraph (1) shall -

(A) identify the types of data necessary to -

(i) assess (on a continuing basis) the incidence, characteristics, and status of adoption and foster care in the United States, and

(ii) develop appropriate national policies with respect to adoption and foster care;

(B) evaluate the feasibility and appropriateness of collecting data with respect to privately arranged adoptions and adoptions arranged through private agencies without assistance from public child welfare agencies;

(C) assess the validity of various methods of collecting data with respect to adoption and foster care; and

(D) evaluate the financial and administrative impact of implementing each such method.