

<h1 style="margin: 0;">ACF</h1> <p style="margin: 0;">Administration for Children and Families</p>	<p>U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES</p> <p>Administration for Children, Youth and Families</p>	
	<p><b>1. Log No:</b> ACYF-PI-85-7</p>	<p><b>2. Issuance Date:</b> 07/12/85</p>
	<p><b>3. Originating Office:</b> Children's Bureau</p>	
	<p><b>4. Key Words:</b> Deadline for Section 427 Certification</p>	

**PROGRAM INSTRUCTION**

**TO:** State Agencies Administering or Supervising Administration of Titles IV-E and IV-B of the Social Security Act and Indian Tribes and Indian Tribal Organizations (ITOs) Located in States Eligible to Receive Funds under Section 427 of the Social Security Act.

**SUBJECT:** Deadline for Fiscal Year 1985 Certification of Eligibility Under Section 427 of The Social Security Act for States or Tribes Not Previously Certifying Their Eligibility or Which Have Withdrawn Their Initial Year Certifications for Fiscal Year 1984.

**LEGAL AND RELATED REFERENCES:** Sections 420, 421, 422, 423, 427, 428, 471, 472, and 475 of the Social Security Act; 45 CFR 1356.21(d), 1357.15, 1357.25 and 1357.40; ACYF-IM 85-10 issued March 11, 1985.

**BACKGROUND:** Section 427 specifies certain foster care protections and services that States, Tribes or ITOs must provide to be eligible for additional funds over their share of \$141 million. Compliance with the law requires actual delivery of the services and protections to eligible children and their families within the time requirements specified in the statute.

To meet the requirements of section 427(a) and to be eligible for additional funds for Fiscal Year 1985, the inventory of all children in foster care required in section 427(a)(1) must be completed and the statewide information system described in section 427(a) must be in operation. The case review system required under section 427(a)(2)(B) and defined in section 475(5) must be implemented and operating to the extent that all children in foster care under the care of the State or under the supervision of the Indian Tribe or ITO for six months or more have case plans and received timely reviews by either a court or an administrative authority by September 30, 1985.

To be eligible for Federal financial participation under title IV-E for placements pursuant to voluntary placement agreements, States, Tribes, and ITOs must also meet the requirements of section 427(b)(3). This section requires implementation of a preplacement preventive services program designed to help children remain with their families. The program must be available

throughout the State, Tribe or ITO and arrangements must be in place to assure appropriate delivery of services to children and their families.

To be eligible for Fiscal Year 1985 funds, States, Tribes and ITOs initially certifying eligibility in Fiscal Year 1985 must have implemented and be operating the required protections and services by September 30, 1985.

The State, Tribe or ITO service program to help children return to their families or to be placed for adoption, section 427(a)(2)(C), must be in operation throughout the State, Tribe or ITO and arrangements must be in place to assure appropriate delivery of services to children and families in need of them.

**ACTION REQUIRED:** Section 422 of the Social Security Act requires that to be eligible for payment under title IV-B, the State must have a plan for child welfare services which has been jointly developed by the Secretary and the State agency, Tribe or ITO that meets the requirements of this section. Any funds awarded under section 427 are title IV-B funds and are subject to the requirement that the States and the Department engage in joint planning. This requirement can be met during development of the Long Range Strategy of the Child Welfare Services Plan or through a jointly developed addendum to the Long Range Strategy.

States, Tribes or ITOs whose certifications and CWS 101's are not received by the appropriate ACYF office by August 15, 1985, or sent by certified mail by August 10, 1985, will not be eligible for funds available over \$141M for Fiscal Year 1985. Funds not allotted to these States and Tribes will be reallotted, in accordance with 45 CFR 1357.30(g), only among States with previously established eligibility or who have certified by that date that it will be able to obligate all its funds during the fiscal year.

States, Tribes or ITOs which have not previously certified eligibility for funds under section 427 (or have withdrawn certification for Initial Eligibility) and will have implemented the protections and have them operating in Fiscal Year 1985 should submit the "Certification of Eligibility for Additional Funds under Section 427 of the Social Security Act" and the CWS 101 (copies attached).

The certification for section 427 funds, as well as a copy of the CWS 101, must be submitted to the appropriate Regional Program Director (addresses attached).

The original CWS 101 and a copy must be sent to:

Formula Grants Branch  
Management Support Division  
Administration for Children, Youth and Families  
P.O. Box 1182  
Washington, D.C. 20013

States and Tribes certifying eligibility under section 427 for Fiscal Year 1985 will have a post certification eligibility review after the close of the fiscal year. The post certification Initial

Compliance Review consists of a review of the State's, Tribe's or ITO's administrative procedures, as well as a case record survey. However, only if the administrative procedures are fully satisfactory in meeting 100 percent of the statutory and regulatory requirements will the case record survey be conducted. After the Initial Compliance Review, the administrative procedures are not usually reviewed again unless changes are made in them or information is provided or discovered which would warrant review of the administrative procedures. The expectation is that the administrative procedures continually meet the requirements of the Act. Failure of the administrative procedures to meet the requirements of the Act will result in ineligibility for section 427 funds for the Federal fiscal year being reviewed and possibly subsequent Federal fiscal years.

**EFFECTIVE DATE:** Effective upon issuance

**INQUIRIES:** Regional Program Director for Children, Youth and Families

/s/

Dodie Livingston  
COMMISSIONER

**Attachments:**

[Attachment I](#) - Certification of Eligibility for Additional Funds Under Section 427 of the Social Security Act

[Attachment II](#) - Annual Budget Request for Title IV-9 Funds

[Attachment III](#) - Annual Summary of Child Welfare Services

[Attachment IV](#) - Instructions for the Preparation of the Annual Summary of Child Welfare Services

**Attachment I**

**CERTIFICATION OF ELIGIBILITY FOR ADDITIONAL FUNDS  
UNDER SECTION 427 OF THE SOCIAL SECURITY ACT**

State/Tribe

I certify that \_\_\_\_\_ (name of designated agency) meets the requirements of section 427(a) specified below:

A. Has Completed an Inventory

427 (a)(1) An inventory of all children who have been in foster care under the responsibility of the State/Tribe for a period of six months preceding the inventory, and

- (a) determined the appropriateness of, and necessity for, the current foster care placement, whether the child can or should be returned to his or her parents or should be freed for adoption; and
- (b) determined the services necessary to facilitate either the return of the child or the placement of the child for adoption or legal guardianship.

B.

C. Has Implemented and is Operating a Statewide or Tribewide Information System

427 (a)(2)(A) A Statewide or Tribewide information system from which the following data can readily be determined for every child currently in foster care and all children who have been in foster care within the preceding 12 months:

- (a) demographic characteristics;
- (b) legal custody status;
- (c) location; and
- (d) placement goals.

D.

E. Has Implemented and is Operating a Case Review System

(The language in this section varies somewhat from that used in section 475 and in the State plan for title IV-E, in which the provisions are slightly more abbreviated. There is no variation in the substance of the provisions.)

(1) Case Plan

- |                                 |   |
|---------------------------------|---|
| 471(a)(16)<br>45 CFR 1356.21(d) | 1. For each child receiving foster care maintenance payments, there is a written case plan (as defined in section 475 of the Act) which is a discrete part of the case record and available to the parent(s) or guardian of the foster child. |
| 475(1)<br>45 CFR 1356.21(d)     | 2. The written case plan is developed within a reasonable period, but no later than 60 days from the time the State agency assumes responsibility for providing services,   |

including placing the child.

3. The written case plan includes at a minimum the following:

- a. (after 10-1-83) a description of the services offered and the services provided to prevent removal of the child from the home and to reunify the family;
- b. a description of the type of home or institution in which the child is to be placed;
- c. a discussion of the appropriateness of the placement and how the responsible agency plans to carry out the judicial determination made with respect to the child in accordance with section 472(a)(1);\*
- d. a plan for assuring that the child receives proper care and that services are provided to the parent in order to improve the conditions in the parents' home to facilitate the child's return to his or her own home or the permanent placement of the child;
- e. a plan for assuring that services are provided to the child and foster parents in order to address the needs of the child while in foster care;
- f. a discussion of the appropriateness of the services that have been provided to the child under the plan;

\*Section 472(a)(1) - "The removal from the home...was the result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child and (effective October 1, 1983) that reasonable efforts of the type described in Section 471(a)(15) has been made."

- 475(5)(A) 45 (CFR) g. a discussion of how the case plan for each child is designed to achieve

1356.21(d) placement in the least restrictive (most family like) setting available and in close proximity to the parent's home consistent with the best interest and special needs of the child.

(2) Case Review

427(a)(2)(B) 1. A case review system which meets the requirements of section 475(5) and assures that

- 475(5)(B) h. A review of each child's status is made no less frequently than once every six months either by a court or by an administrative review to:
1. determine the continuing need for and appropriateness of the placement,
  2. determine the extent of compliance with the case plan,
  3. determine the extent of progress made toward alleviating or mitigating the cause necessitating the placement in foster care, and
  4. project a likely date by which the child may be returned home or placed for adoption or legal guardianship.

- 475(6) (b) b. If an administrative review is made, the following requirements specified in section 475(6) are met:
1. the review is open to the participation of the parent(s) of the child and

2. the review is conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to either the child or the parent(s) who are the subject of the review.

475(5)(C)

- c. The State agency/Tribe applies procedural safeguards with respect to each child in foster care under supervision of the State or Tribe which include:
  1. a dispositional hearing held in a family or juvenile court or another court (including a tribal court) of competent jurisdiction or by an administrative body appointed or approved by the court, no later than 18 months after the original placement (and periodically thereafter during the continuation of foster care) to determine the future status of the child (including whether the child should be returned to the parent(s), should be continued in foster care for a specific period, should be placed for adoption, or should (because of the child's special needs or circumstances) be continued in foster care on a permanent or long term basis), and
  2. procedural safeguards with respect to parental rights pertaining to the removal of the child from his or her parents' home, to a change in the child's placement and to any determination affecting visitation privileges of the parents.

F. Has Implemented and Is Operating a System of Reunification and Other Permanent Placement Services

427(a)(2)(C) A services program designed to help children, where appropriate, return to families from which they have been removed or be placed for adoption or legal guardianship.

G.

H. The State or Tribal Agency further certifies that in addition to the above requirements it

I. // has implemented  
// has not implemented

J. the requirement of section 427(b)(3) for a preplacement preventive service program designed to help children remain with their families. (Meeting the section 427(b) requirements permits a State to transfer funds from title IV-E to title IV-B where the conditions in section 474(c)(4)(C) apply, claim FFP for foster care maintenance payments for children voluntarily placed under title IV-E, and avoid a reduction in funds to the Fiscal Year 1979 level for any fiscal year after any two consecutive fiscal years in which \$266 million is appropriated for title IV-B.)

Date Commissioner of Single State Agency\*

Date Director of Single Organizational Unit\*

\*Indicate title of equivalent official within the Tribe or ITO.

**Attachment II**

**ANNUAL BUDGET REQUEST FOR TITLE IV-9 FUNDS**

OMB Approval #0980-0047  
Approved thru 9/30/86

Fiscal Year 19

State of      October 1, 19      through September 30, 19      Revision#

- I. COMPUTATION OF FEDERAL GRANT AWARD
  - A. Total estimated title IV-B expenditure:
  - B. Enter Federal Share (75% of A)

II. REQUEST FOR GRANT AWARD

Indicate the total request for the year and the request for each of the four quarters. (Funds totaling more than the State's share of the \$141 million allotment will not be released to the State until there has been verification that the State meets the conditions of P.L. 96-272 for those funds.)

Total (from line I.B)	1st Q (Oct-Dec)	2nd Q (Jan-Mar)	3rd Q (Apr-Jun)	4th Q (Jul-Sept)
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III. CERTIFICATION BY STATE AGENCY

The State Agency submits the above estimate and request of grant award under title IV-B of the Social Security Act, as amended, and agrees that the estimated expenditures will be made in accordance with the Child Welfare Services Plan, agreed to by the Agency and the Administration for Children, Youth and Families, for the fiscal year ending September 30.

(Signature) Administrator, Social Services      Date  
Agency

(Title--please type)

(Signature) Director, Single Organizational Unit      Date  
(Optional)

(Title--please type)

**Attachment III**

OMB Approval 0980-0047  
Approved thru 9/30/86

**ANNUAL SUMMARY OF CHILD WELFARE SERVICES**

State of \_\_\_\_\_ for Fiscal Year October 1, 19\_\_ to September 30, 19\_\_

SERVICES/ACTIVITIES	ESTIMATED EXPENDITURES BY PROGRAM (\$ THOUSANDS)		ESTIMATED NUMBER OF CLIENTS TO BE SERVED
	FEDERAL FUNDS IV-B IV-E/IV- A	STATE/LOCAL & DONATED OTHER*	
1) Preventive/Supportive Services, including Protective Services			
2) Foster Care Maintenance Payments			
a. a) Foster Family Care			
b. b) Group/Institutional Care			
3) Foster Care Services			
4) Adoption			
a. Subsidy			
b. Medical Services for Adoption Assistance			
c. Other Adoption Services (Specify)			

5) Administration and Management

6) Day Care Related to Employment or Training for Employment

OTHER FEDERAL PROGRAMS

#### **Attachment IV**

### **INSTRUCTIONS FOR THE PREPARATION OF THE ANNUAL SUMMARY OF CHILD WELFARE SERVICES**

General: This form summarizes the State Agency's child welfare services program for the next year by service, by source of funds, and by number of clients to be served. The form is an integral part of the State Child Welfare Services Plan and should be discussed by Children's Bureau and State Agency Representatives. It is also a working document that presents an overview of the State Agency's planned program for the next year.

Specific:

Services/Activities

For each of the services/activities listed, include the type of information specified in the following explanation:

1. Preventive/Supportive Services Including Protective Services

Services to strengthen and support intact families and to prevent family disruption and unnecessary removal of children from their homes. These may include casework or counseling, day care and respite care, homemaker services with a parent education component, family planning, legal services, services to unmarried parents, transportation, emergency shelter for families.

2. Foster Care Maintenance Payments:

Payments to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, and reasonable travel to the child's home for visitation. In the case of institutional care, such terms shall include the reasonable costs of administration and operation of such institution as are necessarily required to provide the items described in the preceding sentence.

3. Foster Care Services

Include services to the child, to the natural families and to the foster parents, including case plan development and periodic review of the placement.

Reunification services are those designed to help children, where appropriate, return to their families.

4. Adoption

(a) Adoption Assistance Payments are the funds provided to adoptive parents on a recurring and periodic basis to assist in the support of special needs children.

(b) Medical Services for Adoption Assistance are provided to children who are adopted or are in the process of being adopted.

(c) Adoption services include the range of services provided for the purpose of obtaining and maintaining a permanent family for a child who is, or is expected to be, legally free for adoption.

5. Administration and Management:

Includes costs of supervisors and staff whose activities support child welfare services and which cannot be allocated under other services/activities.

6. Day Care Related to Employment or Training for Employment:

This refers to day care purchased for the purpose of employment of one or both of the parents.

Estimated Expenditures for Child Welfare Services by Program:

Federal Funds: Indicate for each service/activity the amount to be expended from the Federal program indicated. Do not include the State/local match. If other Federal funds will be used by the State Agency, specify the other Federal programs in the space at the bottom of the page.

State, Local

and Donated: List all State, local and donated funds, whether or not they are used to match Federal funds.

Estimated Number of Clients to be Served

Estimate as accurately as possible the number of clients to be served during the next year with these funds. Indicate whether clients are individuals or families.

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Office of Human Development Services

## Regional Office Telephone Listing

### Region I

A. Kenton Williams  
Regional Administrator, HDS  
FTS (8) 223-3236 or 617-223-3236

Richard Stirling  
Regional Program Director, ACYF  
FTS (8) 223-223-6450

JFK Building  
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Connecticut  
Maine  
Massachusetts  
New Hampshire  
Rhode Island  
Vermont

### Region II

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Virgin Islands

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Delaware  
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Columbia  
Maryland  
Pennsylvania  
Virginia  
West Virginia

### Region IV

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Georgia  
Kentucky

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German White  
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### **Region VI**

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### **Region VII**

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Hilton Baines  
Regional Program Director, ACYF  
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Room 384,  
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Kansas City, Missouri 64106

Mississippi  
North Carolina  
South Carolina  
Tennessee

Illinois  
Indiana  
Michigan  
Minnesota  
Ohio  
Wisconsin

Arkansas  
Louisiana  
New Mexico  
Oklahoma  
Texas

Iowa  
Kansas  
Missouri  
Nebraska

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Lucy Ellison  
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Roy Fleischer  
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## **Region X**

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Colorado  
Montana  
North Dakota  
South Dakota  
Utah  
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Nevada  
Trust Territory

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Oregon  
Washington