

# ACF

Administration  
for Children  
and Families

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children, Youth and Families

**1. Log No:** ACYF-CB-PI-97-05

**2. Issuance Date:** October 28, 1997

**3. Originating Office:** Children's Bureau

**4. Key Words:** Balanced Budget Act of 1997, Title IV-E Eligibility Determinations

## PROGRAM INSTRUCTION

**TO:** State and Territorial Agencies Administering or Supervising the Administration of Title IV-E of the Social Security Act

**SUBJECT:** Amendments to Title IV-E of the Social Security Act and Related Policy Issuances

**LEGAL AND RELATED REFERENCES:** Sections 470, 472 and 473 of the Social Security Act; Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; Public Law 105-33, the Balanced Budget Act of 1997.

**AMENDMENTS TO TITLE IV-E:** On August 22, 1996, President Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193 (PRWORA). Among other things, PRWORA consolidated the Federal Aid to Families with Dependent Children (AFDC), Job Opportunities and Basic Skills, and Emergency Assistance programs into a single block grant entitled "Temporary Assistance for Needy Families" (TANF). Historically, financial eligibility for title IV-E has been predicated on eligibility for AFDC, and remains so despite the creation of TANF. Section 108 of the PRWORA amended sections 470, 472, and 473 of the Social Security Act (the Act), linking title IV-E financial eligibility to the title IV-A AFDC program as it was in effect in the State on June 1, 1995 (often referred to as the "AFDC lookback date"). PRWORA linked eligibility for the title XIX Medicaid program to the title IV-A AFDC program as it was in effect in the State on July 16, 1996. In order to minimize the States' administrative burden, the Department requested a legislative change to conform the title IV-E "AFDC lookback date" to the Medicaid "AFDC lookback date," July 16, 1996, the more recent of the two.

The PRWORA technical amendment which conforms the title IV-E "AFDC lookback date" to the Medicaid "AFDC lookback date" of July 16, 1996 was accepted and is contained at section 5513(b) of the Balanced Budget Act of 1997 (P.L. 105-33), enacted August 5, 1997.

**Retroactive Effective Date:** Section 5518(b) of the Balanced Budget Act of 1997 provides that, "... [t]he amendments made by section 5513 of this Act shall take effect as if the amendments had been included in section 108 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 at the time such section 108 became law..." Therefore, the effective date for determining title IV-E eligibility under the July 16, 1996 AFDC program rules is the date TANF went into effect in the State.

**AMENDED MATERIALS:** The following issuances are amended by striking "June 1, 1995" where it occurs and replacing it with "July 16, 1996": ACYF-CB-PIQ-96-01, October 8, 1996, ACYF-CB-PIQ-96-02, December 12, 1996, ACYF-CB-PI-97-01, March 18, 1997, ACYF-CB-PI-97-04, July 30, 1997

**Synopsis of Changes:** In the "Legal and Related References" sections of ACYF-CB-PIQ-96-01 and ACYF-CB-PIQ-96-02, a notation informs the reader that, per PRWORA, references in those issuances attributed to sections 402, 406 and 407 of the Social Security Act should be understood as referring to those provisions as they were in effect on June 1, 1995. References in ACYF-CB-PIQ-96-01 and ACYF-CB-PIQ-96-02 attributed to sections 402, 406 and 407 of the Social Security Act should now be understood as referring to those provisions as they were in effect on July 16, 1996. ACYF-CB-PI-97-01 and ACYF-CB-PI-97-04 instructed States to submit an assurance that the State has obtained and is using the relevant sections of the State's AFDC plan (as in effect on June 1, 1995) in making title IV-E eligibility determinations. States were also instructed to submit copies of those relevant sections of their title IV-A AFDC plan to the appropriate Federal Regional Office. States must now determine title IV-E eligibility using their title IV-A AFDC plan as it was in effect on July 16, 1996.

**INSTRUCTION:** In order to comply with the change to the "AFDC lookback date" contained at section 5513(b) of P.L. 105-33:

1. States must immediately begin determining and redetermining title IV-E eligibility based on the State's title IV-A AFDC plan as in effect on July 16, 1996.
2. States must submit the attached revised assurance (which reflects the change in the title IV-E AFDC lookback date from June 1, 1995 to July 16, 1996) to the appropriate Federal Regional Office within 60 days of the publication of this issuance.

In those States where the relevant sections of the July 16, 1996 AFDC State plan differ from those in the June 1, 1995 AFDC State plan:

1. The State must also submit, as an attachment to the revised assurance, copies of those relevant sections of the title IV-A AFDC State plan.
2. The State must now redetermine, using the July 16, 1996 AFDC State plan, the title IV-E eligibility for those cases in which the June 1, 1995 AFDC State plan was used.

**INQUIRIES** Please direct all inquiries to the appropriate Regional Administrator.

James A. Harrell  
Deputy Commissioner  
Administration on Children, Youth, and Families

[Attachment](#) - Assurances

**Attachment**

**IV-E STATE PLAN**

STATE OF \_\_\_\_\_

**A S S U R A N C E**

I hereby assure that the State agency administering the title IV-E program obtained the relevant sections of the title IV-A State plan (as in effect in this State on July 16, 1996) and uses them as the basis for making title IV-E eligibility determinations. I certify that I am authorized to submit, as an appendix to this State's title IV-E State plan, those relevant sections of the title IV-A State plan.

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

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

APPROVAL DATE:

EFFECTIVE DATE:

\_\_\_\_\_  
(Signature, ACF Regional Representative)