

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
	<b>1. Log No:</b> ACYF-CB-PI-11-09	<b>2. Issuance Date:</b> 12-09-2011
	<b>3. Originating Office:</b> Children's Bureau	
	<b>4. Key Words:</b> Title IV-E Plan Pre-Print; Child and Family Services Improvement and Innovation Act; Case Plan; Case Review System; Adoption Assistance Program Reinvestment	

### PROGRAM INSTRUCTION

**TO:** State, Tribal and Territorial Agencies Administering or Supervising the Administration of Title IV-E of the Social Security Act, Indian Tribes, Tribal Organizations and Tribal Consortia (Tribes)

**SUBJECT:** TITLE IV-E PLAN AMENDMENT – The Child and Family Services Improvement and Innovation Act (Public Law (Pub. L.) 112-34).

**LEGAL AND RELATED REFERENCES:** Titles IV-B and IV-E of the Social Security Act

**PURPOSE:** The purpose of this Program Instruction (PI) is to provide instruction on changes to the title IV-E plan requirements as a result of [Pub. L. 112-34](#).

**INFORMATION:** The President signed Pub. L. 112-34 into law on September 30, 2011. Generally, Pub. L. 112-34 extends programs funded under title IV-B of the Social Security Act (the Act) through Federal Fiscal Year (FY) 2016 and authorizes new child welfare waiver demonstration projects through FY 2014. It also amends case plan and case review system requirements and the Adoption Assistance Program reinvestment requirements in title IV-E of the Act. A summary of statutory provisions is provided in [ACYF-CB-IM-11-06](#). The attached title IV-E plan amendment incorporates the title IV-E plan provisions of Pub. L. 112-34 that became effective October 1, 2011.

#### **Case Plan and Case Review System**

*Timing of Educational Stability Case Plan Requirement:* Titles IV-B/IV-E agencies must now meet the educational stability case plan requirement at the time of each placement change, not just at initial placement into foster care as was the original requirement under the *Fostering Connections to Success and Increasing Adoptions Act of 2008* (Pub. L. 110-351) (section 475(1)(G) of the Act).

*Credit Reports for Youth in Foster Care*: Pub. L. 112-34 amends the case review system definition to require that each child age 16 and older in foster care receives a copy of any consumer credit report each year until discharged from foster care, and must be assisted in interpreting the credit report and resolving any inaccuracies (section 475(5)(I) of the Act). Title IV-E agencies and youth in foster care may find helpful information about understanding credit reports on the Federal Trade Commission webpage at: <http://www.ftc.gov/bcp/edu/microsites/freereports/index.shtml>.

### **Title IV-E Adoption Assistance Program Reinvestment**

Pub. L. 110-351 provided a requirement for a title IV-E agency to spend any savings generated from implementing the revised adoption assistance eligibility criteria on child welfare services that may be provided under titles IV-B and IV-E (section 473(a)(8) of the Act). In ACYF-CB-PI-09-08, we required the agency to provide a certification that this requirement is met in the title IV-E plan. In ACYF-CB-PI-10-11, we clarified that the title IV-E agency has flexibility to determine the methodology for calculating savings.

Pursuant to Pub. L. 112-34, title IV-E agencies must now document how savings (if any) are spent when using the applicable child eligibility criteria in the title IV-E adoption assistance program (sections 473(a)(2)(A)(ii) and (e) of the Act).

### **Instructions for Amending the Title IV-E Plan**

By January 31, 2012, each title IV-E agency must submit to the appropriate Children's Bureau (CB) Regional Program Manager for approval (see Attachment A) a revised title IV-E plan pre-print amendment (see Attachment B), that includes:

- Only the revised sections of the pre-print applicable to all title IV-E agencies (Sections 2.D.1.o and 2.D.6.);
- The certification of authority applicable to all title IV-E agencies (Attachment I); and
- The revised State or Tribal Assurances (Attachments III and IV).

The new requirements and modified language are in bold. To complete the amendment, the title IV-E agency must record the applicable statutory, regulatory or policy references and citations for the affected Federal requirement. Agencies may submit their title IV-E plan amendment using the enclosed pages, or may use the electronic version found at CB's web page at: <http://www.acf.hhs.gov/programs/cb>. Title IV-E agencies may use a different format, provided that the format includes all of the applicable title IV-E plan requirements as set forth in the new law. If the title IV-E agency chooses to use its own format, it must include all applicable statutory, regulatory or policy references and citations for each requirement.

The title IV-E agency must submit the plan amendment and assurances electronically or on a compact disk or USB flash drive. When the agency is unable to submit electronic signatures for purposes of certification, it may submit the appropriate pages with original signatures.

**Inquiries:** Children's Bureau Regional Program Managers

/s/

Bryan Samuels  
Commissioner

**Attachments**

A – CB Regional Office Program Managers

B – Title IV-E Preprint Amendments, Certification and Assurance

I	<p><b>Region I - Boston</b>  Bob Cavanaugh  <a href="mailto:bob.cavanaugh@acf.hhs.gov">bob.cavanaugh@acf.hhs.gov</a>  JFK Federal Building, Rm. 2000  Boston, MA 02203  (617) 565-1020  <b>States:</b> Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont</p>	VI	<p><b>Region VI - Dallas</b>  Janis Brown  <a href="mailto:janis.Brown@acf.hhs.gov">janis.Brown@acf.hhs.gov</a>  1301 Young Street, Suite 945  Dallas, TX 75202-5433  (214) 767-8466  <b>States:</b> Arkansas, Louisiana, New Mexico, Oklahoma, Texas</p>
II	<p><b>Region II - New York City</b>  Junius Scott  <a href="mailto:junius.scott@acf.hhs.gov">junius.scott@acf.hhs.gov</a>  26 Federal Plaza, Rm. 4114  New York, NY 10278  (212) 264-2890  <b>States and Territories:</b> New Jersey, New York, Puerto Rico, Virgin Islands</p>	VII	<p><b>Region VII - Kansas City</b>  Roselyn Wilson  <a href="mailto:rosalyn.wilson@acf.hhs.gov">rosalyn.wilson@acf.hhs.gov</a>  Federal Office Building  Room 276  601 E 12th Street  Kansas City, MO 64106  (816) 426-3981  <b>States:</b> Iowa, Kansas, Missouri, Nebraska</p>
III	<p><b>Region III - Philadelphia</b>  Lisa Pearson  <a href="mailto:lisa.pearson@acf.hhs.gov">lisa.pearson@acf.hhs.gov</a>  150 S. Independence  Mall West - Suite 864  Philadelphia, PA 19106-3499  (215) 861-4000  <b>States:</b> Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia</p>	VIII	<p><b>Region VIII - Denver</b>  Marilyn Kennerson  <a href="mailto:marilyn.kennerson@acf.hhs.gov">marilyn.kennerson@acf.hhs.gov</a>  Federal Office Building  1961 Stout Street - 9th Floor  Denver, CO 80294-3538  (303) 844-3100  <b>States:</b> Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming</p>
IV	<p><b>Region IV - Atlanta</b>  Ruth Walker  <a href="mailto:ruth.walker@acf.hhs.gov">ruth.walker@acf.hhs.gov</a>  Atlanta Federal Center  61 Forsyth Street S.W. Suite 4M60  Atlanta, GA 30303  (404) 562-2900  <b>States:</b> Alabama, Mississippi, Florida, North Carolina, Georgia, South Carolina, Kentucky, Tennessee</p>	IX	<p><b>Region IX - San Francisco</b>  Paul Kirisitz (acting)  <a href="mailto:paul.kirisitz@acf.hhs.gov">paul.kirisitz@acf.hhs.gov</a>  1250 Maryland Ave., S.W.  Washington, DC 20024  (202) 205-6733  <b>States and Territories:</b> Arizona, California, Hawaii, Nevada, Outer Pacific—American Samoa Commonwealth of the Northern Marianas, Federated States of Micronesia (Chuuk, Pohnpei, Yap) Guam, Marshall Islands, Palau</p>
V	<p><b>Region V - Chicago</b>  Angela Green  <a href="mailto:angela.green@acf.hhs.gov">angela.green@acf.hhs.gov</a>  233 N. Michigan Avenue  Suite 400  Chicago, IL 60601  (312) 353-9672  <b>States:</b> Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin</p>	X	<p><b>Region X - Seattle</b>  Tina Minor  <a href="mailto:tina.minor@acf.hhs.gov">tina.minor@acf.hhs.gov</a>  2201 Sixth Avenue, Suite 300, MS-70  Seattle, WA 98121  (206) 615-3657  <b>States:</b> Alaska, Idaho, Oregon, Washington</p>

**AGENCY PLAN AMENDMENT FOR TITLE IV-E OF THE SOCIAL SECURITY ACT  
FOSTER CARE AND ADOPTION ASSISTANCE  
STATE/TRIBE OF \_\_\_\_\_**

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
ADMINISTRATION FOR CHILDREN AND FAMILIES  
CHILDREN'S BUREAU  
**November 2011**

As a condition of the receipt of Federal funds under title IV-E of the Social Security Act (hereinafter, the Act), the

\_\_\_\_\_  
(Name of State/Tribal Agency)

submits here a plan for the programs to provide, in appropriate cases, foster care and adoption assistance, and if the State/Tribal agency elects, guardianship assistance, under title IV-E of the Act and hereby agrees to administer the programs in accordance with the provisions of this plan, title IV-E of the Act, and all applicable Federal regulations and other official issuances of the Department.

The official text of laws, regulations and official issuances governs, and the State/Tribal agency acknowledges its responsibility to adhere to them regardless of the fact that, for purposes of simplicity, the specific provisions printed herein are sometimes paraphrases of, or excerpts and incomplete quotations from, the full text. Statutory citations refer to provisions in title IV-E of the Social Security Act. Regulatory citations refer to provisions in 45 CFR Parts 1355 and 1356.

The State/Tribal agency understands that if and when title IV-E is amended or regulations are revised, a new or amended plan for title IV-E that conforms to the revisions must be submitted.

Federal Regulatory/ Statutory References	Requirement	State Regulatory, Statutory, and Policy References and Citations for Each
	<b>SECTION 2. FOSTER CARE MAINTENANCE PAYMENTS</b>	
475(1)(G)	<p>D. CASE REVIEW SYSTEM</p> <p>1. Case Plan</p> <p>o. a plan for ensuring the educational stability of the child while in foster care, including--</p> <ul style="list-style-type: none"> <li>i. assurances that <b>each</b> placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and</li> <li>ii. an assurance that the State/Tribal agency has coordinated with appropriate local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of <b>each</b> placement; or</li> <li>iii. if remaining in such school is not in the best interests of the child, assurances by the State/Tribal agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school; and</li> </ul>	
475(5)(I)	<p><b>6. Annual Credit Reports</b></p> <p><b>Each child in foster care under the responsibility of the State/Tribe who has attained 16 years of age receives without cost a copy of any consumer report (as defined in section 603(d) of the Fair Credit</b></p>	

	<p><b>Reporting Act) pertaining to the child each year until the child is discharged from care, and receives assistance (including, when feasible, from any court-appointed advocate for the child) in interpreting and resolving any inaccuracies in the report.</b></p>	
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**CERTIFICATION**

I hereby certify that I am authorized to submit the title IV-E Plan on behalf of

\_\_\_\_\_ (Designated State/Tribal Agency)

Date \_\_\_\_\_

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Title)

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APPROVAL  
DATE \_\_\_\_\_

EFFECTIVE  
DATE: \_\_\_\_\_

\_\_\_\_\_ (Signature, Associate Commissioner, Children's Bureau)

Title IV-E Plan – State of \_\_\_\_\_

**STATE ASSURANCES**

I hereby assure that the State agency administering the title IV-E programs will spend an amount equal to the amount of savings (if any) in State expenditures under title IV-E resulting from the application of section 473(a)(2)(A)(ii) to all applicable children for a fiscal year to provide to children or families any service (including post adoption services) that may be provided under this part or part B, **and will document how such amounts are spent, including on post-adoption services.**

On behalf of \_\_\_\_\_  
(Designated State Agency)

Date \_\_\_\_\_  
\_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Title)

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APPROVAL  
DATE \_\_\_\_\_

EFFECTIVE  
DATE: \_\_\_\_\_  
\_\_\_\_\_  
(Signature, Associate Commissioner, Children's Bureau)

**TRIBAL ASSURANCES**

1. I hereby assure that the Tribal agency administering the title IV-E programs will provide:
  - a) foster care maintenance payments under section 472 only on behalf of children who satisfy the eligibility requirements of section 472(a);
  - b) adoption assistance payments under section 473 pursuant to adoption assistance agreements only on behalf of children who satisfy the eligibility requirements for such payments under that section;
  - c) if applicable, kinship guardianship assistance payments in accordance with section 473(d) only on behalf of children who meet the requirements of section 473(d)(3); and
  - d) the State plan approved under section 402 in effect on July 16, 1996, of the State in which the child resides at the time of the removal from the home shall apply to the determination of whether the child satisfies section 472(a)(3).
  
2. I hereby assure that the Tribal agency administering the title IV-E programs will spend an amount equal to the amount of savings (if any) in Tribal expenditures under title IV-E resulting from the application of section 473(a)(2)(A)(ii) to all applicable children for a fiscal year to provide to children or families any service (including post adoption services) that may be provided under this part or part B, **and will document how such amounts are spent, including on post-adoption services.**

On behalf of \_\_\_\_\_  
(Designated Tribal Agency)

Date \_\_\_\_\_ (Signature)

\_\_\_\_\_  
(Title)

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APPROVAL  
DATE \_\_\_\_\_

EFFECTIVE  
DATE: \_\_\_\_\_

\_\_\_\_\_  
(Signature, Associate Commissioner, Children's Bureau)