

<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-PI-07-04	2. Issuance Date: February 21, 2007
	3. Originating Office: Children's Bureau	
	4. Key Words: Title IV-E State Plan Amendments; The Tax Relief and Health Care Act of 2006 (Public Law 109-432); Child and Family Services Reviews (CFSR); Foster Care; Verification of Citizenship or Immigration Status.	

PROGRAM INSTRUCTION

- TO:** State and Territorial Agencies Administering or Supervising the Administration of Title IV-B or IV-E of the Social Security Act.
- SUBJECT:** Title IV-E State Plan Amendment - The Tax Relief and Health Care Act of 2006 (Public Law (P.L.) 109- 432)
- REFERENCES:** Division B, Title IV of The Tax Relief and Health Care Act of 2006 (P.L. 109-432); Section 471 of Title IV-E of the Social Security Act (the Act); Section 1123A(b)(2) of Title XI of the Act.
- PURPOSE:** The purpose of this Program Instruction (PI) is to provide instruction on a new Title IV-E State plan requirement mandated by P.L. 109-432, to transmit an amendment to the Title IV-E State Plan Pre-Print which incorporates the new statutory provision, and to provide information on a statutory change to the Child and Family Service Reviews (CFSRs).
- INFORMATION:** The President signed The Tax Relief and Health Care Act of 2006 (P.L. 109-432) into law on December 20, 2006. The law amends sections 471 and 1123A of the Act as follows:
- State Plan Amendment.* The law amends the State plan requirements of section 471(a) of the Act by adding paragraph (27) that requires the State agency to have procedures to verify the citizenship or immigration status of any child in foster care under the responsibility of the State under Title IV-E or IV-B. This requirement applies to all children in foster care, regardless

of whether title IV-E foster care maintenance payments are made on their behalf.

Inclusion in the Child and Family Services Review (CFSR). The law also amends section 1123A(b)(2) of Title XI of the Act to require the Administration for Children and Families (ACF) to issue regulations for ACF to determine through the CFSR process whether the State is in conformity with section 471(a)(27).

INSTRUCTIONS: *Amendment to Pre-Print.* Each State must submit to ACF section 4, page 8 and the applicable Certification from the Title IV-E State Plan Pre-Print that reflects the new Title IV-E statutory requirement. In completing the amendment to the Pre-Print, States must record the applicable State statutory, regulatory or policy references and citations for the affected Federal requirement. The attached page 8 of section 4 of the Pre-Print reflects the new statutory provision for verification of the child's citizenship or immigration status.

States must submit the completed section 4, page 8 and applicable Certification of the State Plan Pre-Print to the appropriate ACF Regional Child Welfare Program Manager by June 20, 2007 for approval. State compliance with all statutory and regulatory provisions continues to be mandatory, regardless of the approval status of the State Plan amendment. Please note that the State must submit the Plan electronically or on a compact disk. If a State is unable to submit the Certification form with electronic signatures, it may submit a hard copy of this form with original signatures. In addition, States must submit copies of referenced material to document compliance for any cited statute, regulation, policy and procedure that purports to implement section 471(a)(27) of the Act. A revised page 2 of the Table of Contents has been attached to insert into the State Plan Pre-Print.

EFFECTIVE DATE: The effective date for States to implement section 471(a)(27) of the Act is June 20, 2007. There is no delayed effective date.

The effective date for ACF to review for State compliance with section 471(a)(27) of the Act through the CFSR process will be determined after we revise regulations at 45 CFR 1355.

INQUIRIES: Direct inquiries to ACF Regional Child Welfare Program Managers, ACF Regions I-X

/s/

Joan E. Ohl
Commissioner
Administration on Children,
Youth and Families

Attachment A: The Tax Relief and Health Care Act of 2006 (P.L. 109-432),
Pages 75-79.

Attachment B: Title IV-E State Plan Pre-Print (Page 2 of the Table of Contents,
Page 8 of Section 4, and Certification)

Attachment A

H.R.6111

Tax Relief and Health Care Act of 2006 (Enrolled as Agreed to or Passed by Both House and Senate)

SEC. 405. CERTAIN MEDICAID DRA TECHNICAL CORRECTIONS.

(a) Technical Corrections Relating to State Option for Alternative Premiums and Cost Sharing (Sections 6041 Through 6043)-

(1) CLARIFICATION OF CONTINUED APPLICATION OF REGULAR COST SHARING RULES FOR INDIVIDUALS WITH FAMILY INCOME NOT EXCEEDING 100 PERCENT OF THE POVERTY LINE- Section 1916A of the Social Security Act, as inserted by section 6041(a) of the Deficit Reduction Act of 2005 and amended by sections 6042 and 6043 of such Act, is amended--

(A) in subsection (a)(1)--

- (i) by inserting `but subject to paragraph (2),' after `1902(a)(10)(B),'; and
- (ii) by inserting `and non-emergency services furnished in a hospital emergency department for which cost sharing may be imposed under subsection (e)' after `(c)';

(B) by redesignating paragraph (2) of subsection (a) as paragraph (3);

(C) in subsection (a), by inserting after paragraph (1) the following:

`(2) EXEMPTION FOR INDIVIDUALS WITH FAMILY INCOME NOT EXCEEDING 100 PERCENT OF THE POVERTY LINE-

`(A) IN GENERAL- Paragraph (1) and subsection (d) shall not apply, and sections 1916 and 1902(a)(10)(B) shall continue to apply, in the case of an individual whose family income does not exceed 100 percent of the poverty line applicable to a family of the size involved.

`(B) LIMIT ON AGGREGATE COST SHARING- To the extent cost sharing under subsections (c) and (e) or under section 1916 is imposed against individuals described in subparagraph (A), the limitation under subsection (b)(1)(B)(ii) on the total aggregate amount of cost sharing shall apply to such cost sharing for all individuals in a family described in subparagraph (A) in the same manner as such limitations apply to cost sharing and families described in subsection (b)(1)(B)(ii).';

(D) in subsections (c)(2)(C) and (e)(2)(C), by inserting `under subsection (a)(2)(B) or' after `cap on cost sharing applied'; and

(E) in subsection (e)(2)(A), by inserting `who is not described in subparagraph (B)' after `subsection (b)(1)'.

(2) CLARIFICATION OF TREATMENT OF NON-PREFERRED DRUG AND NON-EMERGENCY COST-SHARING- Such section is further amended--

(A) in subsections (b)(1) and (b)(2), by striking `, subject to subsections (c)(2) and (e)(2)(A)';

(B) in subsection (c)(1), in the matter preceding subparagraph (A), by striking `least (or less) costly effective' and inserting `most (or more) cost effective';

(C) in subsection (c)(1)(B), by striking `otherwise be imposed under' and inserting `be imposed under subsection (a) due to the application of';

(D) in subsection (c)(2)(B), by striking `otherwise not subject to cost sharing due to the application of subsection (b)(3)(B)' and inserting `not subject to cost sharing under subsection (a) due to the application of paragraph (1)(B)';

(E) in subsection (e)(2)(A)--

(i) by amending the heading to read as follows: `INDIVIDUALS WITH FAMILY INCOME BETWEEN 100 AND 150 PERCENT OF THE POVERTY LINE-'; and

(ii) by striking `under subsection (b)(1)' and inserting `under subsection (b)(1)(B)(ii)';

(F) in subsection (e)(2)(B), by striking `who is otherwise not subject to cost sharing under subsection (b)(3)' and inserting `described in subsection (a)(2)(A) or who is not subject to cost sharing under subsection (b)(3)(B) with respect to non-emergency services described in paragraph (1)'; and

(G) in subsection (e)(2)(C), by inserting `or section 1916' after `subsection (a)';

(3) CLARIFICATION OF COST SHARING RULES APPLICABLE TO DISABLED CHILDREN PROVIDED MEDICAL ASSISTANCE UNDER THE ELIGIBILITY CATEGORY ADDED BY THE FAMILY OPPORTUNITY ACT- Such section is further amended--

(A) in subsection (a)(1), in the second sentence, by striking `section 1916(g)' and inserting `subsection (g) or (i) of section 1916'; and

(B) in subsection (b)(3)--

(i) in subparagraph (A), by adding at the end the following:

`(vi) Disabled children who are receiving medical assistance by virtue of the application of sections 1902(a)(10)(A)(ii)(XIX) and 1902(cc).'; and

(ii) in subparagraph (B), by adding at the end the following:

`(ix) Services furnished to disabled children who are receiving medical assistance by virtue of the application of sections 1902(a)(10)(A)(ii)(XIX) and 1902(cc).';

(4) CORRECTION OF IV-B REFERENCES- Such section is further amended in subsection (b)(3)--

(A) in subparagraph (A)(i), by striking `aid or assistance is made available under part B of title IV to children in foster care' and inserting `child welfare services are made available under part B of title IV on the basis of being a child in foster care'; and

(B) in subparagraph (B)(i), by striking `aid or assistance is made available under part B of title IV to children in foster care' and inserting `child welfare services are made available under part B of title IV on the basis of being a child in foster care or'.

(5) NON-EMERGENCY SERVICES- Section 1916A(e)(4)(A) of the Social Security Act, as added by section 6043(a) of the Deficit Reduction Act of 2005, is amended by striking `the physician determines'.

(6) EFFECTIVE DATE- The amendments made by this subsection shall take effect as if included in the amendments made by sections 6041(a) of the Deficit Reduction Act of 2005, except that insofar as such amendments are to, or relate to, subsection (c) or (e) of section 1916A of the Social Security Act, such amendments shall take effect as if included in the amendments made by section 6042 or 6043, respectively, of the Deficit Reduction Act of 2005.

(b) Clarifying Treatment of Certain Annuities (Section 6012)-

(1) IN GENERAL- Section 1917(c)(1)(F)(i) of the Social Security Act (42 U.S.C. 1396p(c)(1)(F)(i)), as added by section 6012(b) of the Deficit Reduction Act of 2005, is amended by striking `annuitant' and inserting `institutionalized individual'.

(2) EFFECTIVE DATE- The amendment made by paragraph (1) shall be effective as if included in the enactment of section 6012 of the Deficit Reduction Act of 2005.

(c) Additional Miscellaneous Technical Corrections-

(1) DOCUMENTATION (SECTION 6036)-

(A) IN GENERAL- Effective as if included in the amendment made by section 6036(a)(2) of the Deficit Reduction Act of 2005, section 1903(x) of the Social Security Act (42 U.S.C. 1396b(x)), as inserted by such section 6036(a)(2), is amended--

(i) in paragraph (1), by striking `(i)(23)' and inserting `(i)(22)';

(ii) in paragraph (2)--

(I) in the matter preceding subparagraph (A), by striking `alien' and inserting `individual declaring to be a citizen or national of the United States';

(II) by striking subparagraph (B) and inserting the following:

`(B) and is receiving--

`(i) disability insurance benefits under section 223 or monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)); or

`(ii) supplemental security income benefits under title XVI;';

(III) in subparagraph (C)--

(aa) by striking `other'; and

(bb) by striking `had' and inserting `has';

(IV) by redesignating subparagraph (C) as subparagraph (D); and
(V) by inserting after subparagraph (B) the following new subparagraph:

`(C) and with respect to whom--

`(i) child welfare services are made available under part B of title IV on the basis of being a child in foster care; or

`(ii) adoption or foster care assistance is made available under part E of title IV; or'; and

(iii) in paragraph (3)(C)(iii), by striking `I-97' and inserting `I-197'.

(B) ASSURANCE OF STATE FOSTER CARE AGENCY VERIFICATION OF CITIZENSHIP OR LEGAL STATUS-

(i) STATE PLAN AMENDMENT- Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended--

(I) in paragraph (25), by striking `and' at the end;

(II) in paragraph (26)(C), by striking the period at the end and inserting `; and'; and

(III) by adding at the end the following:

`(27) provides that, with respect to any child in foster care under the responsibility of the State under this part or part B and without regard to whether foster care maintenance payments are made under section 472 on behalf of the child, the State has in effect procedures for verifying the citizenship or immigration status of the child.'

(ii) INCLUSION IN REVIEWS OF CHILD AND FAMILY SERVICES PROGRAMS- Section 1123A(b)(2) of the Social Security Act (42 U.S.C. 1320a-2a(b)(2)) is amended by inserting `(which shall include determining whether the State program is in conformity with the requirement of section 471(a)(27))' after `review'.

(iii) EFFECTIVE DATE- The amendments made by this subparagraph shall take effect on the date that is 6 months after the date of the enactment of this Act.

(2) MISCELLANEOUS TECHNICAL CORRECTIONS-

(A) Effective as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109-171), the following sections of such Act are amended as follows:

(i) Section 5114(a)(2) is amended by striking `section 1842(b)(6)(F) of such Act (42 U.S.C. 1395u(b)(6)(F))' and inserting `section 1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6))'.

(ii) Section 6003(b)(2) is amended, by striking `subsection (k)' and inserting `subsection (k)(1)'.

(iii) Sections 6031(b), 6032(b), and 6035(c) are each amended by striking `section 6035(e)' and inserting `section 6034(e)'.

(iv) Section 6034(b) is amended by striking `section 6033(a)' and inserting `section 6032(a)'.

(v) Section 6036 is amended--

(I) in subsection (b), by striking `section 1903(z)' and inserting `section 1903(x)'; and

(II) in subsection (c), by striking `(i)(23)' and inserting `(i)(22)'.

(B) Effective as if included in the amendment made by section 6015(a)(1) of the Deficit Reduction Act of 2005, section 1919(c)(5)(A)(i)(II) of the Social Security Act (42 U.S.C. 1396r(c)(5)(A)(i)(II)) is amended by striking `clause (v)' and inserting `subparagraph (B)(v)'.

TITLE IV-E STATE PLAN - STATE OF _____

Federal Regulatory/ Statutory References	Requirement	State Regulatory, Statutory, and Policy References and Citations for Each
471(a)(27)	<p>L. VERIFICATION OF CITIZENSHIP OR IMMIGRATION STATUS</p> <p>The State will have in effect procedures for verifying the citizenship or immigration status of any child in foster care under the responsibility of the State under this part or part B, and without regard to whether foster care maintenance payments are made under section 472 on behalf of the child.</p>	

TITLE IV-E STATE PLAN - STATE OF _____

CERTIFICATION

I hereby certify that I am authorized to submit amended pages for the State Plan on behalf of

(Designated State Agency)

Date _____

(Signature)

(Title)

APPROVAL DATE: _____

EFFECTIVE DATE: _____

(Signature ACF Regional Representative)