

<h1>ACF</h1>  <b>Administration for Children and Families</b>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  Administration for Children, Youth and Families	
	<b>1. Log No:</b> ACYF-PI-93-16	<b>2. Issuance Date:</b> December 10, 1993
	<b>3. Originating Office:</b> Children's Bureau	
	<b>4. Key Words:</b> Independent Living Program - Permanent Reauthorization	

### PROGRAM INSTRUCTION

**TO:** State Agencies Administering or Supervising the Administration of Title IV-E of the Social Security Act; and State Independent Living Coordinators

**SUBJECT:** Permanent Reauthorization of the Independent Living Program; Instructions for Applying for FY 1994 and Future Year Funds.

**LEGAL AND RELATED REFERENCES:** Sections 472, 474, 475 and 477 of Title IV-E of the Social Security Act; ACYF-PI-90-16 dated October 2, 1990; and the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66).

**BACKGROUND:** The Independent Living Program (ILP) was initially authorized by Public Law (P.L.) 99-272, through the addition of section 477 to title IV-E of the Social Security Act (the Act). Since that time, amendments have been made to sections 474, 475 and 477 of the Act to increase the amount of funding, to expand the population eligible for services, and to ensure that the ILP is integrated into the requirements of State child welfare services programs.

The Congress has recognized the exceptional needs of youth age 16 and over who are in foster care, or who have been in foster care, as they exit the child welfare services system and make the difficult transition to independent living. As a result, the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66) permanently reauthorized the ILP effective October 1, 1992.

Despite its authorization under title IV-E, the ILP is not a foster care maintenance program; it provides funds directed towards one goal -- assisting youth who are or were in foster care to become independent adults.

The program concentrates its efforts for a short period of time on youth age 16 and older. As Congress intended, the Department has implemented the program with minimum requirements and specifications. States have the flexibility to design services to meet a wide range of

individual needs and circumstances for youth, and to coordinate services with other Federal, State and local agencies engaged in similar activities. States also have some options regarding the youth to be served and the specific services to be provided.

The Administration on Children, Youth and Families (ACYF) supports and encourages State efforts to integrate this program with the existing child welfare services system, to coordinate with other programs and resources, and to include the ILP in the joint planning process for developing and implementing title IV-B State Plans.

**PURPOSE:** The purposes of this Program Instruction (PI) are to: (1) specify application procedures for States to use in applying for fiscal year (FY) 1994 and future year funds; (2) reiterate the fiscal and program reporting requirements for this program; and (3) encourage States to integrate the ILP into its continuum of child welfare services. In addition, the ACYF urges the States to improve data collection and reporting as the basis for an ongoing assessment of the ILP.

**CONTENT:** Now that the ILP is a permanent program, States are encouraged to review their administration of the program, consider how the ILP can be included as a part of the continuum of child welfare services, and evaluate their ILP policies and procedures.

**INSTRUCTIONS:** Availability of Funds: Under section 477(e)(1), each State is allotted a share of the amount appropriated for the ILP equal to the ratio of the State's average monthly number of youth receiving title IV-E foster care maintenance payments in FY 1984 to the average monthly number of youth receiving such payments for all States in FY 1984.

For FY 1994, the amount appropriated is \$70 million. Attachment B provides the FY 1994 ILP allotments for each State and includes both the basic amount (i.e., the State's share of the \$45 million for which no matching funds are required) and the additional amount available for State match (i.e., the State's share of the additional amount appropriated.) As appropriations are made for succeeding years, State allocation tables will be issued as Information Memoranda.

States will continue to be entitled to their share of the \$45 million with no requirement for matching funds. However, State match (cost sharing) will be required for any State which Independent Living Program - Permanent Reauthorization wishes to receive some or all of its share of the additional amounts.

State funds which are eligible to be used as match for the additional ILP funds must meet the regulatory requirements at 45 CFR Part 92 which establish the rules for cost sharing or matching funds. States should consult the regulations directly for a full and accurate understanding of the requirements. However, to restate in brief the provisions of 45 CFR Part 92, State funds eligible to be used as matching funds, among other things: (1) must not be Federal grant funds, unless specifically allowed by Federal statute; (2) must not be used to match any other Federal grant; and (3) must be used for costs which are otherwise allowable.

Eligible matching contributions may be cash or in-kind contributions of services, equipment, or property; and may originate with a third party.

The State contribution may not be any part of the funds otherwise used by the State to fulfill the requirement of section 477(e)(3) of the Act which stipulates that Federal ILP funds are to ". . . supplement and not replace any other funds which may be available for the same general purposes in the localities involved." In other words, for a State to be entitled to its full basic amount and its full additional amount, the total amount expended by a State must be the sum of: (1) non- Federal funds expended for independent living services prior to Federal funds becoming available in FY 1987, (2) State matching contributions to the additional funds made available for the fiscal year, and (3) the sum of Federal funds provided under the basic allocation and additional funds of the ILP.

The State matching contribution, whatever its nature, must be used for the independent living purposes described in section 477 of the Act. This means, for example, that expenditures for room and board would not be eligible components of the State matching contribution.

As part of the ILP application process, each State must (1) indicate whether or not it will apply for and match any additional funds over the \$45 million basic amount; (2) specify the amount of the funds it will apply for and match, if applicable; (3) indicate whether or not it will accept and match additional funds that may become available through the reallocation of ILP funds; and (4) specify the minimum and maximum amount of reallocated funds the State will apply for and match, if available.

Information regarding State match should be included on Attachment C. The information provided will be considered permanent and will remain in effect unless rescinded by the State, after notification in writing to the Commissioner, Administration on Children, Youth and Families (ACYF). Specific requests for each year's additional and reallocated funds (including State match) must be submitted as part of the annual application update.

The funds awarded for FY 1994 and succeeding years must be obligated and expended (liquidated) by the last day (September 30) of the fiscal year following the fiscal year for which the funds were awarded (section 477(f)). The ILP has a two-year expenditure period and there is no authority to liquidate funds after September 30 of the second fiscal year. This means, for example, that FY 1994 funds must be liquidated by September 30, 1995.

**Reallocation of Funds:** Some States may not use some or all of the title IV-E ILP funds allotted to them for a particular fiscal year because they do not choose to apply for funds, do not choose to match some or all of the additional amounts available, or because their applications do not meet all the requirements of section 477 of the Act or this Program Instruction. The failure of a State to apply for its share of ILP funds or to meet application requirements will mean that funds will not be available to the State during that fiscal year. These funds, as well as any of the funds not requested for State matching, will then be available for reallocation to other States under the provisions set forth under section 477(e)(2).

States which submit incomplete or defective applications will be notified in writing and will be given a reasonable period of time to complete or correct the application.

**Definition of Eligible Participants:** All youth age 16 and over for whom foster care maintenance payments are being made under title IV-E are eligible for services under the title IV-E ILP.

The State has the option to provide independent living services to (1) any other youth age 16 and over who are in foster care (non-IV-E eligible) under the responsibility of the State; and (2) all former foster care youth who were in foster care after the age of 16. The State also has the option to provide ILP services to any of the above youth, including title IV-E eligible youth, until the age of 21 (section 477(a)(2)(B) and (C)).

As part of the ILP application process, the State should explicitly indicate which additional youth, if any, the State elects to serve, and must provide information on how this option will be integrated into the State's overall planning and implementation of ILP services. Information regarding the population to be served should be included on Attachment C. The information provided will be considered permanent and will remain in effect unless rescinded by the State, after notification in writing to the Commissioner, ACYF.

**Programs and Activities:** Expenditures must be related to the specific purposes of the ILP. As stated in section 477(d) of the Act, such purposes may include 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 eligible to participate in the program;
6. provide each participant with a written transitional independent living plan which will be based on a n assessment of his or her needs and which will be incorporated into his or her case plan as described in section 475(1); and
7. provide participants with other services and assistance designed to improve their transition to independent living.

States may use varying methods and strategies to achieve the program objectives. They may wish to include an assessment of existing programmatic and systemic barriers to the successful transition of youth into independent living. Training programs for agency staff may be a critical element. Specialized training and consultation for foster parents and other youth care providers may assist in the development and improvement of an important link for the youth between dependence and independence.

Other activities under the ILP may include, but are not limited to, the following:

1. counseling and other similar assistance related to educational and vocational training; preparation for a General Equivalency Diploma (GED); preparation for higher education and academic support; job readiness, job search assistance and placement programs;

2. counseling and instruction in basic living skills such as money management, home management, consumer skills, parenting, health care, access to community resources, transportation, housing options and location;
3. individual and group counseling; participation by the youth in workshops and conferences; and interpersonal and social skills training and development;
4. coordination with other components of the State's ILP such as supervised practice living; establishment of linkages with Federal, State and local agencies and organizations such as the Department of Education, special and vocational education programs and local education agencies, State universities, colleges and community colleges, and Department of Labor Employment and Training Administration programs; volunteer programs; medical and dental public and private providers; State and community mental health agencies and organizations; and local housing advisors;
5. establishment of an outreach system which would encourage youth in foster care and youth formerly in foster care to participate in ILPs, as well as the development of community organizational efforts and ongoing support networks; and
6. involvement of biological parents and, if appropriate, relatives, mentors and foster parents in the development of the youth's independent living skills.

**Prohibition:** Title IV-E ILP funds may not be used Independent Living Program - Permanent Reauthorization for the provision of room or board (section 477(e)(3)).

**Application Requirements:** In order for a State to receive its allotment as set forth under section 477, the State agency must submit an application that meets the requirements of section 477 and this Program Instruction. There is no specified application form. The application may be in the format of the State's choice; however, it must be signed by the administrator of the State Title IV-E agency or his or her designee and contain the following descriptions, assurances and certifications:

1. **Responsible State Agency.** A statement that the State agency administering the title IV-E program will administer the ILP as set forth under section 477 (section 477(b)).

A State must include in its application the name and employer identification number (EIN) of the agency which will be administering the ILP (see Attachment C).

2. **Description.** The State must submit an updated description of:
  - a. the services and activities that the State plans to carry out with the allotted funds in the fiscal year covered by the application;
  - b. how the State will build on activities and expenditures from prior fiscal years;
  - c. the number of youth age 16 or over expected to be in care (include a breakdown of the number of IV-E eligible youth and the number of non-IV-E eligible youth);
  - d. the number of youth age 16 or over expected to participate in the ILP during the year (include a breakdown of the number of IV-E eligible youth and the number of non-IV-E eligible youth);
  - e. the number of former foster care youth expected to participate in the ILP during the year;
  - f. the status of the State agency's current ILP efforts;

- g. a summary of problems and barriers to successful ILP implementation; and
- h. expected results and outcomes of the ILP for the year covered by the application.

The description should also include the budget for the current fiscal year (e.g., FY 1993) and the projected fiscal year (e.g., FY 1994). The budget for each year should show a breakdown of Federal and State funds (not including foster care maintenance payments) expended for independent living programs, services and activities.

3. **Assurances.** The State must assure that:
  - a. section 477 ILP funds will supplement and not replace (1) title IV-E foster care funds available for maintenance payments and administrative and training costs; and (2) any other State funds which may be available for independent living activities and services (section 477(e)(3));
  - b. the program will be operated in an effective and efficient manner (section 477(c));
  - c. funds will be used only for the specific purposes described in section 477 (section 477(f)(1));
  - d. payments made and services provided to participants in the ILP as a direct consequence of their participation in the ILP will not be considered as income or resources for purposes of determining eligibility for aid under the State's title IV-A or title IV-E plan or for determining the level of such aid (section 477(h));
  - e. each participant will be provided a written transitional independent living plan which will be based on an assessment of his or her needs and which will be incorporated into his or her case plan as described in section 475(1), (section 477(d)(6));
  - f. where appropriate, for youth age 16 or over, the case plan must include a written description of the programs and services which will help the youth prepare for the transition from foster care to independent living (section 475(1));
  - g. for youth age 16 or over, the dispositional hearing must address the services needed to assist the youth to make the transition from foster care to independent living (section 475(5));
  - h. payments to the State will be used for the purpose of conducting activities and providing services to carry out the programs involved directly or under contracts with local governmental entities or private non-profit organizations (section 477 (b));
  - i. funds will be administered in compliance with Departmental regulations and policies governing the administration of grants, 45 CFR Parts 92 and 74 and OMB Circulars A-87, A-102, and A-122, including such provisions as Audits (OMB Circulars A-128 and A-133) and Nondiscrimination (45 CFR Part 80); and
  - j. grant funds will not be used for the provision of room or board (section 477(e)(3)).
4. **Certifications.** The following certifications, which are found at Attachment D, are required to be submitted with the application:
  - a. **Certification Regarding Drug-Free Workplace Requirements.** Pursuant to 45 CFR 76.600, the certification must be signed and submitted with the application unless the State has submitted a statewide assurance to the Department of Health and Human Services;

- b. **Anti-Lobbying Certification and Disclosure Form.** Pursuant to 45 CFR Part 93, the certification must be signed and submitted with the application. If applicable, a Standard Form LLL, which discloses lobbying payments must be submitted; and
- c. **Debarment Certification.** Pursuant to 45 CFR 76.500, the certification that no principals have been debarred must be submitted with the application.
- d. **Trust Funds.** If a State chooses to establish trust funds for youth leaving foster care, the State's application must indicate clearly how the trust funds will be financed, how they will be integrated into the overall individual independent living plan, the rules that will govern the use of and disbursement from such funds, and the safeguards that will be employed to ensure that no Federal ILP funds contributed to the trust fund are later used for the provision of room and board.

Information regarding trust funds should be included on Attachment C. The information provided will be considered permanent and will remain in effect unless rescinded by the State, after notification in writing to the Commissioner, ACYF.

**Application Submittal.** Beginning in FY 1994, ILP applications for FY 1994 and succeeding years will be reviewed and approved in the Administration for Children and Families (ACF) Regional Offices (ROs).

An original and one copy of the application must be submitted by a State to the appropriate Regional Administrator as shown in Attachment E. A copy should also be sent to:

Administration on Children, Youth and Families (ACYF)  
330 C Street, S.W.  
Switzer Building, Room 2070  
Washington, D.C. 20201  
Attention: Children's Bureau Division of Child Welfare

The closing date for receipt of all applications is January 31 of the fiscal year for which funds are requested. Applications will be considered if they are either:

5. received on or before the deadline date of January 31 of the fiscal year for which funds are requested, or
6. sent on or before the deadline date of January 31 of the fiscal year for which funds are requested (as evidenced by a legibly dated U.S. Postal Service postmark or a legibly dated receipt from a commercial carrier or U.S. Postal Service), and received in time for the review and award process.

However, ACYF strongly recommends that States submit their applications as early as possible in the fiscal year prior to the January 31 deadline. Grant awards cannot be made until after the appropriation of funds; however, grant applications will be accepted starting October 1 of the fiscal year for which funds are requested. Early submission of applications will expedite the review, approval and funding process of the applications

and provide States with a longer period of time to obligate and expend ILP funds. As soon as the application is approved, States will be allowed to obligate and expend ILP funds retroactive to the beginning of the fiscal year.

Early applications may be based on the expectation of level funding, or on such other anticipated funding level as a State may reasonably expect. In the event that final Congressional action results in a State receiving an allocated amount different from the amount in the State's early application, an amendment to the application may be submitted.

The State must indicate in its application for ILP funds whether the State is State or County administered. County administered States will need to provide information about the precise legal relationship between the State and counties with regard to the ILP and the expenditure of funds (e.g., how does the State enter into agreements with the counties, does the State delegate responsibility to the counties, are there written agreements, are there provisions for such arrangements in State law or in the State plan?). This information is necessary in order to ascertain whether the ILP funds are expended within the required time frame.

Information regarding how the State is administered should be included on Attachment C. The information provided will be considered permanent and will remain in effect unless rescinded by the State, after notification in writing to the Commissioner, ACYF. Fiscal Reports. expenditures under the ILP are to be reported by States on a Standard Form 269 (SF-269), Financial Status Report. To minimize the burden, SF-269s are required on a semi-annual basis, except for the first SF-269 of the two-year expenditure period which will be due at twelve months. Reports will be due 30 days after each reporting period. The final report will be due 90 days after the end of the grant year. The first report covering the period October 1 through September 30 of the first year will be due 30 days after the end of the expenditure period, or October 31. The second report covering the period October 1 through March 31 will be due 30 days after the end of the expenditure period, or April 30. The final report covering the period April 1 through September 30 of the second year will be due 90 days after the end of the expenditure period, or December 31.

FISCAL REPORT SF-269	PERIOD COVERED	DUE DATE
1st year rpt.	10/1 thru 9/30	10/31
2nd Yr. semi-annual rpt.	10/1 thru 3/31	4/30
Final report	4/1 thru 9/30	12/31

Funds which are reported as unobligated or unliquidated on final reports will be recovered via a negative grant award. Financial reports are to be mailed concurrently to the appropriate ACF Regional Administrator (Attachment E) and to:

Administration for Children and Families  
Office of Financial Management

Division of Formula, Entitlement and Block Grants  
370 L'Enfant Promenade,  
S.W. Washington, D.C. 20447

**Program Reports.** Program Reports are due not later than January 1 of the year following the end of the fiscal year for which funds were awarded. For example, the Program Report covering FY 1994 is due not later than January 1, 1995. The Program Report should include information about prior year activities not covered in the State's prior year reports. The Program Report must be submitted by a State to the appropriate Regional Administrator. A copy should also be sent to:

Administration on Children, Youth and Families  
330 C Street, S.W. Switzer Building, Room 2070  
Washington, D.C. 20201  
Attention: Children's Bureau Division of Child Welfare

In order to provide useful information and accurate data for assessments of the ILP by the Secretary and interested youth-serving agencies, Program Reports should carefully respond to, and define the terms used in providing all of the following information:

7. an accurate description of the ILP activities conducted and the services provided, including: programs modified or newly established and the current status of implementation, e.g., counseling, tutoring, basic living skills; and coordination activities undertaken by the title IV-E agency with other community agencies and the services provided by such agencies in achieving the purposes of the ILP;
8. a statement, if appropriate, explaining how the IV-E ILP funded programs have been incorporated into a comprehensive State program of services to this group of youth who are in foster care or were in foster care after the age of 16 and what those services are;
9. a complete record of the purposes for which the funds were spent;
10. a statement regarding the extent to which the funds assisted youth in making the transition from foster care to independent living; and
11. additional information for use by the Secretary in assessing and evaluating the findings and measuring the achievements of the State's IL programs, in developing comprehensive information and data from which decisions can be made with respect to the future of such programs, and providing information and recommendations to the Congress, as appropriate.

This information should include:

- a. a detailed description of the number and specific characteristics of the eligible population as of the beginning of the fiscal year being reported upon and a description of the individuals served during that fiscal year, e.g., age, sex, race/ethnicity, current living arrangement, special needs status, marital and parental status, and duration of foster care.

- b. a statement of the results achieved 90 days after participants completed the program: e.g., number of youth who are employed, have completed a high school or GED program, have or are attending college, have obtained housing and other community services, and are living independently of agency maintenance programs; together with a description of the criteria employed to measure those achievements, and
- c. recommendations for program modifications and other recommendations.

**Application Approval and Changes:** Approvals of the original applications will be issued in the form of grant award documents. However, if a Regional Administrator wishes additional information prior to grant award, that information will be requested by telephone or in writing, if appropriate. If any application appears to be unapprovable, a letter to that effect will be issued by the appropriate Regional Administrator, ACF, and the State will be given a reasonable period of time to provide an approvable application. But if, after the State has been given an opportunity to perfect its application, a Regional Administrator still regards the application as unapprovable, the Regional Administrator will refer the application to the Commissioner, ACYF, for final decision. States are encouraged to integrate the ILP into their continuum of child welfare services and the joint planning process. As a result, subsequent changes to the ILP application based on emerging issues and concerns may become necessary. The ACYF does not intend to limit the flexibility and creativity allowable under the ILP legislation.

Therefore, if a State wishes to make significant changes after the original application submission, the State should submit an Independent Living Application Amendment to the appropriate Regional Administrator, ACF. States should be aware that, under the requirements of 45 CFR Part 92 and OMB Circular A-87 any use of Federal IL funds for the purchase of equipment having a unit cost in excess of \$5,000 requires prior approval of the granting agency. Requests for approval of any such purchase should be directed to the appropriate Regional Administrator. In the case of a purchase requiring prior approval, the Regional Administrator will reply in writing.

**INQUIRIES:** Regional Administrators, ACF Regions I-X or Irene Hammond Children's Bureau, ACYF Division of Child Welfare Policy, Review and Operations Branch (202) 205-8666 Olivia A. Golden Commissioner

**Attachments:**

[Attachment A:](#) P.L. 103-66, Section 13714 of Subchapter C - Human Resources and Income Security Amendments

[Attachment B:](#) FY 1994 Independent Living Program Allotments

[Attachment C:](#) State Information on the Independent Living Program

[Attachment D:](#) Certifications

[Attachment E:](#) List of Regional Administrators, ACF

**SEC. 13714 PERMANENT EXTENSION OF INDEPENDENT LIVING PROGRAM.**

(a) **IN GENERAL.**--Section 477 (42 U.S.C. 677) is amended- (1) in subsection (a)(1), by striking the 3rd sentence; (2) in subsection (c), by striking "of the fiscal years 1988 through 1992" and inserting "succeeding fiscal year"; (3) in subsection (e)(1)(A), by striking "each of the fiscal years 1987 through 1992" and inserting "fiscal year 1987 and any succeeding fiscal year"; (4) in subsection (e)(1)(B), by striking "fiscal years 1991 and 1992" and inserting "fiscal year 1991 and any succeeding fiscal year"; and (5) in subsection (e)(1)(C)(ii), by striking "fiscal year 1992" and inserting "any succeeding fiscal year".

(b) **EFFECTIVE DATE.**--The amendments made by subsection (a) shall apply to activities engaged in on or after October 1, 1992.

**Fiscal Year 1994 Title IV-E-Independent Living Initiative Allotments**

<b>Name of State</b>	<b>Basic Amount</b>	<b>Additional Amount</b>	<b>Total</b>
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
<b>TOTALS</b>	<b>\$45,000,000</b>	<b>\$25,000,000</b>	<b>\$70,000,000</b>

STATE INFORMATION ON THE INDEPENDENT LIVING PROGRAM STATE

The State information provided below will be considered permanent and will remain in effect unless rescinded by the State, after notification in writing to the Commissioner, ACYF.

**Name of Agency Administering the ILP:** \_\_\_\_\_

**Employer Identification Number (EIN):** \_\_\_\_\_

**ADMINISTRATION OF STATE** State Administered \_\_\_\_\_ County Administered \_\_\_\_\_

\* If county administered, please describe the following:

1. The precise legal relationship between the State and the counties with regard to the ILP and the expenditure of funds.
2. How does the State enter into agreements with the counties’
3. Does the State delegate responsibility to the counties’
4. Are there written agreements’
5. Are there provisions for such agreements in State law or in the State plan’

**STATE MATCHING INFORMATION**

1. The State will apply for and match the additional funds over the \$45 million basic amount.

Yes \_\_\_\_\_ \* No \_\_\_\_\_

If yes, All \_\_\_\_\_ or \$ \_\_\_\_\_

2. If funds become available-through reallocation, the state will apply for and match these funds.

Yes \_\_\_\_\_ \* No \_\_\_\_\_

If yes, All \_\_\_\_\_ or \$ \_\_\_\_\_

If yes to either item, indicate "ALL" or specify the amount of additional and the amount of reallocated funds the State will apply for and match (dollar-for-dollar).

### **ELIGIBLE POPULATION**

1. The State elects to serve non-IV-E eligible youth.

Yes \_\_\_\_\_ No \_\_\_\_\_

2. The State elects to serve former foster care youth.

Yes \_\_\_\_\_ No \_\_\_\_\_

3. The State elects to serve youth up to age 21.

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes to any of the above, describe how the State will integrate the additional client population into planning for and implementation of the ILP.

### **TRUST FUNDS**

The State elects to establish trust funds for youth leaving foster care.

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please describe:

1. How will the trust funds be financed?
2. How will the trust funds be integrated into the overall individual independent living plan?
3. What are the rules that will govern the use of and disbursement from such trust funds?
4. What safeguards will be employed to ensure that no Federal ILP funds contributed to the trust fund are later used for the provision of room and board?

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Signature Title

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Agency/Organization

## Date Definitions

(From 45 CFR Part 76, Government wide Debarment and Suspension (Nonprocurement))

**Covered transaction.** For purposes of these regulations, a covered transaction is a primary covered transaction or a lower tier covered transaction. Covered transactions at any tier need not involve the transfer of Federal funds.

- i. Primary covered transaction. Except as noted in paragraph (a) (2) of this section, a primary covered transaction is any nonprocurement transaction between an agency and a person, regardless of type, including: grants, cooperative agreements, scholarships, fellowships, contracts of assistance, loans, loan guarantees, subsidies, insurance, payments for specified use, donation agreements and any other nonprocurement transactions between a Federal agency and a person. Primary covered transactions also include those transactions specially designated by the U.S. Department of Housing and Urban Development in such agency's regulations governing debarment and suspension.
- ii. Lower tier covered transaction. A lower tier covered transaction is:
  - A. Any transaction between a participant and a person other than a procurement contract for goods or services, regardless of type, under a primary covered transaction.
  - B. Any procurement contract for goods or services between a participant and a person, regardless of type, expected to equal or exceed the Federal procurement small purchase threshold fixed at 10 U.S.C. Section 2304 (g) and 41 U.S.C. Section 253 (g) (currently \$25,000) under a primary covered transaction.
  - C. Any procurement contract for goods or services between a participant and a person under a covered transaction, regardless of amount, under which that person will have a critical influence on or substantive control over that covered transaction.

Such persons are:

1. Principal investigators.
  2. Providers of federally-required audit services.
  3. Researchers.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," provided by HHS, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the

eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (of excluded parties).

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by as prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, HHS may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and beliefs, that it and its principals:
  - a. are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - b. have not within a three-year period preceding this proposal been convicted of or had a civil Judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under public transaction; violation of Federal or state antitrust statues or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - c. are not presently indicted for otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
  - d. have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Grant No. \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**CERTIFICATION REGARDING LOBBYING  
DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION  
FOR CHILDREN AND FAMILIES:**

PROGRAM: -----  
PERIOD: ----- STATE: -----

Certification for Contracts, Grants, Loans and Cooperative Agreements The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. if any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

_____ Signature	_____ Title
_____ Agency/ Organization	_____ Date

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

## **Instructions for Certification**

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services' (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when HHS determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, HHS may terminate this transaction for cause or default. 4. The prospective primary participant shall provide immediate written notice to the HHS agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "excluded," as used in this clause, have the meaning set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549: 45 CFR Part 76. See the attached definitions.
5. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by HHS.

**Debarment.** An action taken by a debarring official in accordance with these regulations to exclude a person from participating in covered transactions. A person so excluded is "debarred."

**Ineligible:** Excluded from participation in Federal nonprocurement programs pursuant to a determination of ineligibility under statutory, executive order, or regulatory authority, other than Executive Order 12549 and its agency implementing regulations; for example, excluded pursuant to the Davis-Bacon Act and its implementing regulations, the equal employment opportunity acts and executive orders, or the environmental protection acts and executive orders. A person is ineligible where the determination of ineligibility affects such person's eligibility to participate in more than one covered transaction.

**Participant.** Any person who submits a proposal for, enters into, or reasonably may be expected to enter into a covered transaction. This term also includes any person who acts on behalf of or is authorized to commit a participant in a covered transaction as an agent or representative of another participant. Person. Any individual, corporation, partnership, association, unit of government or legal entity, however organized, except: foreign governments or foreign

governmental entities, public international organizations, foreign government owned (in whole or in part) or controlled entities, and entities consisting wholly or partially of foreign governments or foreign governmental entities.

**Principal.** Officer, director, owner, partner, key employee, or other person within a participant with primary management or supervisory responsibilities; or a person who has a critical influence on or substantive control over a covered transaction, whether or not employed by the participant. Persons who have a critical influence on or substantive control over a covered transaction are:

- i. Principal investigators.
- ii. Researchers.

**Proposal.** A solicited or unsolicited bid, application, request, invitation to consider or similar communications by or on behalf of a person seeking to participate or to receive a benefit, directly or indirectly, in or under a covered transaction.

**Suspension.** An action taken by a suspending official in accordance with these regulations that immediately excludes a person from participating in covered transactions for a temporary period, pending completion of an investigation and such legal, debarment, or Program Fraud Civil Remedies Act proceedings as may ensue. A person so excluded is "suspended."

**Voluntary exclusion or voluntarily excluded.** A status of nonparticipation or limited participation in covered transactions assumed by a person pursuant to the terms of a settlement.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant in providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549: 45 CFR Part 76. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations or the definitions.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (of excluded parties).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and /or debarment.

#### Certification Regarding Debarment, Suspension Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in its transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**REGIONAL ADMINISTRATORS ADMINISTRATION FOR CHILDREN AND  
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