

ACF

Administration
for Children
and Families

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children, Youth and Families

1. Log No: ACYF-PI-85-1

2. Issuance Date: January 1, 1985

3. Originating Office: Children's Bureau

4. Key Words: IV-E State Plan P.L. 96-272

PROGRAM INSTRUCTION

TO: State Agencies Administering or Supervising the Administration of Titles IV-E and IV-B of the Social Security Act.

SUBJECT: Amendments to Title IV-E State Plan

LEGAL AND RELATED REFERENCES: Section 471(a)(10) of the Social Security Act (the Act), as amended by Section 160(d) of P.L. 97-248 (Tax Equity and Fiscal Responsibility Act of 1982); and Section 471(a)(17), as amended by Section 11(a) of P.L. 98-378 (Child Support Enforcement Amendments of 1984).

BACKGROUND: P.L. 96-272, the Adoption Assistance and Child Welfare Act of 1980 was enacted on June 17, 1980. It established the title IV-E Foster Care and Adoption Assistance Programs and required that by October 1, 1982 every State operate its Federally subsidized foster care program under an approved title IV-E State plan. The State plan requirements are listed in section 471(a) of the Act.

1. Standards for Family Foster Homes and Institutions

When P.L. 96-272 was enacted, section 471(a)(10) required foster family homes and child care institutions which received title IV-E funds to adhere to standards referred to in section 2003(d)(1)(F) of the Act. P.L. 97-35, enacted August 13, 1981, established title XX as a Block Grant, eliminated section 2003(d)(1)(F) and amended section 471(a)(10) accordingly. Section 160(d) of P.L. 97-248, enacted September 8, 1982, further amended section 471(a)(10) in order to make more explicit the requirements regarding standards for foster care facilities. As a result of that amendment, section 471(a)(10) now reads as follows:

"Provides for the establishment or designation of a State authority or authorities which shall be responsible for establishing and maintaining standards for foster

family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights, and provides that the standards so established shall be applied by the State to any foster family home or child care institution receiving funds under this part or of part B of this title."

2. Child Support

Section 471(a) was also amended by P.L. 98-378, enacted August 16, 1984, by the addition of paragraph 17 to the title IV-E State plan requirements. Section 471(a)(17), effective October 1, 1984, reads as follows:

"Provides that, where appropriate, all steps will be taken, including cooperative efforts with the State agencies administering the plans approved under Parts A and D, to secure an assignment to the State of any rights to support on behalf of each child receiving foster care maintenance payments under this part."

As a result of this amendment, it is the responsibility of the State IV-E agency to initiate the action that will result in the assignment of rights to support for a child receiving title IV-E foster care maintenance payments. This does not apply to adoption assistance payments made under title IV-E.

This amendment applies to child support collections made on or after the effective date of October 1, 1984. Prior to this amendment, there was no mandate in the law for collection of child support on behalf of children who were recipients of title IV-E foster care. The mandate that existed under title IV-A became a nullity when the foster care maintenance program became operative under title IV-E.

ACTION REQUIRED:

Each State must amend its title IV-E State plan to reflect the requirements of section 471(a)(10) and (17). Attached for your use are amended pages of the title IV-E State plan preprint. A State may submit its title IV-E State plan amendment using the attached preprinted sheets or it may use its own format(s), provided such format(s) meet the requirements of the Act.

State plan amendments shall be submitted to the appropriate ACYP Regional Program Director for approval.

SUBMITTAL DATE: Within sixty days of date of this Issuance.

INQUIRES TO: Regional Program Directors, ACYF

/s/

Dodie Livingston
COMMISSIONER

[Attachment](#) - IV-E State plan

Section I

Page I

IV-E STATE OF

Statutory Reference

471(a)(17) E. CHILD SUPPORT ENFORCEMENT FOR CERTAIN CHILDREN IN FOSTER CARE

Provides that, where appropriate, all steps will be taken, including cooperative efforts with the State agencies administering the plans approved under parts A and D, to secure an assignment to the State of any rights to support on behalf of each child receiving foster care maintenance payments under this part.

Approval Date

Effective Date

Section 4

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IV-E STATE OF

Statutory Reference

471(a)(10) A. STANDARDS FOR FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS

1. Provides for the establishment or designation of a State authority or authorities which shall be responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights, and provides that the standards so established shall be applied by the State to any foster family home or child care institution receiving funds under this part or part B of this title.

Approval Date

Effective Date