

<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-CB-98-01	<b>2. Issuance Date:</b> January 7, 1998
	<b>3. Originating Office:</b> Children's Bureau	
	<b>4. Key Words:</b> Child Abuse and Neglect Grants; Citizen Review Panels	

**PROGRAM INSTRUCTION**

**TO:** The State Office, Agency, or Organization Designated by the Governor to Apply for a State Child Abuse and Neglect Grant

**SUBJECT:** Establishment of the Citizen Review Panel Requirement Under the Child Abuse Prevention and Treatment Act

**LEGAL REFERENCES:** Sections 106(b)(2)(A)(x) and (c) of the Child Abuse Prevention and Treatment Act, as amended (42 U.S.C. 5101 et seq.)

**PURPOSE:** The purpose of this Program Instruction is to provide instruction on the citizen review panel requirements under the Child Abuse and Neglect State Grant (or Basic State Grant) Program.

**BACKGROUND:** The Child Abuse Prevention and Treatment Act (CAPTA) was reauthorized and amended by "The CAPTA Amendments of 1996" (Public Law 104-235) on October 3, 1996. Section 106 (formerly 107) of CAPTA's Title I was amended to direct the focus of the State grant program to one of support and improvement of State child protective services (CPS) systems. This new legislation authorizes the annual award of funds to States that submit State plans every five years and meet certain other eligibility requirements.

One of those requirements is the establishment of citizen review panels. The purpose of these panels is to provide new opportunities for citizens to play an integral role in ensuring that States are meeting their goals of protecting children from abuse and neglect (Congressional Record - House, pp. H11148-9, September 25, 1996).

The number of panels a State must establish is statutorily linked to the amount of funds that it receives under the Community-Based Family Resource and Support (CBFRS) Program. Specifically, section 106(c)(1)(A) of CAPTA requires that recipients of a Basic State Grant establish no less than three citizen review panels. The only exception to that statutory

requirement is that States receiving the minimum allotment of \$175,000 under the CBFRS Program are required to establish no less than one citizen review panel (section 106(c)(1)(B)).

**DISCUSSION:** Although the concept of citizen review of State child protective services is new, citizen review panels have been around for a while. Citizen review boards originated in the 1970s as a result of State-based initiatives to review the status of children in the foster care system. In the 1980s, there was a dramatic increase in the creation of citizen review boards in response to Public Law 96-272, which required reviews of each child in foster care every six months.

Today, many States have established these review boards in State statute or through judicial appointment. These foster care review boards have evolved as a major mechanism for case specific and system accountability and have served as effective lobbyists for foster children, as well as for State agencies. These boards have resulted in increased community awareness and ownership of child abuse and neglect issues and the strengths, weaknesses and challenges facing the child welfare service delivery system.

A lesson to be learned in establishment of the citizen review panels under CAPTA is that, properly established, these panels have the capacity to promote creative problem-solving with the involvement of community members who often represent a variety of disciplines. In addition, the annual reports of these boards have the potential for recommending not only increased resources, but also better collaboration and system change.

**INSTRUCTION:** Number of Panels Required and Deadline for Establishment All 50 States, as well as the District of Columbia and Puerto Rico, received more than the minimum allotment of \$175,000 under the CBFRS program in their FY 1997 awards (see enclosed list). Therefore, each of the 50 States, the District of Columbia and Puerto Rico must establish no less than **three** citizen review panels in accordance with section 106(c)(1)(A) of CAPTA and their FY 1997-1999 State plans.

Since the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands and Palau submit consolidated grant applications in accordance with 45 CFR Part 97, these jurisdictions are not required to comply with the instructions set forth in this issuance.

As discussed in [ACYF-PI-NCCAN-97-01](#), while States are urged to implement the CAPTA requirements as soon as possible to comply with the CAPTA amendments, States have an interim planning period to implement the changes. The Governors' certifications that accompanied the State plans submitted in FY 1997 under CAPTA included an assurance that the citizen review panels required by CAPTA either were already in place or would be in place no later than June 30, 1999.

### **Panel Membership**

The statute directs States to establish panels that are composed of volunteer members who are broadly representative of the community in which the panel is established and include members with expertise in the prevention and treatment of child abuse and neglect. Accordingly,

Statewide panels should include membership from across the State; regional and local panels should include membership reflective of those geographic communities.

We encourage States to give special attention to the goal and purpose of the panels and duties of the members to ensure that panelists have the necessary qualifications to review the complex issues presented by child maltreatment. It is recommended that panel membership include a balance among children's attorneys, child advocates, CASA volunteers, parent/consumer representatives and health/mental health professionals who are familiar with the intricacies of the CPS system. Since States are allowed to use certain standing panels for this purpose and some of those panels may be comprised of some child welfare/child protection staff, staff of the public agency are not prohibited from serving on these panels, so long as the majority of the panel's membership is comprised of volunteer members from other disciplines.

### **Panel Requirements**

As noted in section 106(c)(1)(B)(ii) of CAPTA, a State may designate one or more of its existing entities established under State or Federal law, such as child fatality panels or foster care review panels, to serve as citizen review panels under CAPTA, so long as those panels perform the functions set forth in section 106(1)(B)(4) of the statute. An example of another panel established by Federal law that States may consider for this purpose is the multidisciplinary task force required by the Children's Justice Act (CAPTA section 107(c)).

Pursuant to section 106(1)(B)(4) of CAPTA, **each** citizen review panel must evaluate the extent to which the State agency is effectively fulfilling its child protection responsibilities in accordance with the CAPTA State plan, as well as other criteria that the panel considers important to ensure the protection of children, including: (1) a review of the extent to which the State CPS system is coordinated with the foster care and adoption programs established under title IV-E of the Social Security Act; and (2) a review of child fatalities and near fatalities, as defined in subsection 106(b)(4).\*

The citizen review panel requirement need not create unnecessary duplication at the State and local level; the statute allows States to utilize existing panels, so long as they also fulfill the CAPTA requirements. Therefore, while the statute mandates that each of the three panels established under CAPTA must perform all the functions required by the statute, it does not prescribe that each panel engage in only these functions nor does it specify the depth or breadth of review. Accordingly, States have considerable flexibility in designing their panels.

Hypothetically, a State might choose to establish its citizen review panels so that the three panels would:

1. each examine different portions of the State's policies and procedures relating to child abuse and neglect, and review of relevant cases, as determined appropriate by the panel, to determine the extent to which the agency is discharging its child protection responsibilities under its CAPTA State plan (section 106(c)(4)(A)(i));

2. each review the extent to which the CPS system is coordinated with different portions of foster care and adoption programs under title IV-E of the Social Security Act (section 106(c)(4)(A)(iii)(I)); and
3. each conduct reviews of child fatalities and near fatalities occurring in different regions of the State based on the findings and recommendations of a standing child fatality panel (section 106(c)(4)(A)(iii)(II)).

While CAPTA does not address geographic coverage by the panels, ACF encourages States to consider broad coverage. However, States have the flexibility to set up their panels in such a way that will be most appropriate for the State. For example, a State might establish one Statewide and two regional panels; or a State might establish three regional panels that do not cover the entire State but cover the areas of the State in which most child protection issues arise. Regardless of whether the panel is geographically based or statewide, it must meet the statutory requirement that **each** panel examine the policies and procedures of State and local agencies. In addition, the State should assure that the three panels combined review and input provide a holistic picture of the State's CPS system.

The statute requires that each panel meet no less frequently than every three months (section 106(c)(3)).

## **State Assistance**

### **A. Panel Access to Case-Specific Information**

Section 106(c)(5)(A) of CAPTA requires States to provide each citizen review panel with access to information on cases that the panel chooses to review if the information is necessary for the panel to carry out its functions under CAPTA. Report language clarifies that Congressional intent was to direct States to provide the review panels with information that **the panel determines is necessary** to carry out these functions (Congressional Record -- House, September 25, 1996, p. H11149).

### **B. Staff Assistance**

Section 106(c)(5)(B) of CAPTA requires that States provide staff assistance to the citizen review panels for the performance of their duties, upon request of the panel. We envision that these panels may need administrative support, in particular, to assist in typing reports and facilitating the exchange of case-specific information. A State should evaluate its staff resources when establishing its citizen review panels and make clear the extent to which staff will be available to panels.

## **Reports**

Section 106(d) of CAPTA requires that the citizen review panels develop annual reports and make them available to the public. These reports should be completed no later than 90 days after the end of the Federal fiscal year (December 31st of each year) and should, at a minimum, contain a summary of the panel's activities, as well as the recommendations of the panel based

upon its activities and findings. States are encouraged to include these reports with their Annual Progress and Services Reports that are due to the Federal Regional Office by June 30th of each year and include information on the progress States are making in implementing the recommendations of the panels.

### **Confidentiality**

Citizen review panel members are bound by the confidentiality restrictions in section 106(c)(4)(B)(i) of CAPTA. Specifically, members and staff of a panel may not disclose identifying information about any specific child protection case to any person or government official, and may not make public other information unless authorized by State statute to do so.

Further, section 106(c)(4)(B)(ii) of CAPTA requires States to establish civil sanctions for violations of these confidentiality restrictions. States that already have civil sanctions in place for breaches of confidentiality need not enact new legislation, so long as their existing provisions encompass the CAPTA requirements.

### **General**

Enclosed as a resource for States is the publication, "*Supporting Effective Citizen Involvement in Child Protective Services: A Guide for State and Local Officials*," which was published in 1996 by the Child and Family Policy Center in Des Moines, Iowa.

**INQUIRIES**      Regional HUB Directors and Administrators Regions  
**TO:**                I - X  
                        James A. Harrell  
                        Deputy Commissioner  
                        Administration on Children, Youth, and Families

\* Section 106(b)(4) defines "*near fatality*" as "an act that, as certified by a physician, places the child in serious or critical condition."

[Attachment A:](#) COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT PROGRAM  
FY 1997 AWARDS

## ATTACHMENT A

**COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT PROGRAM FY 1997  
AWARDS**

<b>STATE</b>	<b>\$ Amount</b>
ALABAMA	334,361
ALASKA	236,854
AMERICAN SAMOA	175,000
ARIZONA	441,312
ARKANSAS	186,472
CALIFORNIA	2,623,457
COLORADO	297,590
CONNECTICUT	222,685
DELAWARE	177,134
DISTRICT OF COLUMBIA	178,520
FLORIDA	1,717,779
GEORGIA	578,790
GUAM	175,000
HAWAII	444,232
IDAHO	175,895
ILLINOIS	796,285
INDIANA	463,215
IOWA	242,847
KANSAS	206,312
KENTUCKY	1,691,946
LOUISIANA	329,912
MAINE	178,702
MARYLAND	551,897
MASSACHUSETTS	399,101
MICHIGAN	671,480
MINNESOTA	1,191,802
MISSISSIPPI	198,558
MISSOURI	436,667
MONTANA	176,285
NEBRASKA	204,203

NEVADA	255,714
NEW HAMPSHIRE	177,001
NEW JERSEY	561,475
NEW MEXICO	234,342
NEW YORK	1,535,083
NORTH CAROLINA	491,469
NORTH DAKOTA	205,676
NORTHERN MARIANA ISLANDS	175,000
OHIO	982,548
OKLAHOMA	811,243
OREGON	215,854
PALAU	50,000
PENNSYLVANIA	1,001,133
PUERTO RICO	403,575
RHODE ISLAND	241,122
SOUTH CAROLINA	312,526
SOUTH DAKOTA	184,428
TENNESSEE	574,407
TEXAS	1,436,988
UTAH	273,856
VERMONT	257,265
VIRGIN ISLANDS	175,000
VIRGINIA	1,165,347
WASHINGTON	382,409
WEST VIRGINIA	179,908
WISCONSIN	394,884
WYOMING	176,271
TOTAL:	28,558,817

<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-CB-PI-98-02	<b>2. Issuance Date:</b> January 8, 1998
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	<b>4. Key Words:</b> Adoption and Safe Families Act of 1997; Public Law 105-89; Amendments to Title IV-B Subparts 1 and 2 and Title IV-E of the Social Security Act; State Automated Child Welfare Information System (SACWIS)	

**PROGRAM INSTRUCTION**

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

**SUBJECT:** NEW LEGISLATION -- Public Law 105-89, The Adoption and Safe Families Act of 1997

**LEGAL AND RELATED REFERENCES** The Adoption and Safe Families Act of 1997 (Public Law 105-89), Titles IV-B and IV-E, Section 403(b), Section 453, and Section 1130(a) of the Social Security Act

**PURPOSE:** The purpose of this Program Instruction (PI) is to inform States of new legislation amending titles IV-B and IV-E of the Social Security Act and provide guidance for implementing the new law. This PI also provides the effective dates for implementing Public Law 105-89 and early notification of the impact of the new law on State Automated Child Welfare Information Systems (SACWIS).

**OVERVIEW:** This Program Instruction transmits Public Law 105-89 and a compilation of titles IV-B and IV-E, as amended by the Adoption and Safe Families Act of 1997 (ASFA). It also provides guidance for States' early implementation of the law. The PI is divided into three parts: Part I contains principles to assist States in understanding the new provisions and integrating the law into ongoing reforms of the child welfare system; Part II stipulates the effective dates of the new legislation; and Part III discusses how the law may impact States' SACWIS and other information systems.

**INFORMATION:**

**PART I. THE ADOPTION AND SAFE FAMILIES ACT OF 1997**

On November 19, 1997, the President signed into law the Adoption and Safe Families Act of 1997. This legislation, passed by the Congress with overwhelming bipartisan support, represents an important landmark in Federal child welfare law. It establishes unequivocally that our national goals for children in the child welfare system are safety, permanency, and well-being. The passage of this new law gives us an unprecedented opportunity to build on the reforms of the child welfare system that have begun in recent years in order to make the system more responsive to the multiple, and often complex, needs of children and families. The law reaffirms the need to forge linkages between the child welfare system and other systems of support for families, as well as between the child welfare system and the courts, to ensure the safety and well-being of children and their families. The law also gives renewed impetus to dismantle the myriad barriers that may exist between children waiting in foster care and permanency. By implementing the new law in the context of an ongoing commitment to strengthening all aspects of the child welfare system, we will make a meaningful difference in the lives of children in foster care and in the lives of children who must come into contact with the child welfare system in the future.

ASFA embodies a number of key principles that must be considered in order to implement the law:

- **The safety of children is the paramount concern that must guide all child welfare services.** The new law requires that child safety be the paramount concern when making service provision, placement and permanency planning decisions. The law reaffirms the importance of making reasonable efforts to preserve and reunify families, but also now exemplifies when States are not required to make efforts to keep children with their parents, when doing so places a child's safety in jeopardy.
- **Foster care is a temporary setting and not a place for children to grow up.** To ensure that the system respects a child's developmental needs and sense of time, the law includes provisions that shorten the timeframe for making permanency planning decisions, and that establish a timeframe for initiating proceedings to terminate parental rights. The law also strongly promotes the timely adoption of children who cannot return safely to their own homes.
- **Permanency planning efforts for children should begin as soon as a child enters foster care and should be expedited by the provision of services to families.** The enactment of a legal framework requiring permanency decisions to be made more promptly heightens the importance of providing quality services as quickly as possible to enable families in crisis to address problems. It is only when timely and intensive services are provided to families, that agencies and courts can make informed decisions about parents' ability to protect and care for their children.
- **The child welfare system must focus on results and accountability.** The law makes it clear that it is no longer enough to ensure that procedural safeguards are met. It is critical that child welfare services lead to positive results. The law requires numerous tools for focusing attention on results, including an annual report on State performance; the creation of an adoption incentive payment for States designed to support the President's goal of doubling the annual number of children who are adopted or permanently placed

by the year 2002; and a requirement for the Department to study and make recommendations regarding additional performance-based financial incentives in child welfare.

- **Innovative approaches are needed to achieve the goals of safety, permanency and well-being.** The law recognizes that we do not yet have all of the solutions to achieve our goals. By expanding the authority for child welfare demonstration waivers, the law provides a mechanism to allow States greater flexibility to develop innovative strategies to achieve positive results for children and families.

There is much to be done in the coming months as we work together to implement this multi-faceted new law. This Program Instruction is the first of the communications that the Department will send to assist the States in meeting the requirements of ASFA. We will also be consulting with State representatives and other experts in the field to help guide our work in implementing the new law. Working together, we have the opportunity to dramatically improve the lives of children and families.

## **PART II. EFFECTIVE DATES FOR IMPLEMENTING PUBLIC LAW 105-89:**

### **General Effective Date of Public Law 105-89**

The effective date of Public Law 105-89 is November 19, 1997. States are expected to comply with the provisions of the law as of that date, with the exceptions noted below.

### **Exceptions to Effective Date: Determination of Required State Legislation**

A limited period of delay is permitted when the Secretary determines that a State must enact legislation to comply with certain State plan requirements. Section 501(b) of Public Law 105-89 authorizes the Secretary to determine those State plan requirements that will necessitate State legislation.

### **Delayed Effective Date**

A "delayed effective date" will apply only to those requirements that the Secretary has determined require State legislation. The "delayed effective date" is defined in Section 501(b) as the beginning of the calendar quarter following the close of the State's first regular legislative session.

Following is a list of new or amended State plan requirements contained in titles IV-B and IV-E, as amended by ASFA:

### **Title IV-B, Subparts 1 and 2:**

- Including safety in case plan and case review requirements [section 422(b)(10)]
- Developing plans to facilitate adoptions across State and county jurisdictions [section 422(b)(12)]
- Requiring assurances that the safety of children shall be of the paramount concern [section 432(a)(9)]

## **Title IV-E:**

- Clarification of the reasonable efforts requirement [section 471(a)(15)]
- Criminal record checks for prospective foster and adoptive parents [section 471(a)(20)]
- Health insurance coverage for children with special needs [section 471(a)(21)]
- State standards to ensure quality services for children in foster care [section 471(a)(22)]
- State requirement to initiate or join proceedings within a specified time to terminate parental rights for certain children in foster care [section 475(5)(E) and (F)]\*

### **Transition Rule**

The requirement in section 475(5)(E) and (F) of the Act to initiate proceedings to terminate parental rights (TPR) is phased in over time according to the transition rule in section 103(c) of ASFA. This transition rule is separate from the "delayed effective date" described above. Separate guidance on implementing this transition will be forthcoming to the Regional Offices and States.

### **Action Required**

The Administration for Children and Families (ACF) Regional Offices, on behalf of the Secretary, and based on the State certification will determine where State legislation is necessary to comply with title IV-B and title IV-E State plan requirements. States that require legislation should submit the attached certification indicating those State plan requirements that will necessitate State legislation. The certification must include the estimated "delayed effective date" in accordance with Section 501(b) of ASFA. States that do not require any legislation must also submit the certification indicating that State legislation is not necessary and that a "delayed effective date" is not applicable. All certifications must be signed by the designated State agency official and submitted to the ACF Regional Office no later than February 13, 1998.

## **PART III. POTENTIAL IMPACT OF PUBLIC LAW 105-89 ON SACWIS:**

The intent of this section is to advise States of potential implications of ASFA on their SACWIS **and not to imply that any action must to be taken by the States at this time.** The SACWIS functional requirements delineated in ACF's Action Transmittal ACF-OISM-001 (2/24/95) remain in effect.

We strongly encourage the State program and system staff to discuss the possible implications for the State's SACWIS as the State implements ASFA.

Listed below are sections of ASFA that may have possible implications for a State's SACWIS. This list may not identify every conceivable consequence of the new law on SACWIS:

1. Section 101: SACWIS may need to be modified to appropriately record and track the "reasonable efforts" requirements identified in subsection (A), the "aggravated" or other circumstances identified in subsection (D) and the timely completion of the permanency hearing identified in subsection (E). [title IV-E, sections 471(a)(15) and 475(5)(C)]

2. Section 103: SACWIS may need to be modified to track the "total" number of months a child has been in foster care to conform with section 475(5)(E) and determine the beginning of foster care, as defined in section 475(5)(F). Also, SACWIS may need to be modified to assist the State in implementing the transition rule outlined in section 103(c). States should note that the "beginning of foster care" as defined in section 475(5)(F) should not be confused with the AFCARS data element 21, "date of latest removal from the home," which remains the same as defined in 45 CFR 1355.40, Appendix A. [title IV-E, section 475(5)(E) and(F)]
3. Section 104: The notice generation function of a State's SACWIS may need to be expanded to ensure that the applicable parties "are provided with notice of, and an opportunity to be heard in, any review or hearing to be held with respect to the child." Considering that SACWIS is currently required to generate notices, we would not expect this to cause a significant change to the design of the system. [title IV-E, section 475(5)(G)]
4. Section 105: If the State child welfare agency elects to use the Federal Parent Locator Service (FPLS) for child welfare services, it may need to modify its current interface with the State's title IV-D Child Support Enforcement system. We would expect that the benefits of pursuing this option would include enhancing a State's capacity to identify other family caretakers with whom the child could be placed, and expediting termination of parental rights when reunification is not an option and a suitable relative placement is not available. [title IV-D, section 453(a)(2),(c)]
5. Section 106: If a State chooses to conduct criminal background checks on foster and adoptive parents, and the State uses its SACWIS to process foster care or adoptive home applications, SACWIS may be modified to record the results of the background check. [title IV-E, section 471(a)(20)]
6. Section 107: In the case of a child for whom the permanency plan is adoption or placement in another permanent home, SACWIS may need to be modified to appropriately record and track "the steps the agency is taking to find an adoptive family or other permanent living arrangement for the child ... and to finalize the adoption or legal guardianship." [title IV-E, section 475(1)(E)]
7. Section 307: SACWIS may need to be modified to maintain the prior eligibility information on behalf of children with special needs whose initial adoption has been dissolved or whose adoptive parents have died. [title IV-E, section 473(a)(2)]

**INQUIRIES TO:** ACF Regional Offices

/s/

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

\* The requirement to initiate or join proceedings to terminate parental rights is treated as a State plan requirement under section 103(c)(4) of Public Law 105-89.

**Attachments:**

[Attachment A - The Adoption and Safe Families Act of 1997 \(Public Law 105-89\)](#)

[Attachment B](#) - Compilation of Titles IV-B and IV-E of the Social Security Act

[Attachment C](#) - Certification of Required State Legislation

[Attachment D](#) - ACF Regional Office list

Attachment B - Compilation of Titles IV-B and IV-E of the Social Security Act

This document reflects amendments made to the Social Security Act by the Adoption and Safe Families Act of 1997 (Public Law 105-89), and the Child Support Performance and Incentive Act of 1998 (Public Law 105-200), as of 8/25/98. Deleted text is in strikeout and added text is underlined. This document is designed for easy viewing and does not contain the proper spacing and formatting that is reflected in the hardcopy.

## **TITLE IV**

### **PART B--CHILD AND FAMILY SERVICES**

#### **Subpart 1--Child Welfare Services**

##### **APPROPRIATION**

SEC. 420. [42 U.S.C. 620] (a) For the purpose of enabling the United States, through the Secretary, to cooperate with State public welfare agencies in establishing, extending, and strengthening child welfare services, there is authorized to be appropriated for each fiscal year the sum of \$325,000,000.

(b) Funds appropriated for any fiscal year pursuant to the authorization contained in subsection (a) shall be included in the appropriation Act (or supplemental appropriation Act) for the fiscal year preceding the fiscal year for which such funds are available for obligation. In order to effect a transition to this method of timing appropriation action, the preceding sentence shall apply notwithstanding the fact that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

##### **ALLOTMENTS TO STATES**

SEC. 421. [42 U.S.C. 621] (a) The sum appropriated pursuant to section 420 for each fiscal year shall be allotted by the Secretary for use by cooperating State public welfare agencies which have plans developed jointly by the State agency and the Secretary as follows: He shall first allot

\$70,000 to each State, and shall then allot to each State an amount which bears the same ratio to the remainder of such sum as the product of (1) the population of the State under the age of twenty-one and (2) the allotment percentage of the State (as determined under this section) bears to the sum of the corresponding products of all the States.

(b) The "allotment percentage" for any State shall be 100 per centum less the State percentage; and the State percentage shall be the percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States; except that (1) the allotment percentage shall in no case be less than 30 per centum or more than 70 per centum, and (2) the allotment percentage shall be 70 per centum in the case of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(c) The allotment percentage for each State shall be promulgated by the Secretary between October 1 and November 30 of each even-numbered year, on the basis of the average per capita income of each State and of the United States for the three most recent calendar years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning October 1 next succeeding such promulgation.

(d) For purposes of this section, the term "United States" means the fifty States and the District of Columbia.

#### STATE PLANS FOR CHILD WELFARE SERVICES

SEC. 422. [42 U.S.C. 622] (a) In order to be eligible for payment under this subpart, a State must have a plan for child welfare services which has been developed jointly by the Secretary and the State agency designated pursuant to subsection (b)(1), and which meets the requirements of subsection (b).

(b) Each plan for child welfare services under this subpart shall--

1. provide that (A) the individual or agency that administers or supervises the administration of the State's services program under title XX will administer or supervise the administration of the plan (except as otherwise provided in section 103(d) of the Adoption Assistance and Child Welfare Act of 1980), and (B) to the extent that child welfare services are furnished by the staff of the State agency or local agency administering the plan, a single organizational unit in such State or local agency, as the case may be, will be responsible for furnishing such child welfare services;
2. provide for coordination between the services provided for children under the plan and the services and assistance provided under title XX, under the State program funded under part A, under the State plan approved under subpart 2 of this part, ~~under under~~ under the State plan approved under part E, and under other State programs having a relationship to the program under this subpart, with a view to provision of welfare and related services which will best promote the welfare of such children and their families.

3. provide that the standards and requirements imposed with respect to child day care under title XX shall apply with respect to day care services under this subpart, except insofar as eligibility for such services is involved;
4. provide for the training and effective use of paid paraprofessional staff, with particular emphasis on the full-time or part-time employment of persons of low income, as community service aides, in the administration of the plan, and for the use of nonpaid or partially paid volunteers in providing services and in assisting any advisory committees established by the State agency;
5. contain a description of the services to be provided and specify the geographic areas where such services will be available;
6. contain a description of the steps which the State will take to provide child welfare services and to make progress in--
  - A. covering additional political subdivisions,
  - B. reaching additional children in need of services, and
  - C. expanding and strengthening the range of existing services and developing new types of services, along with a description of the State's child welfare services staff development and training plans;
7. provide, in the development of services for children, for utilization of the facilities and experience of voluntary agencies in accordance with State and local programs and arrangements, as authorized by the State;
8. provide that the agency administering or supervising the administration of the plan will furnish such reports, containing such information, and participate in such evaluations, as the Secretary may require;
9. provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed;
10. provide assurances that the State--
  - A. since June 17, 1980, has completed an inventory of all children who, before the inventory, had been in foster care under the responsibility of the State for 6 months or more, which determined--
    - i. the appropriateness of, and necessity for, the foster care placement;
    - ii. whether the child could or should be returned to the parents of the child or should be freed for adoption or other permanent placement; and
    - iii. the services necessary to facilitate the return of the child or the placement of the child for adoption or legal guardianship;

- B. is operating, to the satisfaction of the Secretary--
- i. a statewide information system from which can be readily determined the status, demographic characteristics, location, and goals for the placement of every child who is (or, within the immediately preceding 12 months, has been) in foster care;
  - ii. a case review system (as defined in section 475(5) for each child receiving foster care under the supervision of the State;
  - iii. a service program designed to help children--
    - I. where safe and appropriate, return to families from which they have been removed; or
    - II. be placed for adoption, with a legal guardian, or, if adoption or legal guardianship is determined not to be appropriate for a child, in some other planned, permanent living arrangement; and
  - iv. a preplacement preventive services program designed to help children at risk of foster care placement remain safely with their families; and

- C.
- i. has reviewed (or within 12 months after the date of the enactment of this paragraph will review) State policies and administrative and judicial procedures in effect for children abandoned at or shortly after birth (including policies and procedures providing for legal representation of such children); and
  - ii. is implementing (or within 24 months after the date of the enactment of this paragraph will implement) such policies and procedures as the State determines, on the basis of the review described in clause (i), to be necessary to enable permanent decisions to be made expeditiously with respect to the placement of such children; ~~and~~

11.

12. contain a description, developed after consultation with tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act) in the State, of the specific measures taken by the State to comply with the Indian Child Welfare Act; and

13. contain assurances that the State shall develop plans for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children.

#### PAYMENT TO STATES

SEC. 423. [42 U.S.C. 623] (a) From the sums appropriated therefor and the allotment under this subpart, subject to the conditions set forth in this section, the Secretary shall from time to time pay to each State that has a plan developed in accordance with section 422 an amount equal to 75 per centum of the total sum expended under the plan (including the cost of administration of the plan) in meeting the costs of State, district, county, or other local child welfare services.

(b) The method of computing and making payments under this section shall be as follows:

1. The Secretary shall, prior to the beginning of each period for which a payment is to be made, estimate the amount to be paid to the State for such period under the provisions of this section.
2. From the allotment available therefor, the Secretary shall pay the amount so estimated, reduced or increased, as the case may be, by any sum (not previously adjusted under this section) by which he finds that his estimate of the amount to be paid the State for any prior period under this section was greater or less than the amount which should have been paid to the State for such prior period under this section

(c)(1) No payment may be made to a State under this part, for any fiscal year beginning after September 30, 1979, with respect to State expenditures made for (A) child day care necessary solely because of the employment, or training to prepare for employment, of a parent or other relative with whom the child involved is living, (B) foster care maintenance payments, and (C) adoption assistance payments, to the extent that the Federal payment with respect to those expenditures would exceed the total amount of the Federal payment under this part for fiscal year 1979.

(2) Expenditures made by a State for any fiscal year which begins after September 30, 1979, for foster care maintenance payments shall be treated for purposes of making Federal payments under this part with respect to expenditures for child welfare services, as if such foster care maintenance payments constituted child welfare services of a type to which the limitation imposed by paragraph (1) does not apply; except that the amount payable to the State with respect to expenditures made for other child welfare services and for foster care maintenance payments during any such year shall not exceed 100 per centum of the amount of the expenditures made for child welfare services for which payment may be made under the limitation imposed by paragraph (1) as in effect without regard to this paragraph.

(d) No payment may be made to a State under this part in excess of the payment made under this part for fiscal year 1979, for any fiscal year beginning after September 30, 1979, if for the latter fiscal year the total of the State's expenditures for child welfare services under this part (excluding expenditures for activities specified in subsection (c)(1)) is less than the total of the

State's expenditures under this part (excluding expenditures for such activities) for fiscal year 1979.

## REALLOTMENT

SEC. 424. [42 U.S.C. 624] (a) IN GENERAL.--Subject to subsection (b), the amount of any allotment to a State under section 421 for any fiscal year which the State certifies to the Secretary will not be required for carrying out the State plan developed as provided in section 422 shall be available for reallocation from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines (1) have need in carrying out their State plans so developed for sums in excess of those previously allotted to them under section 421 and (2) will be able to use such excess amounts during such fiscal year. Such reallocations shall be made on the basis of the State plans so developed, after taking into consideration the population under the age of twenty-one, and the per capita income of each such State as compared with the population under the age of twenty-one, and the per capita income of all such States with respect to which such a determination by the Secretary has been made. Any amount so reallocated to a State shall be deemed part of its allotment under section 421.

(b) EXCEPTION RELATING TO FOSTER CHILD PROTECTIONS.--The Secretary shall not reallocate under subsection (a) of this section any amount that is withheld or recovered from a State due to the failure of the State to meet the requirements of section 422(b)(10).

## DEFINITIONS

SEC. 425. [42 U.S.C. 625] (a)(1) For purposes of this title, the term "child welfare services" means public social services which are directed toward the accomplishment of the following purposes: (A) protecting and promoting the welfare of all children, including handicapped, homeless, dependent, or neglected children; (B) preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children; (C) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible; (D) restoring to their families children who have been removed, by the provision of services to the child and the families; (E) placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate; and (F) assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.

(2) Funds expended by a State for any calendar quarter to comply with section 422(b)(10) or 476(b), and funds expended with respect to nonrecurring costs of adoption proceedings in the case of children placed for adoption with respect to whom assistance is provided under a State plan for adoption assistance approved under part E of this title, shall be deemed to have been expended for child welfare services.

(b) For other definitions relating to this part and to part E of this title, see section 475 of this Act.

## RESEARCH, TRAINING, OR DEMONSTRATION PROJECTS

SEC. 426. [42 U.S.C. 626] (a) There are hereby authorized to be appropriated for each fiscal year such sums as the Congress may determine--

1. for grants by the Secretary--
  - A. to public or other nonprofit institutions of higher learning, and to public or other nonprofit agencies and organizations engaged in research or child-welfare activities, for special research or demonstration projects in the field of child welfare which are of regional or national significance and for special projects for the demonstration of new methods or facilities which show promise of substantial contribution to the advancement of child welfare;
  - B. to State or local public agencies responsible for administering, or supervising the administration of, the plan under this part, for projects for the demonstration of the utilization of research (including findings resulting there- from) in the field of child welfare in order to encourage experimental and special types of welfare services; and
  - C. to public or other nonprofit institutions of higher learning for special projects for training personnel for work in the field of child welfare, including traineeships described in section 429 with such stipends and allowances as may be permitted by the Secretary; and
2. for contracts or jointly financed cooperative arrangements with States and public and other organizations and agencies for the conduct of research, special projects, or demonstration projects relating to such matters.

(b)(1) There are authorized to be appropriated \$4,000,000 for each of the fiscal years 1988, 1989, and 1990 for grants by the Secretary to public or private nonprofit entities submitting applications under this subsection for the purpose of conducting demonstration projects under this subsection to develop alternative care arrangements for infants who do not have health conditions that require hospitalization and who would otherwise remain in inappropriate hospital settings.

(2) The demonstration projects conducted under this section may include--

- A. multidisciplinary projects designed to prevent the inappropriate hospitalization of infants and to allow infants described in paragraph (1) to remain with or return to a parent in a residential setting, where appropriate care for the infant and suitable treatment for the parent (including treatment for drug or alcohol addiction) may be assured, with the goal (where possible) of rehabilitating the parent and eliminating the need for such care for the infant;

- B. multidisciplinary projects that assure appropriate, individualized care for such infants in a foster home or other non-medical residential setting in cases where such infant does not require hospitalization and would otherwise remain in inappropriate hospital settings, including projects to demonstrate methods to recruit, train, and retain foster care families; and
- C. such other projects as the Secretary determines will best serve the interests of such infants and will serve as models for projects that agencies or organizations in other communities may wish to develop.

(3) In the case of any project which includes the use of funds authorized under this subsection for the care of infants in foster homes or other non-medical residential settings away from their parents, there shall be developed for each such infant a case plan of the type described in section 475(1) (to the extent that such infant is not otherwise covered by such a plan), and each such project shall include a case review system of the type described in section 475(5) (covering each such infant who is not otherwise subject to such a system).

(4) In evaluating applications from entities proposing to conduct demonstration projects under this subsection, the Secretary shall give priority to those projects that serve areas most in need of alternative care arrangements for infants described in paragraph (1).

(5) No project may be funded unless the application therefor contains assurances that it will--

- A. provide for adequate evaluation;
- B. provide for coordination with local governments;
- C. provide for community education regarding the inappropriate hospitalization of infants;
- D. use, to the extent practical, other available private, local, State, and Federal sources for the provision of direct services; and
- E. meet such other criteria as the Secretary may prescribe.

(6) Grants may be used to pay the costs of maintenance and of necessary medical and social services (to the extent that these costs are not otherwise paid for under other titles of this Act), and for such other purposes as the Secretary may allow.

(7) The Secretary shall provide training and technical assistance to grantees, as requested.

(c) Payments of grants or under contracts or cooperative arrangements under this section may be made in advance or by way of reimbursement, and in such installments, as the Secretary may determine; and shall be made on such conditions as the Secretary finds necessary to carry out the purposes of the grants, contracts, or other arrangements.

## PAYMENTS TO INDIAN TRIBAL ORGANIZATIONS

SEC. 428. [42 U.S.C. 628] (a) The Secretary may, in appropriate cases (as determined by the Secretary) make payments under this subpart directly to an Indian tribal organization within any State which has a plan for child welfare services approved under this subpart. Such payments shall be made in such manner and in such amounts as the Secretary determines to be appropriate.

(b) Amounts paid under subsection (a) shall be deemed to be a part of the allotment (as determined under section 421) for the State in which such Indian tribal organization is located.

(c) For purposes of this section, the terms "Indian tribe" and "tribal organization" shall have the meanings given such terms by subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), respectively.

#### CHILD WELFARE TRAINEESHIPS

SEC. 429. [42 U.S.C. 628a] The Secretary may approve an application for a grant to a public or nonprofit institution for higher learning to provide traineeships with stipends under section 426(a)(1)(C) only if the application--

(1) provides assurances that each individual who receives a stipend with such traineeship (in this section referred to as a "recipient") will enter into an agreement with the institution under which the recipient agrees--

- A. to participate in training at a public or private nonprofit child welfare agency on a regular basis (as determined by the Secretary) for the period of the traineeship;
- B. to be employed for a period of years equivalent to the period of the traineeship, in a public or private nonprofit child welfare agency in any State, within a period of time (determined by the Secretary in accordance with regulations) after completing the postsecondary education for which the traineeship was awarded;
- C. to furnish to the institution and the Secretary evidence of compliance with subparagraphs (A) and (B); and
- D. if the recipient fails to comply with subparagraph (A) or (B) and does not qualify for any exception to this subparagraph which the Secretary may prescribe in regulations, to repay to the Secretary all (or an appropriately prorated part) of the amount of the stipend, plus interest, and, if applicable, reasonable collection fees (in accordance with regulations promulgated by the Secretary);

(2) provides assurances that the institution will--

- A. enter into agreements with child welfare agencies for onsite training of recipients;
- B. permit an individual who is employed in the field of child welfare services to apply for a traineeship with a stipend if the traineeship furthers the progress of the individual toward the completion of degree requirements; and

- C. develop and implement a system that, for the 3-year period that begins on the date any recipient completes a child welfare services program of study, tracks the employment record of the recipient, for the purpose of determining the percentage of recipients who secure employment in the field of child welfare services and remain employed in the field.

#### NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE

SEC. 429A. [42 U.S.C. 628b] (a) IN GENERAL.--The Secretary shall conduct (directly, or by grant, contract, or interagency agreement) a national study based on random samples of children who are at risk of child abuse or neglect, or are determined by States to have been abused or neglected.

(b) REQUIREMENTS.--The study required by subsection (a) shall--

1. have a longitudinal component; and
2. yield data reliable at the State level for as many States as the Secretary determines is feasible.

(c) PREFERRED CONTENTS.--In conducting the study required by subsection (a), the Secretary should--

1. carefully consider selecting the sample from cases of confirmed abuse or neglect; and
2. follow each case for several years while obtaining information on, among other things--
  - A. the type of abuse or neglect involved;
  - B. the frequency of contact with State or local agencies;
  - C. whether the child involved has been separated from the family, and, if so, under what circumstances;
  - D. the number, type, and characteristics of out-of-home placements of the child; and
  - E. the average duration of each placement.

(d) REPORTS.--

1. IN GENERAL.--From time to time, the Secretary shall prepare reports summarizing the results of the study required by subsection (a).
2. AVAILABILITY.--The Secretary shall make available to the public any report prepared under paragraph (1), in writing or in the form of an electronic data tape.

3. AUTHORITY TO CHARGE FEE.--The Secretary may charge and collect a fee for the furnishing of reports under paragraph (2).

(e) APPROPRIATION.--Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary for each of fiscal years 1996 through 2002 \$6,000,000 to carry out this section.

~~Subpart 2--Family Preservation and Support Services~~

**Subpart 2--Promoting Safe and Stable Families**

PURPOSES; LIMITATIONS ON AUTHORIZATIONS OF APPROPRIATIONS;  
RESERVATION OF CERTAIN AMOUNTS

SEC. 430. [42 U.S.C. 629] (a) PURPOSES; LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.--For the purpose of encouraging and enabling each State to develop and establish, or expand, and to operate a program of family preservation services ~~and community-based family support services~~, community-based family support services, time-limited family reunification services, and adoption promotion and support services, there are authorized to be appropriated to the Secretary the amounts described in subsection (b) for the fiscal years specified in subsection (b).

(b) Description of Amounts.--The amount described in this subsection is--

1. for fiscal year 1994, \$60,000,000;
2. for fiscal year 1995, \$150,000,000;
3. for fiscal year 1996, \$225,000,000;
4. for fiscal year 1997, \$240,000,000; ~~or~~
5. for fiscal year 1998, the greater of--
  - A. \$255,000,000; or
  - B. the amount described in this subsection for fiscal year 1997, increased by the inflation percentage applicable to fiscal year 1998.;
6. for fiscal year 1999, \$275,000,000;
7. for fiscal year 2000, \$295,000,000; and
8. for fiscal year 2001, \$305,000,000.

(c) INFLATION PERCENTAGE.--For purposes of subsection (b)(5)(B) of this section, the inflation percentage applicable to any fiscal year is the percentage (if any) by which--

1. the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on December 31 of the immediately preceding fiscal year; exceeds
2. the average of the Consumer Price Index (as so defined) for the 12-month period ending on December 31 of the 2nd preceding fiscal year.

(d) RESERVATION OF CERTAIN AMOUNTS.--

1. EVALUATION, RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE.--The Secretary shall reserve \$2,000,000 of the amount described in subsection (b) for fiscal year 1994, and \$6,000,000 of the amounts so described for each of fiscal years 1995, 1996, 1997, ~~and 1998~~ 1998, 1999, 2000, and 2001, for expenditure by the Secretary--
  - A. for research, training, and technical assistance related to the program under this subpart; and
  - B. for evaluation of State programs funded under this subpart and any other Federal, State, or local program, regardless of whether federally assisted, that is designed to achieve the same purposes as the program under this subpart.
2. STATE COURT ASSESSMENTS.--The Secretary shall reserve \$5,000,000 of the amount described in subsection (b) for fiscal year 1995, and \$10,000,000 of the amounts so described for each of fiscal years 1996, 1997, ~~and 1998~~ 1998, 1999, 2000, and 2001, for grants under section 13712 of the Omnibus Budget Reconciliation Act of 1993.
3. Indian tribes.--The Secretary shall reserve 1 percent of the amounts described in subsection (b) for each fiscal year, for allotment to Indian tribes in accordance with section 433(a)

## DEFINITIONS

SEC. 431. [42 U.S.C. 629a] (a) IN GENERAL.--As used in this subpart:

1. FAMILY PRESERVATION SERVICES.--The term "family preservation services" means services for children and families designed to help families (including adoptive and extended families) at risk or in crisis, including--
  - A. service programs designed to help children--
    - i. where safe and appropriate, return to families from which they have been removed; or

- ii. be placed for adoption, with a legal guardian, or, if adoption or legal guardianship is determined not to be safe and appropriate for a child, in some other planned, permanent living arrangement;
  
  - B. preplacement preventive services programs, such as intensive family preservation programs, designed to help children at risk of foster care placement remain safely with their families;
  
  - C. service programs designed to provide followup care to families to whom a child has been returned after a foster care placement;
  
  - D. respite care of children to provide temporary relief for parents and other caregivers (including foster parents); and
  
  - E. services designed to improve parenting skills (by reinforcing parents' confidence in their strengths, and helping them to identify where improvement is needed and to obtain assistance in improving those skills) with respect to matters such as child development, family budgeting, coping with stress, health, and nutrition.
2. **FAMILY SUPPORT SERVICES.**--The term "family support services" means community-based services to promote the safety and well-being of children and families designed to increase the strength and stability of families (including adoptive, foster, and extended families), to increase parents' confidence and competence in their parenting abilities, to afford children a stable safe, stable and supportive family environment, and otherwise to enhance child development.
  
  3. **State agency.**--The term "State agency" means the State agency responsible for administering the program under subpart 1.
  
  4. **State.**--The term "State" includes an Indian tribe or tribal organization, in addition to the meaning given such term for purposes of subpart 1.
  
  5. **Tribal organization.**--The term "tribal organization" means the recognized governing body of any Indian tribe.
  
  6. **Indian tribe.**--The term "Indian tribe" means any Indian tribe (as defined in 482(i)(5)) and any Alaska Native organization (as defined in 482(i)(7)(A)).
  
  7. **TIME-LIMITED FAMILY REUNIFICATION SERVICES.**--
    - A. **IN GENERAL.**--The term 'time-limited family reunification services' means the services and activities described in subparagraph (B) that are provided to a child that is removed from the child's home and placed in a foster family home or a child care institution and to the parents or primary caregiver of such a child, in

order to facilitate the reunification of the child safely and appropriately within a timely fashion, but only during the 15-month period that begins on the date that the child, pursuant to section 475(5)(F), is considered to have entered foster care.

- B. SERVICES AND ACTIVITIES DESCRIBED.--The services and activities described in this subparagraph are the following:
- i. Individual, group, and family counseling.
  - ii. Inpatient, residential, or outpatient substance abuse treatment services.
  - iii. Mental health services.
  - iv. Assistance to address domestic violence.
  - v. Services designed to provide temporary child care and therapeutic services for families, including crisis nurseries.
  - vi. Transportation to or from any of the services and activities described in this subparagraph.
- 8.
9. ADOPTION PROMOTION AND SUPPORT SERVICES.--The term `adoption promotion and support services' means services and activities designed to encourage more adoptions out of the foster care system, when adoptions promote the best interests of children, including such activities as pre- and post-adoptive services and activities designed to expedite the adoption process and support adoptive families.
10. NON-FEDERAL FUNDS.--The term `non-Federal funds' means State funds, or at the option of a State, State and local funds.

(b) Other Terms.--For other definitions of other terms used in this subpart, see section 475.

## STATE PLANS

SEC. 432. [42 U.S.C. 629b] (a) PLAN REQUIREMENTS.--A State plan meets the requirements of this subsection if the plan--

1. provides that the State agency shall administer, or supervise the administration of, the State program under this subpart;
2.
  - A. (i) sets forth the goals intended to be accomplished under the plan by the end of the 5th fiscal year in which the plan is in operation in the State, and (ii) is updated periodically to set forth the goals intended to be accomplished under the plan by the end of each 5th fiscal year thereafter;

- B. describes the methods to be used in measuring progress toward accomplishment of the goals;
- C. contains assurances that the State--
  - i. after the end of each of the 1st 4 fiscal years covered by a set of goals, will perform an interim review of progress toward accomplishment of the goals, and on the basis of the interim review will revise the statement of goals in the plan, if necessary, to reflect changed circumstances; and
  - ii. after the end of the last fiscal year covered by a set of goals, will perform a final review of progress toward accomplishment of the goals, and on the basis of the final review (I) will prepare, transmit to the Secretary, and make available to the public a final report on progress toward accomplishment of the goals, and (II) will develop (in consultation with the entities required to be consulted pursuant to subsection (b)) and add to the plan a statement of the goals intended to be accomplished by the end of the 5th succeeding fiscal year;
- 3.
- 4. provides for coordination, to the extent feasible and appropriate, of the provision of services under the plan and the provision of services or benefits under other Federal or federally assisted programs serving the same populations;
- 5. contains assurances that not more than 10 percent of expenditures under the plan for any fiscal year with respect to which the State is eligible for payment under section 434 for the fiscal year shall be for administrative costs, and that the remaining expenditures shall be for programs of family preservation services ~~and community-based family support services~~, community-based family support services, time-limited family reunification services, and adoption promotion and support services, with significant portions of such expenditures for each such program;
- 6. contains assurances that the State will--
  - A. annually prepare, furnish to the Secretary, and make available to the public a description (including separate descriptions with respect to family preservation services ~~and community-based family support services~~, community-based family support services, time-limited family reunification services, and adoption promotion and support services) of--
    - i. the service programs to be made available under the plan in the immediately succeeding fiscal year;
    - ii. the populations which the programs will serve; and
    - iii. the geographic areas in the State in which the services will be available; and

- B. perform the activities described in subparagraph (A)--
  - i. in the case of the 1st fiscal year under the plan, at the time the State submits its initial plan; and
  - ii. in the case of each succeeding fiscal year, by the end of the 3rd quarter of the immediately preceding fiscal year;
  
- 7.
  
- 8. provides for such methods of administration as the Secretary finds to be necessary for the proper and efficient operation of the plan;
  
- 9.
  - A. contains assurances that Federal funds provided to the State under this subpart will not be used to supplant Federal or non-Federal funds for existing services and activities which promote the purposes of this subpart; and
  - B. provides that the State will furnish reports to the Secretary, at such times, in such format, and containing such information as the Secretary may require, that demonstrate the State's compliance with the prohibition contained in subparagraph (A); ~~and~~
  
- 10. provides that the State agency will furnish such reports, containing such information, and participate in such evaluations, as the Secretary may require; and
  
- 11. contains assurances that in administering and conducting service programs under the plan, the safety of the children to be served shall be of paramount concern.

(b) APPROVAL OF PLANS.--

- 1. IN GENERAL.--The Secretary shall approve a plan that meets the requirements of subsection (a) only if the plan was developed jointly by the Secretary and the State, after consultation by the State agency with appropriate public and nonprofit private agencies and community-based organizations with experience in administering programs of services for children and families (including family preservation ~~and family support~~, family support, time-limited family reunification, and adoption promotion and support services).
  
- 2. PLANS OF INDIAN TRIBES.--
  - A. EXEMPTION FROM INAPPROPRIATE REQUIREMENTS.--The Secretary may exempt a plan submitted by an Indian tribe from any requirement of this

section that the Secretary determines would be inappropriate to apply to the Indian tribe, taking into account the resources, needs, and other circumstances of the Indian tribe.

- B. SPECIAL RULE.--Notwithstanding subparagraph (A) of this paragraph, the Secretary may not approve a plan of an Indian tribe under this subpart to which (but for this subparagraph) an allotment of less than \$10,000 would be made under section 433(a) if allotments were made under section 433(a) to all Indian tribes with plans approved under this subpart with the same or larger numbers of children.

## ALLOTMENTS TO STATES

SEC. 433. [42 U.S.C. 629c] (a) INDIAN TRIBES.--From the amount reserved pursuant to section 430(d)(3) for any fiscal year, the Secretary shall allot to each Indian tribe with a plan approved under this subpart an amount that bears the same ratio to such reserved amount as the number of children in the Indian tribe bears to the total number of children in all Indian tribes with State plans so approved, as determined by the Secretary on the basis of the most current and reliable information available to the Secretary.

(b) TERRITORIES.--From the amount described in section 430(b) for any fiscal year that remains after applying section 430(d) for the fiscal year, the Secretary shall allot to each of the jurisdictions of Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, and American Samoa an amount determined in the same manner as the allotment to each of such jurisdictions is determined under section 421.

(c) OTHER STATES.--

1. IN GENERAL.--From the amount described in section 430(b) for any fiscal year that remains after applying section 430(d) and subsection (b) of this section for the fiscal year, the Secretary shall allot to each State (other than an Indian tribe) which is not specified in subsection (b) of this section an amount equal to such remaining amount multiplied by the food stamp percentage of the State for the fiscal year.
2. FOOD STAMP PERCENTAGE DEFINED.--
  - A. IN GENERAL.--As used in paragraph (1) of this subsection, the term "food stamp percentage" means, with respect to a State and a fiscal year, the average monthly number of children receiving food stamp benefits in the State for months in the 3 fiscal years referred to in subparagraph (B) of this paragraph, as determined from sample surveys made under section 16(c) of the Food Stamp Act of 1977, expressed as a percentage of the average monthly number of children receiving food stamp benefits in the States described in such paragraph (1) for months in such 3 fiscal years, as so determined.

- B. FISCAL YEARS USED IN CALCULATION.--For purposes of the calculation pursuant to subparagraph (A), the Secretary shall use data for the 3 most recent fiscal years, preceding the fiscal year for which the State's allotment is calculated under this subsection, for which such data are available to the Secretary.

## PAYMENTS TO STATES

### SEC. 434. [42 U.S.C. 629d] (a) ENTITLEMENT.--

1. GENERAL RULE.--Except as provided in paragraph (2) of this subsection, each State which has a plan approved under this subpart shall be entitled to payment of the lesser of--
  - A. 75 percent of the total expenditures by the State for activities under the plan during the fiscal year or the immediately succeeding fiscal year; or
  - B. the allotment of the State under section 433 for the fiscal year.
  
2. SPECIAL RULE.--Upon submission by a State to the Secretary during fiscal year 1994 of an application in such form and containing such information as the Secretary may require (including, if the State is seeking payment of an amount pursuant to subparagraph (B) of this paragraph, a description of the services to be provided with the amount), the State shall be entitled to payment of an amount equal to the sum of--
  - A. such amount, not exceeding \$1,000,000, from the allotment of the State under section 433 for fiscal year 1994, as the State may require to develop and submit a plan for approval under section 432; and
  - B. an amount equal to the lesser of--
    - i. 75 percent of the expenditures by the State for services to children and families in accordance with the application and the expenditure rules of section 432(a)(4); or
    - ii. the allotment of the State under section 433 for fiscal year 1994, reduced by any amount paid to the State pursuant to subparagraph (A) of this paragraph.
  
- 3.

### (b) PROHIBITIONS.--

1. NO USE OF OTHER FEDERAL FUNDS FOR STATE MATCH.--Each State receiving an amount paid under paragraph (1) or (2)(B) of subsection (a) may not expend any

Federal funds to meet the costs of services described in this subpart not covered by the amount so paid.

2. AVAILABILITY OF FUNDS.--A State may not expend any amount paid under subsection (a)(1) for any fiscal year after the end of the immediately succeeding fiscal year.

(c) DIRECT PAYMENTS TO TRIBAL ORGANIZATIONS OF INDIAN TRIBES.--The Secretary shall pay any amount to which an Indian tribe is entitled under this section directly to the tribal organization of the Indian tribe.

## EVALUATIONS

SEC. 435. [42 U.S.C. 629e] (a) EVALUATIONS.--

1. IN GENERAL.--The Secretary shall evaluate the effectiveness of the programs carried out pursuant to this subpart in accomplishing the purposes of this subpart, and may evaluate any other Federal, State, or local program, regardless of whether federally assisted, that is designed to achieve the same purposes as the program under this subpart, in accordance with criteria established in accordance with paragraph (2).
2. CRITERIA TO BE USED.--In developing the criteria to be used in evaluations under paragraph (1), the Secretary shall consult with appropriate parties, such as--
  - A. State agencies administering programs under this part and part E;
  - B. persons administering child and family services programs (including family preservation and family support programs) for private, nonprofit organizations with an interest in child welfare; and
  - C. other persons with recognized expertise in the evaluation of child and family services programs (including family preservation and family support programs) or other related programs.

(b) COORDINATION OF EVALUATIONS.--The Secretary shall develop procedures to coordinate evaluations under this section, to the extent feasible, with evaluations by the States of the effectiveness of programs under this subpart.

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### **Part E--Federal Payments for Foster Care and Adoption Assistance**

PURPOSE: APPROPRIATION

SEC. 470. [42 U.S.C. 670] For the purpose of enabling each State to provide, in appropriate cases, foster care and transitional independent living programs for children who otherwise would have been eligible for assistance under the State's plan approved under part A (as such plan was in effect on June 1, 1995) and adoption assistance for children with special needs, there are authorized to be appropriated for each fiscal year (commencing with the fiscal year which begins October 1, 1980) such sums as may be necessary to carry out the provisions of this part. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Secretary, State plans under this part.

#### STATE PLAN FOR FOSTER CARE AND ADOPTION ASSISTANCE

SEC. 471. [42 U.S.C. 671] (a) In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which--

1. provides for foster care maintenance payments in accordance with section 472 and for adoption assistance in accordance with section 473;
2. provides that the State agency responsible for administering the program authorized by subpart 1 of part B of this title shall administer, or supervise the administration of, the program authorized by this part;
3. provides that the plan shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them;
4. provides that the State shall assure that the programs at the local level assisted under this part will be coordinated with the programs at the State or local level assisted under parts A and B of this title, under title XX of this Act, and under any other appropriate provision of Federal law;
5. provides that the State will, in the administration of its programs under this part, use such methods relating to the establishment and maintenance of personnel standards on a merit basis as are found by the Secretary to be necessary for the proper and efficient operation of the programs, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods;
6. provides that the State agency referred to in paragraph (2) (hereinafter in this part referred to as the "State agency") will make such reports, in such form and containing such information as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports;
7. provides that the State agency will monitor and conduct periodic evaluations of activities carried out under this part;
8. provides safeguards which restrict the use of or disclosure of information concerning individuals assisted under the State plan to purposes directly connected with (A) the

administration of the plan of the State approved under this part, the plan or program of the State under part A, B, or D of this title (including activities under part F) or under title I, V, X, XIV, XVI (as in effect in Puerto Rico, Guam, and the Virgin Islands), XIX, or XX, or the supplemental security income program established by title XVI, (B) any investigation, prosecution, or criminal or civil proceeding, conducted in connection with the administration of any such plan or program, (C) the administration of any other Federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need, (D) any audit or similar activity conducted in connection with the administration of any such plan or program by any governmental agency which is authorized by law to conduct such audit or activity, and (E) reporting and providing information pursuant to paragraph (9) to appropriate authorities with respect to known or suspected child abuse or neglect; and the safeguards so provided shall prohibit disclosure, to any committee or legislative body (other than an agency referred to in clause (D) with respect to an activity referred to in such clause), of any information which identifies by name or address any such applicant or recipient; except that nothing contained herein shall preclude a State from providing standards which restrict disclosures to purposes more limited than those specified herein, or which, in the case of adoptions, prevent disclosure entirely;

9. provides that the State agency will--
  - A. report to an appropriate agency or official, known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child receiving aid under part B or this part under circumstances which indicate that the child's health or welfare is threatened thereby; and
  - B. provide such information with respect to a situation described in subparagraph (A) as the State agency may have;
10. 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;
11. provides for periodic review of the standards referred to in the preceding paragraph and amounts paid as foster care maintenance payments and adoption assistance to assure their continuing appropriateness;
12. provides for granting an opportunity for a fair hearing before the State agency to any individual whose claim for benefits available pursuant to this part is denied or is not acted upon with reasonable promptness;

13. provides that the State shall arrange for a periodic and independently conducted audit of the programs assisted under this part and part B of this title, which shall be conducted no less frequently than once every three years;
14. provides (A) specific goals (which shall be established by State law on or before October 1, 1982) for each fiscal year (commencing with the fiscal year which begins on October 1, 1983) as to the maximum number of children (in absolute numbers or as a percentage of all children in foster care with respect to whom assistance under the plan is provided during such year) who, at any time during such year, will remain in foster care after having been in such care for a period in excess of twenty-four months, and (B) a description of the steps which will be taken by the State to achieve such goals;
15. ~~effective October 1, 1983, provides that, in each case, reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home, and (B) to make it possible for the child to return to his home;~~
15. provides that--
  - A. in determining reasonable efforts to be made with respect to a child, as described in this paragraph, and in making such reasonable efforts, the child's health and safety shall be the paramount concern;
  - B. (B) except as provided in subparagraph (D), reasonable efforts shall be made to preserve and reunify families--
    - i. prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home; and
    - ii. to make it possible for a child to safely return to the child's home;
  - C. if continuation of reasonable efforts of the type described in subparagraph (B) is determined to be inconsistent with the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child;
  - D. reasonable efforts of the type described in subparagraph (B) shall not be required to be made with respect to a parent of a child if a court of competent jurisdiction has determined that--
    - i. the parent has subjected the child to aggravated circumstances (as defined in State law, which definition may include but need not be limited to abandonment, torture, chronic abuse, and sexual abuse);
    - ii. (ii) the parent has--
      - I. committed murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had

occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;

- II. committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;
- III. aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter; or
- IV. committed a felony assault that results in serious bodily injury to the child or another child of the parent; or

iii. the parental rights of the parent to a sibling have been terminated involuntarily;

- E. if reasonable efforts of the type described in subparagraph (B) are not made with respect to a child as a result of a determination made by a court of competent jurisdiction in accordance with subparagraph (D)--
  - i. a permanency hearing (as described in section 475(5)(C)) shall be held for the child within 30 days after the determination; and
  - ii. reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child; and
- F. reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts of the type described in subparagraph (B);

16. provides for the development of a case plan (as defined in section 475(1)) for each child receiving foster care maintenance payments under the State plan and provides for a case review system which meets the requirements described in section 475(5)(B) with respect to each such child;

17. provides that, where appropriate, all steps will be taken, including cooperative efforts with the State agencies administering the program funded under part A and plan

approved under part 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;

18. not later than January 1, 1997, provides that neither the State nor any other entity in the State that receives funds from the Federal Government and is involved in adoption or foster care placements may--

A. deny to any person the opportunity to become an adoptive or a foster parent, on the basis of the race, color, or national origin of the person, or of the child, involved; or

B. delay or deny the placement of a child for adoption or into foster care, on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved; ~~and~~

19. provides that the State shall consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant State child protection standards; ~~and~~

20.

A. unless an election provided for in subparagraph (B) is made with respect to the State, provides procedures for criminal records checks for any prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments are to be made under the State plan under this part, including procedures requiring that--

i. in any case in which a record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children (including child pornography), or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, if a State finds that a court of competent jurisdiction has determined that the felony was committed at any time, such final approval shall not be granted; and

ii. in any case in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if a State finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years, such final approval shall not be granted; and

B. subparagraph (A) shall not apply to a State plan if the Governor of the State has notified the Secretary in writing that the State has elected to make subparagraph (A) inapplicable to the State, or if the State legislature, by law, has elected to make subparagraph (A) inapplicable to the State; ~~and~~

21. provides for health insurance coverage (including, at State option, through the program under the State plan approved under title XIX) for any child who has been determined to be a child with special needs, for whom there is in effect an adoption assistance agreement (other than an agreement under this part) between the State and an adoptive parent or parents, and who the State has determined cannot be placed with an adoptive parent or parents without medical assistance because such child has special needs for medical, mental health, or rehabilitative care, and that with respect to the provision of such health insurance coverage--
- A. such coverage may be provided through 1 or more State medical assistance programs;
  - B. the State, in providing such coverage, shall ensure that the medical benefits, including mental health benefits, provided are of the same type and kind as those that would be provided for children by the State under title XIX;
  - C. in the event that the State provides such coverage through a State medical assistance program other than the program under title XIX, and the State exceeds its funding for services under such other program, any such child shall be deemed to be receiving aid or assistance under the State plan under this part for purposes of section 1902(a)(10)(A)(i)(D); and
  - D. in determining cost-sharing requirements, the State shall take into consideration the circumstances of the adopting parent or parents and the needs of the child being adopted consistent, to the extent coverage is provided through a State medical assistance program, with the rules under such program-; and
22. provides that, not later than January 1, 1999, the State shall develop and implement standards to ensure that children in foster care placements in public or private agencies are provided quality services that protect the safety and health of the children-; and
23. provides that the State shall not--
- A. deny or delay the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child; or
  - B. fail to grant an opportunity for a fair hearing, as described in paragraph (12), to an individual whose allegation of a violation of subparagraph (A) of this paragraph is denied by the State or not acted upon by the State with reasonable promptness.

(b) The Secretary shall approve any plan which complies with the provisions of subsection (a) of this section.

## FOSTER CARE MAINTENANCE PAYMENTS PROGRAM

SEC. 472. [42 U.S.C. 672] (a) Each State with a plan approved under this part shall make foster care maintenance payments (as defined in section 475(4)) under this part with respect to a child who would have met the requirements of section 406(a) or of section 407 (as such sections were in effect on July 16, 1996) but for his removal from the home of a relative (specified in section 406(a) (as so in effect), if--

1. the removal from the home occurred pursuant to a voluntary placement agreement entered into by the child's parent or legal guardian, or 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) for a child have been made;
2. such child's placement and care are the responsibility of (A) the State agency administering the State plan approved under section 471, or (B) any other public agency with whom the State agency administering or supervising the administration of the State plan approved under section 471 has made an agreement which is still in effect;
3. such child has been placed in a foster family home or child-care institution as a result of the voluntary placement agreement or judicial determination referred to in paragraph (1); and
4. such child--
  - A. would have received aid under the State plan approved under section 402 (as in effect on July 16, 1996) in or for the month in which such agreement was entered into or court proceedings leading to the removal of such child from the home were initiated, or
  - B. (i) would have received such aid in or for such month if application had been made therefor, or (ii) had been living with a relative specified in section 406(a) (as in effect on July 16, 1996) within six months prior to the month in which such agreement was entered into or such proceedings were initiated, and would have received such aid in or for such month if in such month he had been living with such a relative and application therefor had been made.

In any case where the child is an alien disqualified under section 245A(h), 210(f), or 210A(d)(7) of the Immigration and Nationality Act from receiving aid under the State plan approved under section 402 in or for the month in which such agreement was entered into or court proceedings leading to the removal of the child from the home were instituted, such child shall be considered to satisfy the requirements of paragraph (4) (and the corresponding requirements of section 473(a)(2)(B)), with respect to that month, if he or she would have satisfied such requirements but for such disqualification.

(b) Foster care maintenance payments may be made under this part only on behalf of a child described in subsection (a) of this section who is--

1. in the foster family home of an individual, whether the payments therefor are made to such individual or to a public or nonprofit private child-placement or child-care agency, or
2. in a child-care institution, whether the payments therefor are made to such institution or to a public or nonprofit private child-placement or child-care agency, which payments shall be limited so as to include in such payments only those items which are included in the term "foster care maintenance payments" (as defined in section 475(4)).

(c) For the purposes of this part, (1) the term "foster family home" means a foster family home for children which is licensed by the State in which it is situated or has been approved, by the agency of such State having responsibility for licensing homes of this type, as meeting the standards established for such licensing; and (2) the term "child-care institution" means a private child-care institution, or a public child-care institution which accommodates no more than twenty-five children, which is licensed by the State in which it is situated or has been approved, by the agency of such State responsible for licensing or approval of institutions of this type, as meeting the standards established for such licensing, but the term shall not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.

(d) Notwithstanding any other provision of this title, Federal payments may be made under this part with respect to amounts expended by any State as foster care maintenance payments under this section, in the case of children removed from their homes pursuant to voluntary placement agreements as described in subsection (a), only if (at the time such amounts were expended) the State has fulfilled all of the requirements of section 422(b)(10).

(e) No Federal payment may be made under this part with respect to amounts expended by any State as foster care maintenance payments under this section, in the case of any child who was removed from his or her home pursuant to a voluntary placement agreement as described in subsection (a) and has remained in voluntary placement for a period in excess of 180 days, unless there has been a judicial determination by a court of competent jurisdiction (within the first 180 days of such placement) to the effect that such placement is in the best interests of the child.

(f) For the purposes of this part and part B of this title, (1) the term "voluntary placement" means an out-of-home placement of a minor, by or with participation of a State agency, after the parents or guardians of the minor have requested the assistance of the agency and signed a voluntary placement agreement; and (2) the term "voluntary placement agreement" means a written agreement, binding on the parties to the agreement, between the State agency, any other agency acting on its behalf, and the parents or guardians of a minor child which specifies, at a minimum, the legal status of the child and the rights and obligations of the parents or guardians, the child, and the agency while the child is in placement.

(g) In any case where--

1. the placement of a minor child in foster care occurred pursuant to a voluntary placement agreement entered into by the parents or guardians of such child as provided in subsection (a), and
2. such parents or guardians request (in such manner and form as the Secretary may prescribe) that the child be returned to their home or to the home of a relative, the voluntary placement agreement shall be deemed to be revoked unless the State agency opposes such request and obtains a judicial determination, by a court of competent jurisdiction, that the return of the child to such home would be contrary to the child's best interests.

(h)(1) For purposes of titles XIX, any child with respect to whom foster care maintenance payments are made under this section is deemed to be a dependent child as defined in section 406 (as in effect as of July 16, 1996) and deemed to be a recipient of aid to families with dependent children under part A of this title (as so in effect). For purposes of title XX, any child with respect to whom foster care maintenance payments are made under this section is deemed to be a minor child in a needy family under a State program funded under part A of this title and is deemed to be a recipient of assistance under such part.

(2) For purposes of paragraph (1), a child whose costs in a foster family home or child care institution are covered by the foster care maintenance payments being made with respect to the child's minor parent, as provided in section 475(4)(B), shall be considered a child with respect to whom foster care maintenance payments are made under this section.

#### ADOPTION ASSISTANCE PROGRAM

SEC. 473. [42 U.S.C. 673] (a)(1)(A) Each State having a plan approved under this part shall enter into adoption assistance agreements (as defined in section 475(3)) with the adoptive parents of children with special needs.

(B) Under any adoption assistance agreement entered into by a State with parents who adopt a child with special needs, the State--

- i. shall make payments of nonrecurring adoption expenses incurred by or on behalf of such parents in connection with the adoption of such child, directly through the State agency or through another public or nonprofit private agency, in amounts determined under paragraph (3), and
- ii. in any case where the child meets the requirements of paragraph (2), may make adoption assistance payments to such parents, directly through the State agency or through another public or nonprofit private agency, in amounts so determined.

(2) For purposes of paragraph (1)(B)(ii), a child meets the requirements of this paragraph if such child--

A.

- i. at the time adoption proceedings were initiated, met the requirements of section 406(a) or section 407 (as such sections were in effect on July 16, 1996) or would have met such requirements except for his removal from the home of a relative (specified in section 406(a) (as so in effect)) or, either pursuant to a voluntary placement agreement with respect to which Federal payments are provided under section 474 (or 403) (as such section was in effect on July 16, 1996) or as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child,
- ii. meets all of the requirements of title XVI with respect to eligibility for supplemental security income benefits, or
- iii. is a child whose costs in a foster family home or child-care institution are covered by the foster care maintenance payments being made with respect to his or her minor parent as provided in section 475(4)(B),

B.

- i. would have received aid under the State plan approved under section 402 (as in effect on July 16, 1996) in or for the month in which such agreement was entered into or court proceedings leading to the removal of such child from the home were initiated, or
- ii. (I) would have received such aid in or for such month if application had been made therefor, or (II) had been living with a relative specified in section 406(a) (as in effect on July 16, 1996) within six months prior to the month in which such agreement was entered into or such proceedings were initiated, and would have received such aid in or for such month if in such month he had been living with such a relative and application therefor had been made, or
- iii. is a child described in subparagraph (A)(ii) or (A)(iii), and

(C) has been determined by the State, pursuant to subsection (c) of this section, to be a child with special needs.

The last sentence of section 472(a) shall apply, for purposes of subparagraph (B), in any case where the child is an alien described in that sentence. Any child who meets the requirements of subparagraph (C), who was determined eligible for adoption assistance payments under this part with respect to a prior adoption, who is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died, and who fails to meet the requirements of subparagraphs (A) and (B) but would meet such requirements if the child were treated as if the child were in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under this part and the prior adoption were treated as never having occurred, shall be treated as meeting the requirements of this paragraph for purposes of paragraph (1)(B)(ii).

(3) The amount of the payments to be made in any case under clauses (i) and (ii) of paragraph (1)(B) shall be determined through agreement between the adoptive parents and the State or local

agency administering the program under this section, which shall take into consideration the circumstances of the adopting parents and the needs of the child being adopted, and may be readjusted periodically, with the concurrence of the adopting parents (which may be specified in the adoption assistance agreement), depending upon changes in such circumstances. However, in no case may the amount of the adoption assistance payment made under clause (ii) of paragraph (1)(B) exceed the foster care maintenance payment which would have been paid during the period if the child with respect to whom the adoption assistance payment is made had been in a foster family home.

(4) Notwithstanding the preceding paragraph, (A) no payment may be made to parents with respect to any child who has attained the age of eighteen (or, where the State determines that the child has a mental or physical handicap which warrants the continuation of assistance, the age of twenty-one), and (B) no payment may be made to parents with respect to any child if the State determines that the parents are no longer legally responsible for the support of the child or if the State determines that the child is no longer receiving any support from such parents. Parents who have been receiving adoption assistance payments under this section shall keep the State or local agency administering the program under this section informed of circumstances which would, pursuant to this subsection, make them ineligible for such assistance payments, or eligible for assistance payments in a different amount.

(5) For purposes of this part, individuals with whom a child (who has been determined by the State, pursuant to subsection (c), to be a child with special needs) is placed for adoption in accordance with applicable State and local law shall be eligible for such payments, during the period of the placement, on the same terms and subject to the same conditions as if such individuals had adopted such child.

(6)(A) For purposes of paragraph (1)(B)(i), the term "nonrecurring adoption expenses" means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a child with special needs and which are not incurred in violation of State or Federal law.

(B) A State's payment of nonrecurring adoption expenses under an adoption assistance agreement shall be treated as an expenditure made for the proper and efficient administration of the State plan for purposes of section 474(a)(3)(E).

(b)(1) For purposes of title XIX, any child who is described in paragraph (3) is deemed to be a dependent child as defined in section 406 (as in effect as of July 16, 1996) and deemed to be a recipient of aid to families with dependent children under part A of this title (as so in effect) in the State where such child resides.

(2) For purposes of title XX, any child who is described in paragraph (3) is deemed to be a minor child in a needy family under a State program funded under part A of this title and deemed to be a recipient of assistance under such part.

(3) A child described in this paragraph is any child--

- A.
  - i. who is a child described in subsection (a)(2), and
  - ii. with respect to whom an adoption assistance agreement is in effect under this section (whether or not adoption assistance payments are provided under the agreement or are being made under this section), including any such child who has been placed for adoption in accordance with applicable State and local law (whether or not an interlocutory or other judicial decree of adoption has been issued), or
  
- B. with respect to whom foster care maintenance payments are being made under section 472.

(4) For purposes of paragraphs (1) and (2), a child whose costs in a foster family home or child-care institution are covered by the foster care maintenance payments being made with respect to the child's minor parent, as provided in section 475(4)(B), shall be considered a child with respect to whom foster care maintenance payments are being made under section 472.

(c) For purposes of this section, a child shall not be considered a child with special needs unless--

1. the State has determined that the child cannot or should not be returned to the home of his parents; and
2. the State had first determined (A) that there exists with respect to the child a specific factor or condition (such as his ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that such child cannot be placed with adoptive parents without providing adoption assistance under this section or medical assistance under title XIX, and (B) that, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance under this section or medical assistance under title XIX.

#### SEC. 473A. ADOPTION INCENTIVE PAYMENTS.

(a) GRANT AUTHORITY.--Subject to the availability of such amounts as may be provided in advance in appropriations Acts for this purpose, the Secretary shall make a grant to each State that is an incentive-eligible State for a fiscal year in an amount equal to the adoption incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

(b) INCENTIVE-ELIGIBLE STATE.--A State is an incentive-eligible State for a fiscal year if--

1. the State has a plan approved under this part for the fiscal year;
2. the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year;
3. the State is in compliance with subsection (c) for the fiscal year;
4. in the case of fiscal years 2001 and 2002, the State provides health insurance coverage to any child with special needs (as determined under section 473(c)) for whom there is in effect an adoption assistance agreement between a State and an adoptive parent or parents; and
5. the fiscal year is any of fiscal years 1998 through 2002.

(c) DATA REQUIREMENTS.--

1. IN GENERAL.--A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary the data described in paragraph (2)--
  - A. for fiscal years 1995 through 1997 (or, if the first fiscal year for which the State seeks a grant under this section is after fiscal year 1998, the fiscal year that precedes such 1st fiscal year); and
  - B. for each succeeding fiscal year that precedes the fiscal year.
2. DETERMINATION OF NUMBERS OF ADOPTIONS.--
  - A. DETERMINATIONS BASED ON AFCARS DATA.--Except as provided in subparagraph (B), the Secretary shall determine the numbers of foster child adoptions and of special needs adoptions in a State during each of fiscal years 1995 through 2002, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State and approved by the Secretary by August 1 of the succeeding fiscal year.
  - B. ALTERNATIVE DATA SOURCES PERMITTED FOR FISCAL YEARS 1995 THROUGH 1997.--For purposes of the determination described in subparagraph (A) for fiscal years 1995 through 1997, the Secretary may use data from a source or sources other than that specified in subparagraph (A) that the Secretary finds to be of equivalent completeness and reliability, as reported by a State by ~~November 30, 1997~~ April 30, 1998, and approved by the Secretary by ~~March 1, 1998~~ July 1, 1998.
3. NO WAIVER OF AFCARS REQUIREMENTS.--This section shall not be construed to alter or affect any requirement of section 479 or of any regulation prescribed under such

section with respect to reporting of data by States, or to waive any penalty for failure to comply with such a requirement.

(d) ADOPTION INCENTIVE PAYMENT.--

1. IN GENERAL.--Except as provided in paragraph (2), the adoption incentive payment payable to a State for a fiscal year under this section shall be equal to the sum of--
  - A. \$4,000, multiplied by the amount (if any) by which the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year; and
  - B. \$2,000, multiplied by the amount (if any) by which the number of special needs adoptions in the State during the fiscal year exceeds the base number of special needs adoptions for the State for the fiscal year.
  
2. PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.--For any fiscal year, if the total amount of adoption incentive payments otherwise payable under this section for a fiscal year exceeds the amount appropriated pursuant to subsection (h) for the fiscal year, the amount of the adoption incentive payment payable to each State under this section for the fiscal year shall be--
  - A. the amount of the adoption incentive payment that would otherwise be payable to the State under this section for the fiscal year; multiplied by
  - B. the percentage represented by the amount so appropriated for the fiscal year, divided by the total amount of adoption incentive payments otherwise payable under this section for the fiscal year.

(e) 2-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.--Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the succeeding fiscal year.

(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.--A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post-adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 434, and 474.

(g) DEFINITIONS.--As used in this section:

1. FOSTER CHILD ADOPTION.--The term 'foster child adoption' means the final adoption of a child who, at the time of adoptive placement, was in foster care under the supervision of the State.

2. SPECIAL NEEDS ADOPTION.--The term `special needs adoption' means the final adoption of a child for whom an adoption assistance agreement is in effect under section 473.
3. BASE NUMBER OF FOSTER CHILD ADOPTIONS.--The term `base number of foster child adoptions for a State' means--
  - A. with respect to fiscal year 1998, the average number of foster child adoptions in the State in fiscal years 1995, 1996, and 1997; and
  - B. with respect to any subsequent fiscal year, the number of foster child adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 1997 and ends with the fiscal year preceding such subsequent fiscal year.
4. BASE NUMBER OF SPECIAL NEEDS ADOPTIONS.--The term `base number of special needs adoptions for a State' means--
  - A. with respect to fiscal year 1998, the average number of special needs adoptions in the State in fiscal years 1995, 1996, and 1997; and
  - B. with respect to any subsequent fiscal year, the number of special needs adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 1997 and ends with the fiscal year preceding such subsequent fiscal year.

(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.--

1. IN GENERAL.--For grants under subsection (a), there are authorized to be appropriated to the Secretary \$20,000,000 for each of fiscal years 1999 through 2003.
2. AVAILABILITY.--Amounts appropriated under paragraph (1) are authorized to remain available until expended, but not after fiscal year 2003.

(i) TECHNICAL ASSISTANCE.--

1. IN GENERAL.--The Secretary may, directly or through grants or contracts, provide technical assistance to assist States and local communities to reach their targets for increased numbers of adoptions and, to the extent that adoption is not possible, alternative permanent placements, for children in foster care.
2. DESCRIPTION OF THE CHARACTER OF THE TECHNICAL ASSISTANCE.--The technical assistance provided under paragraph (1) may support the goal of encouraging more adoptions out of the foster care system, when adoptions promote the best interests of children, and may include the following:

- A. The development of best practice guidelines for expediting termination of parental rights.
  - B. Models to encourage the use of concurrent planning.
  - C. The development of specialized units and expertise in moving children toward adoption as a permanency goal.
  - D. The development of risk assessment tools to facilitate early identification of the children who will be at risk of harm if returned home.
  - E. Models to encourage the fast tracking of children who have not attained 1 year of age into pre-adoptive placements.
  - F. Development of programs that place children into pre-adoptive families without waiting for termination of parental rights.
3. TARGETING OF TECHNICAL ASSISTANCE TO THE COURTS.--Not less than 50 percent of any amount appropriated pursuant to paragraph (4) shall be used to provide technical assistance to the courts.
4. LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.--To carry out this subsection, there are authorized to be appropriated to the Secretary of Health and Human Services not to exceed \$10,000,000 for each of fiscal years 1998 through 2000.

#### PAYMENTS TO STATES; ALLOTMENTS TO STATES

SEC. 474. [42 U.S.C. 674] (a) For each quarter beginning after September 30, 1980, each State which has a plan approved under this part (~~subject to the limitations imposed by subsection (b)~~) shall be entitled to a payment equal to the sum of--

- 1. an amount equal to the Federal medical assistance percentage (as defined in section 1905(b) of this Act) of the total amount expended during such quarter as foster care maintenance payments under section 472 for children in foster family homes or child-care institutions; plus
- 2. an amount equal to the Federal medical assistance percentage (as defined in section 1905(b) of this Act) of the total amount expended during such quarter as adoption assistance payments under section 473 pursuant to adoption assistance agreements; plus
- 3. an amount equal to the sum of the following proportions of the total amounts expended during such quarter as found necessary by the Secretary for the provision of child placement services and for the proper and efficient administration of the State plan--
  - A. 75 per centum of so much of such expenditures as are for the training (including both short-and long-term training at educational institutions through grants to

such institutions or by direct financial assistance to students enrolled in such institutions) of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision,

- B. 75 percent of so much of such expenditures (including travel and per diem expenses) as are for the short-term training of current or prospective foster or adoptive parents and the members of the staff of State-licensed or State-approved child care institutions providing care to foster and adopted children receiving assistance under this part, in ways that increase the ability of such current or prospective parents, staff members, and institutions to provide support and assistance to foster and adopted children, whether incurred directly by the State or by contract,
- C. 50 percent of so much of such expenditures as are for the planning, design, development, or installation of statewide mechanized data collection and information retrieval systems (including 50 percent of the full amount of expenditures for hardware components for such systems) but only to the extent that such systems--
  - i. meet the requirements imposed by regulations promulgated pursuant to section 479(b)(2);
  - ii. to the extent practicable, are capable of interfacing with the State data collection system that collects information relating to child abuse and neglect;
  - iii. to the extent practicable, have the capability of interfacing with, and retrieving information from, the State data collection system that collects information relating to the eligibility of individuals under part A (for the purposes of facilitating verification of eligibility of foster children); and
  - iv. are determined by the Secretary to be likely to provide more efficient, economical, and effective administration of the programs carried out under a State plan approved under part B or this part; and
- D. 50 percent of so much of such expenditures as are for the operation of the statewide mechanized data collection and information retrieval systems referred to in subparagraph (C); and
- E. one-half of the remainder of such expenditures; plus

4. an amount equal to the sum of--

- A. so much of the amounts expended by such State to carry out programs under section 477 as do not exceed the basic amount for such State determined under section 477(e)(1); and
- B. the lesser of--
  - i. one-half of any additional amounts expended by such State for such programs; or
  - ii. the maximum additional amount for such State under such section 477(e)(1).

5.

(b) (1) The Secretary shall, prior to the beginning of each quarter, estimate the amount to which a State will be entitled under subsection (a) for such quarter, such estimates to be based on (A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with subsection (a), and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than the State's proportionate share of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived, (B) records showing the number of children in the State receiving assistance under this part, and (C) such other investigation as the Secretary may find necessary.

(2) The Secretary shall then pay to the State, in such installments as he may determine, the amounts so estimated, reduced or increased to the extent of any overpayment or underpayment which the Secretary determines was made under this section to such State for any prior quarter and with respect to which adjustment has not already been made under this subsection.

(3) The pro rata share to which the United States is equitably entitled, as determined by the Secretary, of the net amount recovered during any quarter by the State or any political subdivision thereof with respect to foster care and adoption assistance furnished under the State plan shall be considered an overpayment to be adjusted under this subsection.

(4)(A) Within 60 days after receipt of a State claim for expenditures pursuant to subsection a), the Secretary shall allow, disallow, or defer such claim.

(B) Within 15 days after a decision to defer such a State claim, the Secretary shall notify the State of the reasons for the deferral and of the additional information necessary to determine the allowability of the claim.

(C) Within 90 days after receiving such necessary information (in readily reviewable form), the Secretary shall--

- i. disallow the claim, if able to complete the review and determine that the claim is not allowable, or

- ii. in any other case, allow the claim, subject to disallowance (as necessary)--
  - I. upon completion of the review, if it is determined that the claim is not allowable; or
  - II. on the basis of findings of an audit or financial management review.

(c) AUTOMATED DATA COLLECTION EXPENDITURES.--The Secretary shall treat as necessary for the proper and efficient administration of the State plan all expenditures of a State necessary in order for the State to plan, design, develop, install, and operate data collection and information retrieval systems described in subsection (a)(3)(C), without regard to whether the systems may be used with respect to foster or adoptive children other than those on behalf of whom foster care maintenance payments or adoption assistance payments may be made under this part.

(d)(1) If, during any quarter of a fiscal year, a State's program operated under this part is found, as a result of a review conducted under section 1123A, or otherwise, to have violated ~~section 471(a)(18)~~ paragraph (18) or (23) of section 471(a) with respect to a person or to have failed to implement a corrective action plan within a period of time not to exceed 6 months with respect to such violation, then, notwithstanding subsection (a) of this section and any regulations promulgated under section 1123A(b)(3), the Secretary shall reduce the amount otherwise payable to the State under this part, for that fiscal year quarter and for any subsequent quarter of such fiscal year, until the State program is found, as a result of a subsequent review under section 1123A, to have implemented a corrective action plan with respect to such violation, by--

- A. 2 percent of such otherwise payable amount, in the case of the 1st such finding for the fiscal year with respect to the State;
- B. 3 percent of such otherwise payable amount, in the case of the 2nd such finding for the fiscal year with respect to the State; or
- C. 5 percent of such otherwise payable amount, in the case of the 3rd or subsequent such finding for the fiscal year with respect to the State.

In imposing the penalties described in this paragraph, the Secretary shall not reduce any fiscal year payment to a State by more than 5 percent.

(2) Any other entity which is in a State that receives funds under this part and which violates ~~section 471(a)(18)~~ paragraph (18) or (23) of section 471(a) during a fiscal year quarter with respect to any person shall remit to the Secretary all funds that were paid by the State to the entity during the quarter from such funds.

(3)(A) Any individual who is aggrieved by a violation of section 471(a)(18) by a State or other entity may bring an action seeking relief from the State or other entity in any United States district court.

(B) An action under this paragraph may not be brought more than 2 years after the date the alleged violation occurred.

(4) This subsection shall not be construed to affect the application of the Indian Child Welfare Act of 1978.

~~(e) Notwithstanding subsection (a), a State shall not be eligible for any payment under this section if the Secretary finds that, after the date of the enactment of this subsection, the State has-~~

~~(1) denied or delayed the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child; or~~

~~(2) failed to grant an opportunity for a fair hearing, as described in section 471(a)(12), to an individual whose allegation of a violation of paragraph (1) of this subsection is denied by the State or not acted upon by the State with reasonable promptness.~~

## DEFINITIONS

SEC. 475. [42 U.S.C. 675] As used in this part or part B of this title:

1. The term "case plan" means a written document which includes at least the following:
  - A. A description of the type of home or institution in which a child is to be placed, including a discussion of the safety and appropriateness of the placement and how the agency which is responsible for the child plans to carry out the voluntary placement agreement entered into or judicial determination made with respect to the child in accordance with section 472(a)(1).
  - B. A plan for assuring that the child receives safe and proper care and that services are provided to the parents, child, and foster parents in order to improve the conditions in the parents' home, facilitate return of the child to his own safe home or the permanent placement of the child, and address the needs of the child while in foster care, including a discussion of the appropriateness of the services that have been provided to the child under the plan.
  - C. To the extent available and accessible, the health and education records of the child, including--
    - i. the names and addresses of the child's health and educational providers;
    - ii. the child's grade level performance;
    - iii. the child's school record;
    - iv. assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement;

- v. a record of the child's immunizations;
- vi. the child's known medical problems;
- vii. the child's medications; and
- viii. any other relevant health and education information concerning the child determined to be appropriate by the State agency.

D. Where appropriate, for a child age 16 or over, ~~the case plan must also include~~ a written description of the programs and services which will help such child prepare for the transition from foster care to independent living.

E. In the case of a child with respect to whom the permanency plan is adoption or placement in another permanent home, documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, a fit and willing relative, a legal guardian, or in another planned permanent living arrangement, and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child specific recruitment efforts such as the use of State, regional, and national adoption exchanges including electronic exchange systems.

(2) The term "parents" means biological or adoptive parents or legal guardians, as determined by applicable State law.

(3) The term "adoption assistance agreement" means a written agreement, binding on the parties to the agreement, between the State agency, other relevant agencies, and the prospective adoptive parents of a minor child which at a minimum (A) specifies the nature and amount of any payments, services, and assistance to be provided under such agreement, and (B) stipulates that the agreement shall remain in effect regardless of the State of which the adoptive parents are residents at any given time. The agreement shall contain provisions for the protection (under an interstate compact approved by the Secretary or otherwise) of the interests of the child in cases where the adoptive parents and child move to another State while the agreement is effective.

(4)(A) The term "foster care maintenance payments" means 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 term 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.

(B) In cases where--

(i) a child placed in a foster family home or child-care institution is the parent of a son or daughter who is in the same home or institution, and

(ii) payments described in subparagraph (A) are being made under this part with respect to such child, the foster care maintenance payments made with respect to such child as otherwise determined under subparagraph (A) shall also include such amounts as may be necessary to cover the cost of the items described in that subparagraph with respect to such son or daughter.

(5) The term "case review system" means a procedure for assuring that--

(A) each child has a case plan designed to achieve placement in a safe setting that is the least restrictive (most family like) and most appropriate setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child, which--

(i) if the child has been placed in a foster family home or child-care institution a substantial distance from the home of the parents of the child, or in a State different from the State in which such home is located, sets forth the reasons why such placement is in the best interests of the child, and

(ii) if the child has been placed in foster care outside the State in which the home of the parents of the child is located, requires that, periodically, but not less frequently than every 12 months, a caseworker on the staff of the State agency of the State in which the home of the parents of the child is located, or of the State in which the child has been placed, visit such child in such home or institution and submit a report on such visit to the State agency of the State in which the home of the parents of the child is located,

(B) the status of each child is reviewed periodically but no less frequently than once every six months by either a court or by administrative review (as defined in paragraph (6)) in order to determine the safety of the child, the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned to and safely maintained in the home or placed for adoption or legal guardianship,

(C) with respect to each such child, procedural safeguards will be applied, among other things, to assure each child in foster care under the supervision of the State of a ~~dispositional~~ permanency hearing to be 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 ~~eighteen~~ 12 months after the ~~original placement~~ date the child is considered to have entered foster care (as determined under subparagraph (F)) (and not less frequently than every 12 months thereafter during the continuation of foster care), which hearing shall determine the ~~future status of the child (including, but not limited to, whether the child should be returned to the parent, should be continued in foster care for a specified 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)~~ permanency plan for the child that includes whether, and if applicable when, the child will be returned to the parent, placed for adoption and the State will

file a petition for termination of parental rights, or referred for legal guardianship, or (in cases where the State agency has documented to the State court a compelling reason for determining that it would not be in the best interests of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian) placed in another planned permanent living arrangement and, in the case of a child described in subparagraph (A)(ii), whether the out-of-State placement continues to be appropriate and in the best interests of the child, and, in the case of a child who has attained age 16, the services needed to assist the child to make the transition from foster care to independent living; and procedural safeguards shall also be applied with respect to parental rights pertaining to the removal of the child from the home of his parents, to a change in the child's placement, and to any determination affecting visitation privileges of parents; and

(D) a child's health and education record (as described in paragraph (1)(A)) is reviewed and updated, and supplied to the foster parent or foster care provider with whom the child is placed, at the time of each placement of the child in foster care; and

(E) in the case of a child who has been in foster care under the responsibility of the State for 15 of the most recent 22 months, or, if a court of competent jurisdiction has determined a child to be an abandoned infant (as defined under State law) or has made a determination that the parent has committed murder of another child of the parent, committed voluntary manslaughter of another child of the parent, aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter, or committed a felony assault that has resulted in serious bodily injury to the child or to another child of the parent, the State shall file a petition to terminate the parental rights of the child's parents (or, if such a petition has been filed by another party, seek to be joined as a party to the petition), and, concurrently, to identify, recruit, process, and approve a qualified family for an adoption, unless--

(i) at the option of the State, the child is being cared for by a relative;

(ii) a State agency has documented in the case plan (which shall be available for court review) a compelling reason for determining that filing such a petition would not be in the best interests of the child; or

(iii) the State has not provided to the family of the child, consistent with the time period in the State case plan, such services as the State deems necessary for the safe return of the child to the child's home, if reasonable efforts of the type described in section 471(a)(15)(B)(ii) are required to be made with respect to the child; and

(F) a child shall be considered to have entered foster care on the earlier of--

(i) the date of the first judicial finding that the child has been subjected to child abuse or neglect; or

(ii) the date that is 60 days after the date on which the child is removed from the home; and

(G) the foster parents (if any) of a child and any preadoptive parent or relative providing care for the child are provided with notice of, and an opportunity to be heard in, any review or hearing to be held with respect to the child, except that this subparagraph shall not be construed to require that any foster parent, preadoptive parent, or relative providing care for the child be made a party to such a review or hearing solely on the basis of such notice and opportunity to be heard.

(6) The term "administrative review" means a review open to the participation of the parents of the child, 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 parents who are the subject of the review.

(7) The term 'legal guardianship' means a judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decisionmaking. The term 'legal guardian' means the caretaker in such a relationship.

#### TECHNICAL ASSISTANCE; DATA COLLECTION AND EVALUATION

SEC. 476. [42 U.S.C. 676] (a) The Secretary may provide technical assistance to the States to assist them to develop the programs authorized under this part and shall periodically (1) evaluate the programs authorized under this part and part B of this title and (2) collect and publish data pertaining to the incidence and characteristics of foster care and adoptions in this country.

(b) Each State shall submit statistical reports as the Secretary may require with respect to children for whom payments are made under this part containing information with respect to such children including legal status, demographic characteristics, location, and length of any stay in foster care.

#### INDEPENDENT LIVING INITIATIVES

SEC. 477. [42 U.S.C. 677] (a)(1) Payments shall be made in accordance with this section for the purpose of assisting States and localities in establishing and carrying out programs designed to assist children described in paragraph (2) who have attained age 16 in making the transition from foster care to independent living. Any State which provides for the establishment and carrying out of one or more such programs in accordance with this section for a fiscal year shall be entitled to receive payments under this section for such fiscal year, in an amount determined under subsection (e).

(2) A program established and carried out under paragraph (1)--

(A) shall be designed to assist children with respect to whom foster care maintenance payments are being made by the State under this part (including children with respect to whom such payments are no longer being made because the child has accumulated assets, not to exceed \$5,000, which are otherwise regarded as resources for purposes of determining eligibility for benefits under this part),

(B) may at the option of the State also include any or all other children in foster care under the responsibility of the State, and

(C) may at the option of the State also include any child who has not attained age 21 to whom foster care maintenance payments were previously made by a State under this part and whose payments were discontinued on or after the date such child attained age 16, and any child who previously was in foster care described in subparagraph (B) and for whom such care was discontinued on or after the date such child attained age 16; and a written transitional independent living plan of the type described in subsection (d)(6) shall be developed for such child as a part of such program.

(b) The State agency administering or supervising the administration of the State's programs under this part shall be responsible for administering or supervising the administration of the State's programs described in subsection (a). Payment under this section shall be made to the State, and shall be used for the purpose of conducting and providing in accordance with this section (directly or under contracts with local governmental entities or private nonprofit organizations) the activities and services required to carry out the program or programs involved.

(c) In order for a State to receive payments under this section for any fiscal year, the State agency must submit to the Secretary, in such manner and form as the Secretary may prescribe, a description of the program together with satisfactory assurances that the program will be operated in an effective and efficient manner and will otherwise meet the requirements of this section. In the case of payments for fiscal year 1987, such description and assurances must be submitted within 90 days after the Secretary promulgates regulations as required under subsection (i), and in the case of payments for any succeeding fiscal year such description and assurances must be submitted prior to February 1 of such fiscal year.

(d) In carrying out the purpose described in subsection (a), it shall be the objective of each program established under this section to help the individuals participating in such program to prepare to live independently upon leaving foster care. Such programs may include (subject to the availability of funds) 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 who are eligible to participate in the program;

(6) provide each participant a written transitional independent living plan which shall be based on an assessment of his needs, and which shall be incorporated into his 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.

(e)(1)(A) The basic amount to which a State shall be entitled under section 474(a)(4) for fiscal year 1987 and any succeeding fiscal year shall be an amount which bears the same ratio to the basic ceiling for such fiscal year as such State's average number of children receiving foster care maintenance payments under this part in fiscal year 1984 bears to the total of the average number of children receiving such payments under this part for all States for fiscal year 1984.

(B) The maximum additional amount to which a State shall be entitled under section 474(a)(4) for fiscal year 1991 and any succeeding fiscal year shall be an amount which bears the same ratio to the additional ceiling for such fiscal year as the basic amount of such State bears to \$45,000,000.

(C) As used in this section:

(i) The term "basic ceiling" means--

(I) for fiscal year 1990, \$50,000,000; and

(II) for each fiscal year other than fiscal year 1990, 45,000,000.

(ii) The term "additional ceiling" means--

(I) for fiscal year 1991, \$15,000,000; and

(II) for any succeeding fiscal year, \$25,000,000.

(2) If any State does not apply for funds under this section for any fiscal year within the time provided in subsection (c), the funds to which such State would have been entitled for such fiscal year shall be reallocated to one or more other States on the basis of their relative need for additional payments under this section (as determined by the Secretary).

(3) Any amounts payable to States under this section shall be in addition to amounts payable to States under subsections (a)(1), (a)(2), and (a)(3) of section 474, and shall supplement and not replace any other funds which may be available for the same general purposes in the localities involved. Amounts payable under this section may not be used for the provision of room or board.

(f) Payments made to a State under this section for any fiscal year--

(1) shall be used only for the specific purposes described in this section;

(2) may be made on an estimated basis in advance of the determination of the exact amount, with appropriate subsequent adjustments to take account of any error in the estimates; and

(3) shall be expended by such State in such fiscal year or in the succeeding fiscal year.

Notwithstanding paragraph (3), payments made to a State under this section for the fiscal year 1987 and unobligated may be expended by such State in the fiscal year 1989.

(g)(1) Not later than the first January 1 following the end of each fiscal year, each State shall submit to the Secretary a report on the programs carried out during such fiscal year with the amounts received under this section. Such report--

(A) shall be in such form and contain such information as may be necessary to provide an accurate description of such activities, to provide a complete record of the purposes for which the funds were spent, and to indicate the extent to which the expenditure of such funds succeeded in accomplishing the purpose described in subsection (a); and

(B) shall specifically contain such information as the Secretary may require in order to carry out the evaluation under paragraph (2).

(2)(A) Not later than July 1, 1988, the Secretary shall submit an interim report on the activities carried out under this section.

(B) Not later than March 1, 1989, the Secretary, on the basis of the reports submitted by States under paragraph (1) for the fiscal years 1987 and 1988, and on the basis of such additional information as the Secretary may obtain or develop, shall evaluate the use by States of the payments made available under this section for such fiscal year with respect to the purpose of this section, with the objective of appraising the achievements of the programs for which such payments were made available, and developing comprehensive information and data on the basis of which decisions can be made with respect to the improvement of such programs and the necessity for providing further payments in subsequent years. The Secretary shall report such evaluation to the Congress. As a part of such evaluation, the Secretary shall include, at a minimum, a detailed overall description of the number and characteristics of the individuals served by the programs, the various kinds of activities conducted and services provided and the results achieved, and shall set forth in detail findings and comments with respect to the various State programs and a statement of plans and recommendations for the future.

(h) Notwithstanding any other provision of this title, payments made and services provided to participants in a program under this section, as a direct consequence of their participation in such program, shall not be considered as income or resources for purposes of determining eligibility (or the eligibility of any other persons) for aid under the State's plan approved under section 402 or 471, or for purposes of determining the level of such aid.

(i) The Secretary shall promulgate final regulations for implementing this section within 60 days after the date of the enactment of this section.

SEC. 478. RULE OF CONSTRUCTION. Nothing in this part shall be construed as precluding State courts from exercising their discretion to protect the health and safety of children in individual cases, including cases other than those described in section 471(a)(15)(D).

#### COLLECTION OF DATA RELATING TO ADOPTION AND FOSTER CARE

SEC. 479. [42 U.S.C. 679] (a)(1) Not later than 90 days after the date of the enactment of this subsection, the Secretary shall establish an Advisory Committee on Adoption and Foster Care Information (in this section referred to as the "Advisory Committee") to study the various methods of establishing, administering, and financing a system for the collection of data with respect to adoption and foster care in the United States.

(2) The study required by paragraph (1) shall--

(A) identify the types of data necessary to--

(i) assess (on a continuing basis) the incidence, characteristics, and status of adoption and foster care in the United States, and

(ii) develop appropriate national policies with respect to adoption and foster care;

(B) evaluate the feasibility and appropriateness of collecting data with respect to privately arranged adoptions and adoptions arranged through private agencies without assistance from public child welfare agencies;

(C) assess the validity of various methods of collecting data with respect to adoption and foster care; and

(D) evaluate the financial and administrative impact of implementing each such method.

(3) Not later than October 1, 1987, the Advisory Committee shall submit to the Secretary and the Congress a report setting forth the results of the study required by paragraph (1) and evaluating and making recommendations with respect to the various methods of establishing, administering, and financing a system for the collection of data with respect to adoption and foster care in the United States.

(4)(A) Subject to subparagraph (B), the membership and organization of the Advisory Committee shall be determined by the Secretary.

(B) The membership of the Advisory Committee shall include representatives of--

(i) private, nonprofit organizations with an interest in child welfare (including organizations that provide foster care and adoption services),

(ii) organizations representing State and local governmental agencies with responsibility for foster care and adoption services,

(iii) organizations representing State and local governmental agencies with responsibility for the collection of health and social statistics,

(iv) organizations representing State and local judicial bodies with jurisdiction over family law,

(v) Federal agencies responsible for the collection of health and social statistics, and

(vi) organizations and agencies involved with privately arranged or international adoptions.

(5) After the date of the submission of the report required by paragraph (3), the Advisory Committee shall cease to exist.

(b)(1)(A) Not later than July 1, 1988, the Secretary shall submit to the Congress a report that--

(i) proposes a method of establishing, administering, and financing a system for the collection of data relating to adoption and foster care in the United States,

(ii) evaluates the feasibility and appropriateness of collecting data with respect to privately arranged adoptions and adoptions arranged through private agencies without assistance from public child welfare agencies, and

(iii) evaluates the impact of the system proposed under clause (i) on the agencies with responsibility for implementing it.

(B) The report required by subparagraph (A) shall--

(i) specify any changes in law that will be necessary to implement the system proposed under subparagraph (A)(i), and

(ii) describe the type of system that will be implemented under paragraph (2) in the absence of such changes.

(2) Not later than December 31, 1988, the Secretary shall promulgate final regulations providing for the implementation of--

(A) the system proposed under paragraph (1)(A)(i), or

(B) if the changes in law specified pursuant to paragraph (1)(B)(i) have not been enacted, the system described in paragraph (1)(B)(ii).

Such regulations shall provide for the full implementation of the system not later than October 1, 1991.

(c) Any data collection system developed and implemented under this section shall--

(1) avoid unnecessary diversion of resources from agencies responsible for adoption and foster care;

(2) assure that any data that is collected is reliable and consistent over time and among jurisdictions through the use of uniform definitions and methodologies;

(3) provide comprehensive national information with respect to--

(A) the demographic characteristics of adoptive and foster children and their biological and adoptive or foster parents,

(B) the status of the foster care population (including the number of children in foster care, length of placement, type of placement, availability for adoption, and goals for ending or continuing foster care),

(C) the number and characteristics of--

(i) children placed in or removed from foster care,

(ii) children adopted or with respect to whom adoptions have been terminated, and

(iii) children placed in foster care outside the State which has placement and care responsibility, and

(D) the extent and nature of assistance provided by Federal, State, and local adoption and foster care programs and the characteristics of the children with respect to whom such assistance is provided; and

(4) utilize appropriate requirements and incentives to ensure that the system functions reliably throughout the United States.

SEC. 479A. ANNUAL REPORT. The Secretary, in consultation with Governors, State legislatures, State and local public officials responsible for administering child welfare programs, and child welfare advocates, shall--

(1) develop a set of outcome measures (including length of stay in foster care, number of foster care placements, and number of adoptions) that can be used to assess the performance of States in operating child protection and child welfare programs pursuant to parts B and E to ensure the safety of children;

(2) to the maximum extent possible, the outcome measures should be developed from data available from the Adoption and Foster Care Analysis and Reporting System;

(3) develop a system for rating the performance of States with respect to the outcome measures, and provide to the States an explanation of the rating system and how scores are determined under the rating system;

(4) prescribe such regulations as may be necessary to ensure that States provide to the Secretary the data necessary to determine State performance with respect to each outcome measure, as a condition of the State receiving funds under this part; and

(5) on May 1, 1999, and annually thereafter, prepare and submit to the Congress a report on the performance of each State on each outcome measure, which shall examine the reasons for high performance and low performance and, where possible, make recommendations as to how State performance could be improved.

**NOTES:**

P.L. 96-272, §103(a), amended §422 in its entirety effective June 17, 1980, except that in the case of Guam, Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, §422(b)(1) shall be deemed to read as follows:

(1) provide that (A) the State agency designated pursuant to section 402(a)(3) to administer or supervise the administration of the plan of the State approved under part A of this title will administer or supervise the administration of such plan for child welfare services, and (B) to the extent that child welfare services are furnished by the staff of the State agency or local agency administering such plan for child welfare services the organizational unit in such State or local agency established pursuant to section 402(a)(15) will be responsible for furnishing such child welfare services;

**ACYF-PI-CB-98-02 - Attachment C (Rev 1/27/98)**

Title IV-B / Title IV- E STATE PLAN - STATE OF \_\_\_\_\_

**REQUIRED STATE LEGISLATION**

I hereby certify that State legislation **is/is not** necessary to comply with the following titles IV-B and IV-E State plan requirements contained in Public Law 105-89, The Adoption and Safe Families Act of 1997 (check all that apply only if legislation is necessary):

**Title IV-B, Subparts 1 and 2:**

- Including safety in case plan and case review requirements [section 422(b)(10)]
- Permanency hearings\* [section 422(b)(10)(B)(ii)]
- Adoptions across State and county jurisdictions [section 422(b)(12)]
- Requiring assurances that the safety of children shall be the paramount concern [section 432(a)(9)]

**Title IV-E:**

- Clarification of the reasonable efforts requirement [section 471(a)(15)]

- Criminal record checks for prospective foster and adoptive parents [section 471(a)(20)]
- Health insurance coverage for children with special needs [section 471(a)(21)]
- State standards to ensure quality services for children in foster care [section 471(a)(22)]
- State requirement to initiate or join proceedings within a specified time to terminate parental rights for certain children in foster care [section 475(5)(E) and (F)]

Therefore, I **do/do not** request a delay of the effective date for the implementation of the requirements checked above, as set forth in Section 501(b) of Public Law 105-89. The estimated delayed effective date for these requirements will be \_\_\_\_\_ (the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that began after November 19, 1997).

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

\_\_\_\_\_  
(Signature of Designated State Agency Official)

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

\_\_\_\_\_  
Approval Date

\_\_\_\_\_  
(Signature, ACF Regional Administrator or Designee)

\* This attachment to PI-98-02 is revised to specifically include permanency hearings. State legislation may be necessary to comply with the title IV-B requirement to operate a case review system according to section 475(5), which requires permanency hearings.

**Attachment D**

**ACF Regional Office list**

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Room 2000, JFK Building  
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Mary Ann Higgins  
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26 Federal Building

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# 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-CB-98-03

**2. Issuance Date:** March 5, 1998

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

**4. Key Words:** Title IV-B, subparts 1 and 2 State Plan; Annual Progress and Services Report; Child Abuse Prevention and Treatment Act; Independent Living Program

## PROGRAM INSTRUCTION

**TO:** State Agencies, Territories and Indian Tribes Administering or Supervising the Administration of Title IV-B, subparts 1 and/or 2 of the Social Security Act. State Agencies Administering or Supervising the Administration of Title IV-E of the Social Security Act and programs under the Child Abuse Prevention and Treatment Act.

**SUBJECT:** June 30, 1998 submission of the Annual Progress and Services Report required for title IV-B of the Social Security Act (the Act) and the CFS-101, Annual Budget Request and Annual Summary of Child and Family Services.

**LEGAL AND RELATED REFERENCES:** Title IV-B, subparts 1 and 2 and Title IV-E, Section 477 of the Act; Section 106 of the Child Abuse Prevention and Treatment Act, as amended (42 U.S.C. 5101 et seq.); Adoption and Safe Families Act of 1997 (Public Law 105-89); 45 CFR 1357; ACYF-PI-CB-95-12, August 11, 1995; ACYF-PI-CB-95-23, October 11, 1995; ACYF-CB-PI-97-03, May 16, 1997; ACYF-CB-IM-97-09, December 24, 1997.

**PURPOSE:** The purposes of this Program Instruction (PI) are to: 1) advise States and Indian Tribes that the Annual Progress and Services Report (APSR) for title IV-B, subparts 1 and 2, is due by June 30, 1998; 2) provide information to States and Indian Tribes on the new title IV-B State plan requirements mandated by the Adoption and Safe Families Act of 1997 (P. L. 105-89); and, 3) provide all States, Territories and Indian Tribes with notice of their FY 1998 allotments for title IV-B, subparts 1 and 2.

**BACKGROUND:** The Federal regulations at 45 CFR 1357.15 set forth the requirement for a five year comprehensive Child and Family Services Plan (CFSP). These plans were submitted to the Administration for Children and Families (ACF) on June 30, 1995. For the remaining four years of the plan, annual updates (the Annual Progress and Services Report (APSR)) must be provided to ACF on the progress made on each goal and objective established in the CFSP,

changes made to the goals and objectives, and descriptions of the child welfare services, including the Independent Living program (ILP) and the programs under the Child Abuse Prevention and Treatment Act (CAPTA). A CFS-101 is to be submitted with the APSR. The CFS-101 has two parts: Part I is the budget request form that States and Indian Tribes must submit to request their title IV-B and CAPTA Basic State Grant (BSG) funds; Part II is the required annual summary of Child and Family Services form for States and Indian Tribes to demonstrate the amount of funds to be spent in each program area by source, the number of individuals or families to be served and the geographic service area.

### **Amendments to title IV-B, subparts 1 and 2**

On November 19, 1997, the Adoption and Safe Families Act of 1997 (P. L. 105-89) was signed into law. The law amended title IV-B, subparts 1 and 2 by:

1. Adding the following assurances to the title IV-B State plan --
  - a. Under section 422(b)(12), the State shall develop plans for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children.
  - b. Under section 432(a)(9), the State is to assure that in conducting service programs, the safety of the children to be served shall be of paramount concern.
  
2. Reauthorizing and expanding title IV-B, subpart 2 --
  - a. The heading of title IV-B, subpart 2 was changed from Family Preservation and Support Services to "Promoting Safe and Stable Families".
  - b. The definitions of family preservation and support services in section 431(a)(1) and (2) were amended to emphasize the safety of children.
  - c. Time-limited family reunification services and adoption promotion and support services, as defined in section 431(a)(7) and (8), were added.
  - d. Section 431(a)(9) added a statutory definition of "non-Federal" funds to mean "State funds, or at the option of a State, State and local funds."
  
3. The amendments to title IV-B, subpart 2, supersedes two sections of 45 CFR 1357. These are:
  - a. 45 CFR 1357.15(s), significant portion of funds used for family preservation and family support. The requirement for significant portion previously required States to provide a strong rationale if they planned to expend less than 25% of their title IV-B, subpart 2 funds for either family preservation or family support. As a result of the expansion of title IV-B, subpart 2 to include two new services, that definition no longer applies. In the absence of a final rule we are providing guidance (see "Instruction") to States on how to determine the significant portion requirement for fiscal year 1999.

- b. 45 CFR 1357.32(f), maintenance of effort. For the purpose of implementing the maintenance of effort requirement, "non-Federal funds" means State funds, or at the option of the State, State and local funds. ACF will collect information annually from each State on expenditures for family preservation, family support, time-limited family reunification, and adoption promotion or support services using the State fiscal year 1992 as the base year. For fiscal year 1999 only, the amount to be spent on the four services must be equal to or exceed the amount spent in 1992 for family preservation and family support services. Additionally, the amended definition for "non-federal" funds under 45 CFR 1357.32(f) is retroactive to October 1, 1993. States may now apply the option in the new definition as they choose in implementing and expanding their service programs under title IV-B, subpart 2.

**INSTRUCTION:** This section describes the requirements States and Indian Tribes must meet to receive their title IV-B funds and CAPTA allotments (States only). States were required to consolidate the title IV-B State plan requirements and the CAPTA BSG State plan requirements in the June 30, 1997 APSR. A separate PI will provide States with the criteria for FY 1999 funding under CAPTA. The title IV-B, subpart 1, allotments for States and Indian Tribes for fiscal year 1998 and the estimated fiscal year 1999 allotments for title IV-B, subpart 2, are included in Attachment B of this PI.

**I. States and Indian Tribes with an approved CFSP and applying for subpart 1 and/or 2 funds for FY 1999 must:**

1. Submit an APSR and a CFS-101 (see Attachment A) that meets the requirements of 45 CFR 1357.16 by June 30, 1998.

**Note:** For the maintenance of effort requirement in paragraph (6) of 45 CFR 1357.16 see the new definition in the background section of this Program Instruction.

2. Include the following information in the APSR:
  - a. [An assurance] "... that the State shall develop plans for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children" [422(b)(12)];
  - b. [An assurance] "... that in administering and conducting service programs under the plan, the safety of the children to be served shall be of paramount concern" [432(9)];
  - c. A description of how the State or Indian Tribe will develop and implement time-limited family reunification services. If the State or Indian Tribe has existing time-limited family reunification services that meet the definition in section 431(a)(7), those services, goals and objectives should be described briefly.
  - d. A description of how the State or Indian Tribe will develop and implement adoption promotion and support services. If the State or Indian Tribe has existing adoption promotion and support services that meet the definition

in section 431(a)(8), those services, goals and objectives should be described briefly.

States and Indian Tribes will be required to provide complete information on the planning for and delivery of time-limited reunification and adoption promotion and support services in the next five year Child and Family Services Plan.

- e. Significant portion. For the purpose of applying for FY 1999 funds only, States must indicate the specific percentage of title IV-B, subpart 2 funds that will be expended on actual service delivery of family preservation, community-based family support, time-limited family reunification and adoption promotion and support services, with a rationale for the decision. The State must have a strong rationale if the percentage provided is below 20% for any one of the service categories. The amount allocated to each of the service categories should not include funds for planning or service coordination - only service delivery. States should report separately the amount to be allocated to planning and service coordination.
- f. An update on the progress the State has made in the "... diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed" [422(b)(9); ACYF-PI-CB-95-23; ACYF-CB-PI-97-03];
- g. An update on the "... specific measures taken by the State to comply with the Indian Child Welfare Act" [422(b)(11); ACYF-PI-CB-95-12; ACYF-CB-PI-97-03];
- h. The CAPTA State plan information required for BSG funding. Funding will not be delayed for one program due to potential eligibility issues in the other program.
- i. The ILP application information (at the State option) into the APSR and apply for FY 1999 ILP funds. The requirements for ILP funding as outlined in ACYF-IM-CB-97-09 must be included in the APSR.

**II. Indian Tribes that utilized FY 1998 title IV-B, subpart 2 funds as planning funds must:**

- 1. Meet the requirements of 45 CFR 1357.15 for a one year CFSP for FY 1999 and the applicable requirements in section I, above.
- 2. Submit the CFSP and CFS-101 (see Attachment A) by June 30, 1998.

**III. Indian Tribes newly eligible for FY 1999 title IV-B, subpart 2, funds.**

- 1. Newly eligible Indian Tribes may use FY 1999 title IV-B, subpart 2, funds for planning or for services.
  - a. Indian Tribes that elect to use these funds for planning must submit an application by June 30, 1998. A five year CFSP will be due in FY 1999 that is based on the planning process.

- b. Indian Tribes that elect to use these funds for services must submit a one year CFSP and a CFS-101 (see Attachment A) by June 30, 1998. The CFSP must meet the requirements of 45 CFR 1357.15 and the applicable requirements in section I, above. A five year CFSP will be due in FY 1999.
2. For additional guidance on the use of funds for planning or services, see ACYF-PI-94-04, January 1, 1994 and ACYF-CB-PI-97-03, May 16, 1997.

**SUBMITTALS:** An original and two copies of the APSR (Planning Application or the CFSP) and the CFS-101 must be submitted to the Administration for Children and Families (ACF) Federal Regional Office (see Attachment C). The Regional Office is to submit the original copy of the CFS-101 (signed and dated), to the following address:

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

**Note: Fiscal Year 1998 appropriations (see Attachment B)** If the amount previously requested on the CFS-101 for title IV-B, subpart 1 is less than the amount appropriated to a State or Indian Tribe, then a revised CFS-101 must be submitted. Submit an original of the revised CFS-101 to the appropriate ACF Regional Office by June 12, 1998 (no exceptions to this deadline will be granted). The ACF Regional Office will approve and date the CFS-101 before forwarding it to the Division of Formula, Entitlement and Block Grants.

**PAPERWORK REDUCTION ACT:** Under the Paperwork Reduction Act of 1995 (Public Law 104-13), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The valid OMB Control Number assigned to this information collection is 0980-0047, expiration date 12/31/98.

Public reporting burden for the APSR and the CFS-101 is estimated to average 125 hours per response. The public reporting burden for the CFSP is estimated to average 500 hours.

**INQUIRIES TO:** ACF Regional Offices  
James A. Harrell  
Deputy Commissioner  
Administration on Children, Youth and Families

## **ATTACHMENTS**

### **CFS-101, Parts I and II**

- [CFS-101 Instruction](#)

- [CFS-101, Part 1](#)
- [CFS-101, Part 2](#)
- [CFS-101, Part 1 Form](#)
- [CFS-101, Part 2 Form](#)

### **Fiscal Year 1998 title IV-B Allotments**

[Attachment A](#)- Title IV-B, Subpart 1, FY 98 State Allotments

[Attachment B](#)- Allotments For Direct Grants To Indian Tribes Under Section 428 Of The Social Security Act For Fiscal Year 1998

[Attachment C](#)- Title IV-B, subpart 2, Promoting Safe and Stable Families

[Attachment D](#)- Title IV-B, subpart 2, Promoting Safe and Stable Families

[Attachment E](#)- US Department Of Health And Human Services, Administration For Children And Families, Regional Offices

### **CFS-101 Instructions**

State agencies administering title IV-B of the Social Security Act (the Act), and the Child Abuse Prevention and Treatment Act (CAPTA) are required to submit an annual budget request and summary of services (CFS-101). Indian Tribal Organizations which meet the requirements for direct payments and administer the programs are also required to submit this information annually.

This information collection package contains two forms: (1) Part I: Annual Budget Request for Title IV-B, Subpart 1, Child Welfare Services, subpart 2, Promoting Safe and Stable Families, Child Abuse and Neglect Basic State Grant (CAPTA), and the Independent Living Program (optional); and (2) Part II: Annual Summary of Child and Family Services. The instructions and forms for the CFS-101 are also available on the Children's Bureau's web page. The address is: <http://www.acf.hhs.gov/programs/cb>

### **General Instructions**

**States and Indian Tribes** must submit the CFS-101 no later than June 30 of the year prior to the fiscal year in which services will be provided (e.g., for FY 2000 funds the forms must be submitted by June 30, 1999).

**Indian Tribes that apply for title IV-B, subpart 1 funds only** must complete only the appropriate sections of the CFS-101, Part I and II forms and submit the forms by June 30 of the year prior to the fiscal year in which services will be provided (e.g., for FY 2000 funds the forms must be submitted by June 30, 1999).

**Indian Tribes that do not apply for title IV-B, subpart 1 funds, but are eligible for title IV-B, subpart 2 funds** must complete only the appropriate sections of the CFS-101, Part I and II

forms and submit the forms by June 30 of the year prior to the fiscal year in which services will be provided (e.g., for FY 2000 funds the forms must be submitted by June 30, 1999).

An original and two copies of the CFS-101 must be submitted to the Administration for Children and Families (ACF) Federal Regional Office. The Regional Office is to sign, and submit, the original copy of the CFS-101 (signed and dated), to the following address:

Administration on Children, Youth and Families  
Office of Management Services  
330 C Street, S.W., Room 1427  
Washington, D.C. 20447

## **PAPERWORK REDUCTION ACT OF 1995**

This information collection is conducted in accordance with 45 CFR 1357 of the Child and Family Services. Information received from this collection provides estimates of States' estimated expenditure for title IV-B, subparts 1 and 2, CAPTA funds, and Independent Living Program funds (optional).

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The responses to this collection are mandatory in accordance with 45 CFR 1357.

This information is not considered confidential, therefore, no additional safeguards are considered necessary beyond that customarily applied to routine government information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

## **CFS 101, Part I, Annual Budget Request**

### **CFS-101, PART I: ANNUAL BUDGET REQUEST FOR TITLE IV-B, SUBPARTS 1 AND 2, CAPTA AND INDEPENDENT LIVING PROGRAM (Complete separate forms for each fiscal year)**

1. Enter the name of the State or Indian Tribal Organization (ITO).
2. Indicate the Employer Identification Number (EIN).
3. Enter the address of the State or ITO Agency.
4. Indicate if this is a new or revised budget request.
5. Estimated title IV-B, subpart 1 funds:

- a. Specify the total estimated amount of combined Federal and State or ITO funds that the State or ITO expects to spend during the fiscal year on IV-B, subpart 1 activities.
  - b. Requested Federal share of title IV-B, subpart 1 funds. Enter 75% of the amount on line 5(a).
  - c. Estimated State or ITO match. Enter 25% of the amount on line 5(a).
6. Estimated title IV-B, subpart 2 funds.
- a. Specify the total estimated amount of combined Federal and State or ITO funds to be spent during the fiscal year on IV-B, subpart 2 for Family Preservation Services.
  - b. Specify the total estimated amount of combined Federal and State or ITO funds to be spent during the fiscal year on IV-B, subpart 2 for Family Support Services.
  - c. Specify the total estimated amount of combined Federal and State or ITO funds to be spent during the fiscal year on IV-B, subpart 2 for Time-Limited Family Reunification Services.
  - d. Specify the total estimated amount of combined Federal and State or ITO funds to be spent during the fiscal year on IV-B, subpart 2 for Adoption Promotion and Support Services.
  - e. Specify the total estimated amount of combined Federal and State or ITO funds to be spent during the fiscal year on IV-B, subpart 2 for other service related activities (e.g. planning).
  - f. Specify the total estimated amount of combined Federal and State or ITO funds to be spent on Administration.
  - g. Enter the total of lines 6(a) + 6(b) + 6(c) + 6(d) + 6(e) + 6(f).
  - h. Requested Federal share of title IV-B, subpart 2 funds. Enter 75% of the amount on line 6(g).
  - i. Estimated State or ITO match. Enter 25% of the amount on line 6(g).
7. Indian Tribal Organizations Applying for title IV-B, subpart 2 funds.

Under title IV-B, subpart 2, when all the eligible ITO's do not claim their full allotment, funds become available for reallocation to other ITO's. For an ITO to claim a portion of these funds we must have on file a request from the tribe and an assurance of sufficient matching funds. If additional funds are requested indicate: the total amount, the Federal share (75%) and the ITO match (25%), in the spaces provided.

8. Child Abuse Prevention and Treatment Act (CAPTA), Child Abuse and Neglect Basic State Grants Only.

Estimated CAPTA Basic State Grant allocation, as provided in the annual announcement on availability of funds. Supplemental funds may be available for distribution if there are States that are not awarded grant funds or there are unobligated funds available for redistribution. No matching is required for this grant.

**Note:** Pooled funding among the programs is not allowed, since separate funding streams and accountability are still required by statute. While the information on the programs may be consolidated into one Child and Family Services Plan (CFSP),

eligibility and funding for the individual programs will be kept separate and funding will not be delayed for one program due to potential eligibility issues in the other program.

**9. For FY 2001 only, ignore this section.**

States may consolidate the Independent Living Program (ILP) application into the title IV-B CFSP to meet the requirement in 45 CFR 1357.16(a)(4). If States are including the ILP application as part of the Annual Progress Services Report, then they may request the ILP funds on this form.

9(a): Provide the total estimate of the State's share of the \$45 million. No State match is required.

9(b) and (c): Federal funds requested must be matched dollar for dollar.

9(c): 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 of ACYF-PI-93-16. 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). If the State is requesting reallocated funds indicate the Federal share and the State match.

**Note:** Pooled funding among the programs is not allowed, since separate funding streams and accountability are still required by statute. While the information on the programs may be consolidated into one Child and Family Services Plan (CFSP), eligibility and funding for the individual programs will be kept separate and funding **will not be delayed** for one program due to potential eligibility issues in the other program.

**10. Certification:** This report must be signed and dated in the spaces provided. The signature and title of the director of the State agency, or Indian Tribal Organization, with authority to administer or supervise the administration of title IV-B, subparts 1 and 2 programs, and for States only the CAPTA and ILP programs, must be included.

The tentative allocations are based on the premise that all States will apply for and receive the funds available to them. In the event that not all States apply for or receive their tentative allocations, those funds will be redistributed among eligible States, where permitted by statute. States receiving additional funds as a result of such a redistribution should submit information on the proposed use of such additional funds to the appropriate Regional Office of the Administration for Children and Families.

Obligation and Expenditure of CAPTA Funds. States have five-years from the date of the grant award to obligate and liquidate their State Grant funds. Under the CAPTA Amendments of 1996, there is no longer a penalty for States that do not obligate funds within 18 months from the date of the grant award beginning with the FY 1997 awards.

# **CFS-101, PART II: ANNUAL SUMMARY OF CHILD AND FAMILY SERVICES**

**(Complete separate forms for each fiscal year)**

This form summarizes the State Agency's and eligible Indian Tribal Organizations' estimated expenditures on Child and Family Services programs for the next year. This information is an integral part of the State Child and Family Services Plan and should be discussed by the ACF Regional Office and State Agency Representatives. States should list estimated expenditures in the category that best fits their programs.

## **Services/Activities**

For each of the services/activities listed, indicate the estimated expenditures by program, the estimated number of clients to be served, the population to be served and the geographic area to be served in the appropriate columns.

### **1. Prevention and Support Services (Family Support):**

Community-based services which promote the well-being of children and families and are designed to increase the strength and stability of families (including adoptive, foster, and extended families), to increase parents' confidence and competence in their parenting abilities, to afford children a stable and supportive family environment, and to enhance child development. These services may include respite care for parents and other caregivers; early developmental screening of children to assess the needs of these children and assistance in obtaining specific services to meet their needs; mentoring, tutoring, and health education for youth; a range of center-based activities (informal interactions in drop-in centers, parent support groups); services designed to increase parenting skills; and, counseling and home visiting activities.

### **2. Protective Services:**

Services designed to prevent or remedy the abuse, neglect, or exploitation of children. Services include investigation and emergency medical services, emergency shelter, legal action, developing case plans, counseling, assessment/evaluation of family circumstances, arranging alternative living arrangements, preparing for foster placement, if needed, and case management and referral to service providers.

### **3. Crisis Intervention (Family Preservation):**

Services for children and families designed to help families (including adoptive and extended families) at risk or in crisis.

#### **a. Placement Prevention:**

Services to prevent family disruption and unnecessary removal of children from their homes (as appropriate). These services may include intensive family preservation, post-adoptive support services, case management, counseling, day care, respite services, homemaker services, services designed to increase parenting skills, family budgeting, coping with stress, health, and nutrition.

**b. Reunification Services:**

Services to help children, where appropriate, return to families from which they have been removed, or be placed for adoption or legal guardianship. These services may include day care services, homemaker or caretaker services, family or individual counseling for parent(s) and child, follow-up care to families to whom a child has been returned after placement and other reunification services the State identifies as necessary.

**4. Time-Limited Family Reunification Services:**

Services and activities that are provided to a child that is removed from the child's home and placed in a foster family home or a child care institution, and to the parents or primary caregiver of such a child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion, but only during the 15-month period that begins on the date that the child, pursuant to section 475(5)(F), is considered to have entered foster care. The services and activities are the following:

1. Individual, group, and family counseling.
2. Inpatient, residential, or outpatient substance abuse treatment services.
3. Mental health services.
4. Assistance to address domestic violence.
5. Services designed to provide temporary child care and therapeutic services for families, including crisis nurseries.
6. Transportation to or from any of the services and activities described above.

**5. Adoption Promotion and Support Services:**

Services and activities designed to encourage more adoptions out of the foster care system, when adoptions promote the best interests of children, including such activities as pre-and post-adoptive services and activities designed to expedite the adoption process and support adoptive families.

**6. Foster Care Maintenance:**

- . Foster Family and Relative Foster Care:

Payments to cover the cost of, and 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.

- a. Group/Institutional Care:

This includes the reasonable costs of administration and operation of institutional/group home care that are required to provide 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.

**7. Adoption subsidy payments:**

Funds provided to adoptive parents on a recurring and periodic basis to assist in the support of special needs children.

**8. Administration and Management:**

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

Also, includes costs of administrative services for family preservation, family support, time-limited family reunification and adoption promotion and support which are not more than ten percent of Federal expenditures under title IV-B, subpart 2 of the plan for the fiscal year. Allowable costs may include, but are not limited to, procurement, payroll processing, personnel functions, management, maintenance and operation of space and property, data processing and computer services, accounting, budgeting, auditing, and indirect costs allocable in accordance with the agency's approved cost allocation plan (See 45 CFR 1357.32(h)).

**9. Staff Training:**

Includes the cost of short and long-term training to increase staff's ability to provide assistance and support to children and families.

**10. Foster Parent Training and Recruitment:**

Includes the cost of short-term training to increase foster parent's ability to provide assistance and support to foster and adoptive children, and those costs associated with/resulting from the recruitment of potential foster parents.

**11. Adoptive Parent Training and Recruitment:**

Includes the cost of short-term training to increase adoptive parent's ability to provide assistance and support to foster and adoptive children, and those costs associated with/from the recruitment of potential adoptive parents.

**12. Child Care Related to Employment/Training:**

Includes day care purchased for the purpose of supporting the employment of one or both of the parents.

### 13. **Total:**

The total amount of funds estimated for the year (equal to the sum of lines 1 through 12) for each column.

#### **Estimated Expenditures**

##### **0. Federal Funds (Columns a - i)**

Indicate for each service/activity the amount to be expended from the Federal program indicated in columns (a) through (i). If other Federal funds will be used by the State Agency, indicate the estimated expenditures in column (i). Examples of other Federal programs include, but are not limited to, the Child Care Development Block Grant and the Maternal and Child Health Block Grant. Indicate the name of the Federal program in the box along with the estimated expenditure amount.

##### **1. State, Local and Donated Funds (column j)**

Indicate the estimated amount of State, local and donated funds to be expended, even if they are not used to match Federal funds.

##### **2. Estimated Number of Clients to be Served (column k)**

Estimate, as accurately as possible, the number of clients to be served by service/activity with the total estimated funding indicated. A client may be an individual or a family; check the appropriate box.

##### **3. Population to be Served (column l)**

Indicate the population that has been targeted for the designated services. Targeting may include a range of vulnerable populations - children, youth and/or families.

##### **4. Geographic Area to be Served (column m)**

Indicate the number and type of areas identified within the State where services are to be provided for each program. Areas may include specific regions, counties, cities, Tribes, communities, census tracts, or neighborhoods. For example, if the State is operating family preservation programs in six counties, indicate by noting "6 counties"; if the State is operating 12 community-based family support programs, indicate by noting "12 communities".

**CFS-101, PART I: ANNUAL BUDGET REQUEST FOR TITLE IV-B,  
SUBPART 1; 2 FUNDS, CAPTA, AND ILP**

FISCAL YEAR \_\_\_\_\_ OCTOBER 1, \_\_\_\_\_ through SEPTEMBER 30, \_\_\_\_\_

1. State or ITO	2. EIN:
3. Address:	4. Submission:  [ ] New [ ] Revision
5. Estimated title IV-B, Subpart 1 Funds	
a) Total Estimate	
b) Federal Share [75% of 5(a)]	
c) State/ITO Match [25% of 5(a)]	
6. Estimated title IV-B, Subpart 2 Funds	
a) Total Family Preservation Services	
b) Total Family Support Services	
c) Total Time-Limited Family Reunification Services	
d) Total Adoption Promotion and Support Services	
e) Total for Other Service Related Activities (e.g. planning)	
f) Total Administration	

<b>g) Total Estimate [6(a)+6(b)+6(c) +6(d) + 6(e) + 6(f)]</b>		
<b>h) Federal Share [75% of 6(g)]</b>		
<b>i) State/ITO Match [25% of 6(g)]</b>		
<p><b>7. Indian tribal Organizations Only (Title IV-B, Subpart 2 Only)</b>          If additional funds become available to ITOs, the ITO may apply in advance for and match these funds. Specify the amount of additional funds the ITO will apply for and match.          Total Amount \$ _____ Federal Share(75%) \$ _____ ITO Match(25%) \$ _____</p>		
<p><b>8. Child Abuse Prevention and treatment Act (CAPTA), Child Abuse and Neglect Basic State Grant Only.</b>          Please include any additional funds due as a result of reallocations that may occur.          Estimated BSG Amount \$ _____, plus additional allocation, as available.</p>		
<b>9. Estimated title IV-E, Independent Living Funds (ILP)</b>	<b>FEDERAL</b>	<b>STATE</b>
<b>a) Total Estimate State's share of \$45 million</b>		
<b>b) Additional funds at 50% match</b>		
<b>c) Maximum amount of reallocated funds requested</b>		
<p><b>10. Certification by State Agency</b>          The State agency or Indian tribe submits the above estimate and request of funds under title IV-B, subpart 1 and/or 2, of the Social Security Act, for States only CAPTA BSG and the ILP, and agrees that the estimated expenditures will be made in accordance with the Child and Family Services Plan, which has been jointly developed with the ACF Regional Office and has been determined to meet all the requirements of the Act, for the Fiscal Year ending September 30.</p>		

Signature and Title of State/tribal Agency Official	Signature and Title of Regional Office Official
Date	Date

**CFS-101, PART II: ANNUAL SUMMARY OF CHILD AND FAMILY SERVICES**

OMB APPROVAL # 0980-0047  
Approved Through 5/31/2002

State or IT \_\_\_\_\_ For FY OCTOBER 1, \_\_\_\_\_  
TO SEPTEMBER 30, \_\_\_\_\_ DUE JUNE 30, \_\_\_\_\_

										(k) NUMB ER TO BE SERVE D	(l) POP. TO BE SERVED	(m) GEOG. AREA TO BE SERVED
										[ ] Familie s		
										[ ] Individ uals		
SERVICES/ACTI VITIES	TITLE IV-B	(c) CAP TA*	(d) IL P*	(e) TIT LE IV- E	(f) TIT LE XX(SS BG)	(g) TIT LE IV- A	(h) Title XIX (Medic	(i) Oth er Fed Prog	(j) State Local Dona ted			

							aid)	Funds			
	(a)	(b)									
	I-CWS	II-PS SF									
1) PREVENTION & SUPPORT SERVICES (FAMILY SUPPORT)										Reports of abuse/neglect	Statewide/Reservation
2) PROTECTIVE SERVICES											
3) CRISIS INTERVENTION (FAMILY PRESERVATION)											
(A) PREPLACEMENT PREVENTION										All Children in foster care	Statewide/Reservation
(B) REUNIFICATION SERVICES											
4. TIME-LIMITED FAMILY REUNIFICATION											
5. ADOPTION PROMOTION AND SUPPORT										All eligible children	Statewide/Reservation
6) FOSTER CARE MAINTENANCE: (A) FOSTER FAMILY & RELATIVE FOSTER CARE											
(B) GROUP/INST CARE											Statewide/Reservation



District of Columbia	\$333,355
Florida	\$13,830,775
Georgia	\$8,494,135
Hawaii	\$1,209,604
Idaho	\$1,756,293
Illinois	\$11,654,430
Indiana	\$6,624,778
Iowa	\$3,315,595
Kansas	\$3,006,755
Kentucky	\$4,815,041
Louisiana	\$6,025,778
Maine	\$1,445,502
Maryland	\$4,461,589
Massachusetts	\$4,632,153
Michigan	\$10,136,048
Minnesota	\$4,922,024
Mississippi	\$4,058,280
Missouri	\$6,066,421
Montana	\$1,202,836
Nebraska	\$1,995,124
Nevada	\$1,628,396
New Hampshire	\$1,129,233
New Jersey	\$5,689,028
New Mexico	\$2,534,542

New York	\$14,844,210
North Carolin	\$8,194,172
North Dakota	\$894,519
Ohio	\$12,018,186
Oklahoma	\$4,332,905
Oregon	\$3,488,798
Pennsylvania	\$11,535,525
Rhode Island	\$955,156
South Carolina	\$4,621,046
South Dakota	\$1,030,279
Tennessee	\$5,639,696
Texas	\$23,932,722
Utah	\$3,480.997
Vermont	\$711,471
Virginia	\$6,455,976
Washington	\$5,689,116
West Virginia	\$2,246,893
Wisconsin	\$5,752,149
Wyoming	\$671,805
American Samoa	\$187,047
Guam	\$338,232
Northern Mariana	\$138,277
Puerto Rico	\$7,736,554
Virgin Islands	\$269,955

## Attachment B

**Allotments For Direct Grants To Indian Tribes Under Section 428 Of The Social Security Act For Fiscal Year 1998**

Based on total appropriation of \$291,989,000

<b>Indian Tribe</b>	<b>Allotment</b>
<b>Alabama</b>	
Poarch Creek	\$797
<b>Alaska</b>	
Akhiok	\$380
Akiachak Native Community	\$2,400
Akiak	\$1,488
Akutan	\$304
Alakanuk	\$2,921
Alatna	\$141
Aleknagik	\$717
Aleutian/Pribilof RC	\$9,492
Allakaket	\$565
Ambler	\$1,727
Anaktuvuk Pass	\$1,227
Andreafsky	\$1,727
Angoon	\$2,726
Aniak	\$2,150
Annette Islands Reserve	\$5,810
Anvik	\$369
Artic Slope NA RC	\$22,393

Artic Village	\$478
Asa`Carsarmiut TC (Mt. Village)	\$4,040
Assn of Vil. Council Pres's (Calista RC)	\$87,977
Atka	\$380
Atkasook	\$999
Atmautluak	\$1,260
Barrow	\$9,340
Beaver	\$456
Birch Creek	\$185
Brevig Mission	\$912
Bristol Bay RC	\$22,502
Buckland	\$1,824
Cantwell	\$119
Chalkyitsik	\$380
Chefornak	\$1,814
Chenega	\$337
Chevak	\$3,247
Chignik	\$348
Chignik Lagoon	\$109
Chignik Lake	\$662
Chilkat	\$565
Chilkoot	\$98
Chistochina	\$195
Chitina	\$87

Chuatbaluk	\$456
Chugachmiut (Chugach RC)	\$6,147
Circle	\$304
Clark's Point	\$228
Cook Inlet Tribal Council RC	\$85,935
Copper Center	\$684
Copper River NA (Ahtna RC)	\$2,639
Craig	\$1,401
Crooked Creek	\$467
Deering	\$804
Dillingham	\$5,495
Dot Lake	\$152
Eagle	\$76
Eek	\$1,108
Egegik	\$337
Eklutna	\$239
Ekwok	\$272
Elim	\$1,303
Emmonak	\$3,182
English Bay	\$847
Evansville	\$130
Eyak	\$65
Fairbanks NA	\$30,408
False Pass	\$239

Fort Yukon	\$2,335
Galena	\$1,933
Gambell	\$2,498
Golovin	\$630
Goodnews Bay	\$1,010
Grayling	\$1,108
Grouse Creek Group	\$391
Gulkana	\$250
Healy Lake	\$206
Hoonah	\$2,476
Hooper Bay	\$4,605
Hughes	\$195
Huslia	\$923
Hydaburg	\$1,607
Igiugig	\$109
Iliamna	\$282
Inalik	\$901
Ivanof Bay	\$185
Kake	\$2,465
Kaktovik	\$760
Kalskag	\$717
Kaltag	\$1,238
Karluk	\$424
Kasaan	\$130

Kasigluk	\$2,291
Kawerak (Bering Straits RC)	\$30,832
Ketchikan Indian Corp.	\$13,456
Kiana	\$2,129
King Cove	\$804
King Salmon	\$565
Kipnuk	\$2,335
Kivalina	\$1,705
Klawock	\$1,857
Knik	\$141
Kobuk	\$402
Kodiak (Koniag RC)	\$7,374
Kokhanok	\$662
Koliganek	\$880
Kongiganak	\$1,499
Kotlik	\$2,498
Kotzebue	\$10,979
Koyuk	\$1,129
Koyukuk	\$565
Kuigpagmiut	\$9,188
Kwethluk	\$2,693
Kwigillingok	\$1,162
Larsen Bay	\$641
Levelock	\$380

Lime Village	\$185
Lower Kalskag	\$1,531
Manley Hot Springs	\$54
Manokotak	\$1,922
Marshall	\$1,249
Maniilaq Assn./Mauneluk (NANA RC)	\$28,660
McGrath	\$1,423
Mekoryuk	\$662
Mentasta Lake	\$348
Minto	\$967
Naknek	\$1,151
Napakiak	\$1,499
Napaskiak	\$1,748
Nelson Lagoon	\$272
Nenana	\$934
New Stuyahok	\$1,922
Newhalen	\$858
Newtok	\$1,129
Nightmute	\$695
Nikolai	\$402
Nikolski	\$54
Ninilchik	\$2,139
Noatak	\$1,651
Nondalton	\$804

Noorvik	\$2,737
Northway	\$619
Nuiqsut	\$1,748
Nulato	\$1,824
Nunapitchuk	\$1,770
Old Harbor	\$1,314
Orutsaramuit (Bethel)	\$19,841
Oscarville	\$272
Ouzinkie	\$738
Pedro Bay	\$130
Pelican	\$326
Perryville	\$510
Pilot Point	\$217
Pilot Station	\$2,563
Pitkas Point	\$695
Platinum	\$282
Point Hope	\$3,464
Point Lay	\$543
Port Graham	\$641
Port Heiden	\$348
Port Lions	\$706
Quinhagak	\$2,324
Rampart	\$293
Red Devil	\$130

Ruby	\$630
Russian Mission	\$1,444
Salamatof	\$130
Sand Point	\$2,009
Savoonga	\$2,324
Saxman	\$1,271
Scammon Bay	\$1,944
Selawik	\$3,258
Seldovia	\$141
Shageluk	\$608
Shaktoolik	\$901
Sheldon Point	\$576
Shishmaref	\$2,389
Shungnak	\$1,097
Sitka	\$7,374
Sleetmute	\$369
South Naknek	\$478
St. George	\$597
St. Mary's	\$98
St. Michael	\$1,596
St. Paul	\$2,357
Stebbins	\$2,400
Stevens Village	\$413
Stony River	\$185

Takotna	\$98
Tanacross	\$358
Tanana	\$1,260
Tanana (Doyon RC)	\$53,073
Tatitlek	\$500
Tazlina	\$293
Telida	\$65
Teller	\$684
Tetlin	\$337
Tlingit and Haida (Sealaska RC)	\$54,930
Togiak	\$2,628
Tok	\$597
Toksook Bay	\$2,096
Tuluksak	\$1,835
Tuntutuliak	\$1,434
Tununak	\$1,510
Twin Hills	\$228
Tyonek	\$586
Unalakleet	\$2,932
Unalaska	\$1,032
Venetie	\$858
Wainwright	\$2,367
Wales	\$717
White Mountain	\$706

Yakutat NA	\$1,325
Arizona	
Camp Verde	\$3,291
Cocopah	\$2,495
Colorado River (also in CA)	\$13,258
Fort McDowell	\$3,255
Fort Mojave (also in CA)	\$2,245
Gila River	\$50,977
Havasupai	\$2,091
Hopi	\$35,818
Hualapai	\$5,346
Kaibab	\$535
Maricopa (Ak-Chin)	\$2,245
Navajo (also in NM and UT)	\$512,753
Pascua Yaqui	\$15,195
Payson (Yavapai-Apache) Com.	\$523
Salt River	\$20,505
San Carlos	\$41,568
San Xavier	\$6,023
Tohono O'odham (Papago)	\$46,047
White Mountain (Fort Apache)	\$58,497
Yavapai	\$820
California	
Agua Caliente	\$291

Barona Ran.	\$1,467
Benton Paiute	\$231
Big Lagoon Ran.	\$80
Big Pine Ran.	\$1,618
Big Sandy Ran.	\$111
Big Valley Ran.	\$322
Bishop Ran.	\$4,141
Blue Lake Ran.	\$80
Bridgeport Colony	\$171
Cabazon	\$121
Cahuilla	\$372
Campo	\$613
Chemehuevi	\$432
Chicken Ranch Ran.	\$70
Cold Springs Ran.	\$824
Colorado River (also in AZ)	\$90
Colusa (Cachil Dehe) Ran.	\$80
Cortina Ran.	\$70
Coyote Valley	\$683
Dry Creek Ran.	\$171
Elk Valley Ran.	\$131
Fort Bidwell	\$523
Fort Independence	\$101
Fort Mojave Trust Lands (also in AZ)	\$1,045

Fort Yuma (Quechon)	\$5,447
Grindstone Creek Ran.	\$593
Hoopa Valley	\$8,080
Hopland Ran.	\$774
Karuk	\$4,965
La Jolla	\$744
Laytonville Ran.	\$543
Lone Pine Ran.	\$734
Lookout Ran.	\$60
Los Coyotes	\$221
Manchester (Point Arena) Ran.	\$824
Manzanita	\$231
Mesa Grande	\$312
Middletown Ran.	\$90
Morongo	\$2,271
Pala	\$2,633
Pauma	\$824
Pechanga	\$1,246
Picayune Ran.	\$70
Pinoleville Ran.	\$332
Redding Ran.	\$352
Redwood Valley Ran.	\$60
Resighini Ran.	\$121
Rincon	\$1,719

Roaring Creek Ran.	\$111
Robinson Ran.	\$683
Round Valley	\$2,814
San Manuel	\$241
San Pasqual	\$1,176
Santa Rosa	\$181
Santa Rosa Ran.	\$1,698
Santa Ynez	\$975
Santa Ysabel	\$633
Smith River Ran.	\$342
Soboda	\$1,578
So. CA Tribal Chairman's Assn.	\$9,859
Stewarts Point Ran.	\$332
Sulphur Bank (El-Em) Ran.	\$513
Susanville	\$724
Table Bluff Ran.	\$191
Table Mountain Ran.	\$121
Torres-Martinez	\$704
Trinidad Ran.	\$281
Tule River	\$3,829
Tuolumne Ran.	\$402
Upper Lake Ran.	\$151
Viejas Ran.	\$1,186
XL Ranch	\$80

Yurok	\$2,090
Colorado	
Southern Ute	\$4,836
Ute Mountain (also in UT)	\$4,425
Connecticut	
Mashantucket Pequot	\$164
Florida	
Big Cypress	\$2,076
Brighton	\$1,885
Hollywood	\$2,478
Miccosukee	\$561
Seminole Trust Lands	\$540
Idaho	
Coeur d'Alene	\$4,484
Kootenai	\$397
Nez Perce	\$10,453
Paiute Shoshone-Duck Valley (also in NV)1,153	
Shoshone-Bannock (Fort Hall)	\$17,844
Iowa	
Sac and Fox (Iowa)	\$3,210
Kansas	
Iowa (also in NE)	\$350
Kickapoo	\$2,087
Potawatomi (Kansas)	\$2,583

Sac and Fox (KS-NE)	\$259
Louisiana	
Chitimacha	\$3,178
Coushatta	\$200
Tunica-Biloxi	\$63
Maine	
Aroostook Micmacs	\$4,881
Cen. Maine Indian Assoc.	\$14,867
Houlton Band of Maliseets	\$6,595
Indian Township Passamaquoddy	\$5,862
Penobscot	\$8,172
Pleasant Point Passamaquoddy	\$8,234
Massachusetts	
Wampanoag-Gay Head	\$824
Michigan	
Bay Mills	\$3,043
Grand Traverse	\$10,671
Hannahville Community	\$963
Isabella	\$3,778
Keweenaw Bay Community (L'Anse)	\$3,436
Lac Vieux Desert	\$1,832
Pokagon Band of Potawatomi	\$11,250
Sault Ste. Marie	\$42,414
Minnesota	

Bois Forte (Nett Lake)	\$2,401
Fond du Lac	\$5,817
Grand Portage	\$749
Leech Lake	\$17,206
Lower Sioux	\$1,231
Mille Lacs	\$2,093
Minnesota Chippewa	\$113
Prairie Island Com.	\$215
Red Lake	\$18,694
Sandy Lake	\$164
Shakopee Com.	\$657
Upper Sioux Com.	\$164
Vermillion Lake	\$451
White Earth	\$13,082
<b>Mississippi</b>	
Mississippi Choctaw	\$51,177
<b>Montana</b>	
Assiniboine and Sioux (Fort Peck)	\$53,714
Blackfeet	\$62,393
Chippewa Cree (Rocky Boy's)	\$26,817
Conf'd Salish and Kootenai (Flathead)	\$32,546
Crow	\$98,153
Fort Belknap	\$23,563
Northern Cheyenne	\$27,254

Nebraska	
Iowa (also in KS)	\$93
Omaha	\$11,819
Ponca Tribe	\$7,291
Pine Ridge (Oglala Sioux) (also in SD)	\$81
Santee	\$2,368
Winnebago	\$6,745
Nevada	
Carson Colony	\$980
Dresslerville Colony	\$619
Duck Valley (also in ID)	\$3,736
Duckwater	\$464
Ely Colony	\$258
Fallon Paiute Shoshone	\$1,342
Fallon Colony	\$753
Fort McDermitt	\$1,775
Goshute	\$124
Las Vegas Colony	\$320
Lovelock Colony	\$372
Moapa	\$826
Pyramid Lake	\$4,613
Reno-Sparks Colony	\$1,073
Te-Moak	\$3,705
Walker River	\$2,797

Washoe	\$299
Winnemucca Colony	\$206
Yerington	\$1,476
Yomba	\$423
New Mexico	
Acoma Pueblo	\$36,852
Alamo Navajo	\$8,089
Canoncito	\$7,407
Cochiti Pueblo	\$3,527
Isleta Pueblo	\$14,277
Jemez Pueblo	\$16,663
Jicarilla Apache	\$19,232
Laguna Pueblo	\$18,760
Mescalero Apache	\$23,467
Nambe Pueblo	\$2,006
Navajo (also in AZ and UT)	\$316,803
Picuris Pueblo	\$708
Pojoaque Pueblo	\$983
Ramah Navajo Com.	\$1,219
San Felipe Pueblo	\$15,404
San Ildefonso Pueblo	\$3,173
San Juan Pueblo	\$6,083
Sandia Pueblo	\$1,914
Santa Ana Pueblo	\$2,819

Santa Clara Pueblo	\$6,489
Santo Domingo Pueblo	\$22,484
Taos Pueblo	\$9,728
Tesque Pueblo	\$1,088
Zia Pueblo	\$4,798
Zuni Pueblo	\$40,864
New York	
Allegany	\$3,689
Cattaraugus	\$7,464
Onieda (East)	\$111
St. Regis Mohawk	\$6,373
Tonawanda	\$1,346
Tuscarora	\$1,048
North Carolina	
Eastern Cherokee	\$26,426
North Dakota	
Spirit Lake Tribe	\$19,899
Standing Rock (also in SD)	\$20,399
Three Affiliated (Fort Berthold)	\$19,710
Turtle Mountain Chippewa	\$60,966
Oklahoma	
Absentee Shawnee	\$8,563
Apache	\$8,399
Caddo	\$9,725

Cherokee	\$359,475
Cheyenne-Arapaho	\$40,378
Chickasaw	\$117,888
Choctaw	\$156,397
Citizen Band of Potawatomi	\$26,940
Comanche	\$30,249
Delware	\$354
Fort Sill Apache	\$821
Iowa	\$1,301
Kaw	\$3,738
Kialegee	\$1,389
Kiowa	\$33,899
Modoc	\$480
Muscogee (Creek)	\$233,402
Osage	\$32,560
Otoe-Missouria	\$4,193
Ottawa	\$4,421
Pawnee	\$160
Ponca	\$10,470
Quapaw Tribe	\$3,233
Sac and Fox	\$43,359
Seminole	\$40,239
Tonkawa	\$5,772
Wichita	\$10,129

Oregon	
Burns Paiute	\$711
Confederated Tribes of Siletz	\$13,832
Coquille Indian	\$4,080
Cow Creek	\$1,902
Grande Ronde	\$17,477
Klamath	\$12,560
Siletz	\$13,832
Umatilla	\$8,056
Warm Springs	\$16,594
Rhode Island	
Narragansett	\$10,911
South Dakota	
Cheyenne River	\$34,627
Crow Creek	\$10,460
Flandreau	\$1,552
Lake Traverse (Sisseton-Wahpeton)	\$18,787
Lower Brule	\$7,099
Oglala	\$76,765
Pine Ridge (Oglala Sioux) (also in NE)	\$76,765
Rosebud	\$56,142
Standing Rock (also in ND)	\$14,029
Yankton	\$13,745
Texas	

Alabama and Coushatta	\$3,184
Ysleta Del Sur Pueblo	\$1,160
Utah	
Goshute (also in NV)	\$325
Navajo (also in AZ and NM)	\$35,060
Paiute	\$2,234
Skull Valley	\$169
Southern Ute	\$6,105
Uintah and Ouray	\$17,796
Ute Mountain (also in CO)	\$1,468
Washington	
Chehalis	\$1,621
Colville	\$17,565
Hoh	\$400
Kalispel	\$421
Lower Elwha	\$575
Lummi	\$7,921
Makah	\$10,147
Muckleshoot	\$5,038
Nisqually	\$1,970
Nooksack	\$2,134
Port Gamble	\$3,909
Port Madison	\$2,001
Puyallup	\$4,309

Quileute	\$1,416
Quinault	\$7,356
Sauk-Suiattle	\$421
Shoalwater	\$328
Skokomish	\$2,001
Spokane	\$5,961
Squaxin Island	\$708
Stillaguamish	\$575
Swinomish	\$2,832
Tulalip	\$6,064
Upper Skagit	\$770
Yakima	\$30,534
Wisconsin	
Bad River	\$4,239
Lac Courte Oreilles	\$9,627
Lac du Flambeau	\$7,308
Menominee	\$17,377
Onieda (West)	\$12,453
Potawatomi (Wisconsin)	\$1,524
Red Cliff	\$3,687
Sokaogon Chippewa Com.	\$1,877
St. Croix	\$2,484
Stockbridge	\$1,932
Wisconsin Winnebago	\$3,202

Wyoming	
Wind River	\$46,181

Attachment C

**Title IV-B, subpart 2, Promoting Safe and Stable Families**

FY 1998 Allotments and FY 1999 Estimated Allotments  
States

State	FY 1998	FY 99 Estimated
Alabama	4,587,680	4,972,243
Alaska	389,953	422,641
Arizona	4,495,927	4,872,798
Arkansas	2,202,087	2,386,677
California	33,398,317	36,197,930
Colorado	2,247,963	2,436,399
Connecticut	1,995,641	2,162,926
Delaware	481,706	522,086
Dist of Col	825,782	895,004
Florida	12,203,230	13,226,167
Georgia	6,766,829	7,334,059
Hawaii	894,598	969,587
Idaho	688,152	745,836
Illinois	9,404,745	10,193,098
Indiana	3,945,405	4,276,129

Iowa	1,536,873	1,665,701
Kansas	1,513,935	1,640,840
Kentucky	3,738,960	4,052,378
Louisiana	6,468,629	7,010,863
Maine	940,474	1,019,310
Maryland	3,303,130	3,580,015
Massachusetts	3,784,836	4,102,101
Michigan	8,349,578	9,049,483
Minnesota	2,752,608	2,983,346
Mississippi	4,197,728	4,549,602
Missouri	4,748,249	5,146,272
Montana	550,522	596,669
Nebraska	963,413	1,044,171
Nevada	848,721	919,865
New Hampshire	481,706	522,086
New Jersey	4,541,804	4,922,521
New Mexico	2,064,456	2,237,509
New York	16,263,327	17,626,602
North Carolina	5,069,387	5,494,329
North Dakota	344,076	372,918
Ohio	9,634,129	10,441,711
Oklahoma	3,004,931	3,256,819
Oregon	2,225,025	2,411,538
Pennsylvania	8,854,223	9,596,429

Rhode Island	825,782	895,004
South Carolina	3,349,007	3,629,738
South Dakota	458,768	497,224
Tennessee	5,551,093	6,016,414
Texas	22,892,526	24,811,493
Utah	1,123,982	1,218,200
Vermont	458,768	497,224
Virginia	4,404,173	4,773,353
Washington	3,830,713	4,151,823
West Virginia	2,523,224	2,734,734
Wisconsin	2,959,054	3,207,097
Wyoming	298,199	323,196
American Samoa	164,480	172,525
Guam	286,517	304,954
Northern Mariana	125,114	129,806
Puerto Rico	6,258,461	6,785,410
Virgin Islands	231,404	245,147
Totals	6,450,000	256,250,000

## Attachment D

**Title IV-B, subpart 2, Promoting Safe and Stable Families  
FY 1998 Allotments and Estimated FY 1999 Allotments**

**Indian Tribes**

<b>Indian Tribe</b>	<b>FY 1998</b>	<b>FY 1999 Estimated</b>
Navajo AZ	\$629,100	\$670,720
Cherokee OK	\$255,701	\$272,618
Creek OK	\$166,023	\$177,008
Choctaw OK	\$111,248	\$118,608
Chickasaw OK	\$83,856	\$89,404
AVCP RC AK	\$72,779	\$77,594
Cook Inlet RC AK	\$71,090	\$75,793
Oglala Sioux SD	\$53,401	\$56,934
Tlingit-Haida RC AK	\$45,441	\$48,447
White Mt. Apache AZ	\$44,237	\$47,164
Tanana Chiefs AK	\$43,905	\$46,809
Rosebud Sioux SD	\$39,008	\$41,589
Gila River AZ	\$38,550	\$41,101
Tohono O'odham AZ	\$34,822	\$37,126
San Carlos Apache AZ	\$31,435	\$33,515
Turtle Mountain ND	\$30,518	\$32,538
Blackfeet MT	\$30,132	\$32,126
Cheyenne-Arapaho OK	\$28,722	\$30,622
Zuni NM	\$28,003	\$29,856
Yakima WA	\$27,302	\$29,109
Hopi AZ	\$27,087	\$28,879
Kawerak RC AK	\$25,505	\$27,193
Shoshone & Arapahoe WY	\$25,317	\$26,992

Assiniboine & Sioux MT	\$25,209	\$26,877
Cheyenne River SD	\$24,059	\$25,651
Kiowa OK	\$24,011	\$25,599
Maunelluk RC AK	\$23,709	\$25,277
Standing Rock ND	\$23,322	\$24,865
Osage OK	\$23,161	\$24,693
Comanche OK	\$21,401	\$22,817
Salish-Kootenai MT	\$21,094	\$22,490
Crow MT	\$20,699	\$22,068
Eastern Cherokee NC	\$20,555	\$21,915
Citizen-Potawatomi OK	\$19,295	\$20,572
Sac and Fox OK	\$18,776	\$20,019
Bristol Bay RC AK	\$18,615	\$19,846
Artic Slope RC AK	\$18,525	\$19,751
Mississippi Choctaw MS	\$18,318	\$19,530
Northern Cheyenne MT	\$16,521	\$17,615
Red Lake Chippewa MN	\$16,369	\$17,452
Salt River AZ	\$15,506	\$16,532
Colville WA	\$15,381	\$16,398
Seminole OK	\$15,219	\$16,226
Leech Lake Chippewa MN	\$15,066	\$16,063
Minominee WI	\$14,141	\$15,076
Spirit Lake ND	\$13,242	\$14,118
Three Affiliated ND	\$13,117	\$13,984
Sisseton-Wahpeton SD	\$13,054	\$13,917
Warm Springs OR	\$13,009	\$13,869
Laguna NM	\$12,856	\$13,707
Shoshone-Bannock ID	\$12,515	\$13,343
Uintah and Ouray UT	\$12,308	\$13,122

Santo Domingo NM	\$11,940	\$12,730
Mescalero Apache NM	\$11,688	\$12,461
Pascua Yaqui AZ	\$11,490	\$12,251
White Earth Chippewa MN	\$11,455	\$12,212
Jicarilla Apache NM	\$10,646	\$11,350
Fort Belknap MT	\$10,305	\$10,986
Oneida WI	\$10,134	\$10,804
Colorado River AZ	\$10,107	\$10,776
Acoma NM	-	\$10,680
Isleta NM	-	\$10,431
Yankton Sioux SD	-	\$10,182
Total	\$2,550,000	\$2,750,000

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# 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-CB-98-05

**2. Issuance Date:** April 28, 1998

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

**4. Key Words:** Title IV-B, subparts 1 and 2, State Plan Assurances; Indian Tribes

## PROGRAM INSTRUCTION

**TO:** Indian Tribes, Indian Tribal Organizations, and State Agencies Administering Title IV-B of the Social Security Act

**SUBJECT:** State and Indian Tribal responsibilities for the provision of the foster care protections under section 422(b)(10) of title IV-B.

**LEGAL AND RELATED REFERENCES:** Sections 422(b)(10) and 428 of title IV-B, and Section 471 of title IV-E of the Social Security Act; Public Law 103-432, The Social Security Act Amendments of 1994, Section 202; Public Law 96-272, The Adoption Assistance and Child Welfare Act of 1980; 45 CFR 1357; ACYF-PI-CB-96-01, March 13, 1996.

**PURPOSE:** The purpose of this Program Instruction is to clarify the title IV-B State plan requirement at 422(b)(10) of the Social Security Act (the Act), 45 CFR 1357.15(q), and 45 CFR 1357.40(c)(1).

**BACKGROUND:** Title IV-B, subpart 1 of the Act, the Child Welfare Services program, is a formula grant program. The grant provides States and Indian Tribes with Federal support for a wide variety of child welfare services. These services include preplacement preventive services to strengthen families and to prevent removal of children from their homes (such as respite care and intensive family preservation programs), services to prevent abuse and neglect (such as in-home visits), and services related to the provision of foster care and adoption.

The Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272) was enacted on June 17, 1980. One of the changes as a result of this law was the addition of section 428 to title IV-B of the Act. Section 428 authorizes direct payments to all Federally recognized Indian Tribes or Indian Tribal Organizations for title IV-B, subpart 1, child welfare services. The intention of this section was to link title IV-B, subpart 1 funds with other major Federal Indian social services programs to complement the provisions of the Indian Child Welfare Act of 1978 (ICWA) (Public Law 95-608).

In October 1994, The Social Security Act Amendments of 1994 (Public Law 103-432) repealed section 427 of title IV-B of the Act, effective October 1, 1996. Section 427 had authorized States and Indian Tribes to receive title IV-B funds above their basic allotment, if the specific protections outlined in section 427 were provided to all children in foster care. The intent of section 427 was to provide children and families with protection against unwarranted removal of children from their homes and inappropriate and unnecessarily prolonged foster care placements. The major objectives of the protections were to establish placement and review procedures and services to promote the permanent placement of children with families.

As a result of the repeal of section 427, the additional "incentive" funding requirements for title IV-B, subpart 1, were eliminated and the protections were incorporated into section 422(b)(9) (now section 422(b)(10)) as title IV-B State plan assurances. This change does not affect the roles and responsibilities of the State agency or the population to be covered by the protections.

The Children's Bureau issued guidance (see [ACYF-PI-CB-96-01](#), Instructions: Requirement #1) to States and Indian Tribes to amend their title IV-B Plans to comply with the assurances at 422(b)(10). The assurance was to be submitted by June 30, 1996 and the requirements of section 422(b)(10) were to be in place by October 1, 1996.

On December 18, 1996, the final rule for title IV-B, Child and Family Services became effective, amended existing Federal regulations at 45 CFR 1355, 1356 and 1357 and superseded the guidance regarding section 422(b)(10) of title IV-B as outlined in ACYF-PI-CB-96-01. 45 CFR 1357.15 describes the comprehensive five year Child and Family Services Plan (CFSP) requirements that States and Indian Tribes must meet to receive title IV-B funding for subparts 1 and 2. 45 CFR 1357.15(q) requires the States to describe the arrangements made with Indian Tribes for the provision of child welfare services and the "protections" in 422(b)(10). 45 CFR 1357.40(c)(1) requires Indian Tribes to describe the process that will be followed to assure that the protections will be provided for tribal children.

**ISSUE:** ACF Regional Offices have indicated to the Children's Bureau that some Indian Tribes were not able to provide the assurances under section 422(b)(10) within the time frame required (by October 1, 1996).

We plan, through the ACF Regional Offices, to work jointly with States and Indian Tribes to assure that all children in foster care are provided the protections under section 422(b)(10). Also, we recognize that some Indian Tribes may be providing child welfare services directly and may have legal responsibility for Tribal children in foster care and some Indian Tribes may have an agreement with the State for the State to provide some or all of the child welfare services. We also recognize that there are Indian Tribes that currently do not provide foster care services, including the section 422(b)(10) protections, and are working towards building the capacity to do so.

The "Action" section below provides a discussion of the regulatory requirements that States and Indian Tribes must follow in order to be in compliance with section 422(b)(10).

## **ACTION:**

### **REQUIREMENTS FOR STATES**

45 CFR 1357.15(q) (Services in relation to permanency planning) requires States to:

- explain how [title IV-B] services will help meet the permanency provisions for children and families in sections 422(b)(10) and 471 of the Act; and,
- describe the arrangements made for the provision of the child welfare services and protections in section 422(b)(10) to Indian children whether they are under State or Tribal legal responsibility.

**DISCUSSION:** The specific arrangements made by the State to meet the title IV-B, subpart 1 assurances with respect to Indian children under Tribal jurisdiction can be effective only if they are discussed jointly between the State and the Indian Tribe. Accordingly, States are to contact all Indian Tribes receiving title IV-B funds within their boundaries, if they have not done so already, to discuss the provision of the 422(b)(10) protections to Indian children.

The State is to provide information in the CFSP on those Indian Tribes in the State's boundaries that have legal responsibility for Tribal children in foster care and how the Indian Tribe is providing the protections under section 422(b)(10). States are not required to enter into an agreement to provide the protections if the Indian Tribe is providing the protections.

The State is to also describe the arrangements that have been developed and agreed upon by the State and those Indian Tribes in the State's boundaries for the provision of child welfare services and protections for tribal children for whom the Indian Tribe may or may not have legal responsibility for placement. This also includes arrangements made with those Indian Tribes that do not provide the protections but are working towards the capacity to do so.

If a State does not work with the Indian Tribes to reach an agreement on the specific arrangements made to ensure all children are provided with the section 422(b)(10) protections, then that State's title IV-B, subpart 1 funding could be jeopardized.

### **REQUIREMENTS FOR INDIAN TRIBES**

To meet the requirements of 45 CFR 1357.40(c)(1), Indian Tribes that receive direct funding under title IV-B, subpart 1, must submit a description of the arrangements, jointly developed with the State, made for the provision of the child welfare services and protections in section 422(b)(10) to Indian children whether they are under State or Tribal legal responsibility.

**DISCUSSION:** Indian Tribes with the legal responsibility for Tribal children in foster care are to provide information in the CFSP on how they are meeting the requirements under section 422(b)(10). The Indian Tribe is not required to enter into an agreement with the State for the State to provide the protections if the Indian Tribe is providing the protections for Tribal children.

Indian Tribes that do not have legal responsibility and/or do not provide the protections for Tribal children in foster care must describe the agreements made with the State for the provision of the services and protections and submit the description with the APSR by June 30, 1998, if it has not already been submitted. This also includes those Indian Tribes that do not provide the protections but are working towards the capacity to do so arrangements made with.

If an Indian Tribe does not do either of the above to assure the protections are provided, then the Indian Tribe's title IV-B, subpart 1 funding could be jeopardized.

**TRAINING AND TECHNICAL ASSISTANCE FROM ACF:** Training and Technical Assistance (T/TA) is available to States and Indian Tribes. Contact the appropriate Regional Office for more information.

/s/

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

<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-CB-98-06	<b>2. Issuance Date:</b> 5/28/98
	<b>3. Originating Office:</b> Children's Bureau/Office of Child Abuse and Neglect	
	<b>4. Key Words:</b> Development of Mutual Support Programs	

**PROGRAM INSTRUCTION**

**TO:** State Agencies Administering the Community-Based Family Resource and Support Grant, and Parents Anonymous, Inc.

**SUBJECT:** Availability of Fiscal Year 1998 Funds under Title I, section 105(a)(2) of the Child Abuse Prevention and Treatment Act Amendments of 1996 (Pub. L. 104-235).

**LEGAL AND RELATED REFERENCES:** Title I of the Child Abuse Prevention and Treatment Act (CAPTA) (42 U.S.C. 5116 et. seq.), as amended by Pub. L.104-235, enacted October 3, 1996.

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**PART I: GENERAL INFORMATION**

**A. PURPOSE**

The purpose of this Program Instruction is to announce a request for applications for a limited discretionary grant competition, for awards of \$50,000, to establish one or more mutual support and self-help groups that will meet accreditation requirements to become affiliated with Parents Anonymous, Inc. (PA). These self-help groups will become local resources for strengthening families in partnership with their communities. The awards are authorized by section 105(a)(2) of the Child Abuse Prevention and Treatment Act, as amended by Pub. L. 104-235 [1996], and available only to private nonprofit organizations that are Community-Based Family Resource and Support (CBFRS) lead agencies or their designees.

Priority will be given to self-help projects in localities currently lacking parent self-help programs affiliated with Parents Anonymous, Inc. The number of projects will depend upon the number and localities of applications submitted. Up to \$650,000 in Federal funds are available for a 17 month budget period. Award recipients must agree to collaborate closely with Parents Anonymous, Inc. to ensure that newly-established self-help groups meet the requirements for accreditation and affiliation with this national network of mutual support and self-help programs. Parents Anonymous, Inc. has received supplemental funds for the purpose of supporting the development of new self-help groups with awardees from this invitation.

**B. PROJECT, BUDGET PERIOD, AND PROJECT DURATION**

The project and budget period for this grant award will begin on September 1, 1998 and conclude on January 31, 2000, by which date all funds from this award must be obligated. Grantees will have an additional 90 days after the project period end date to liquidate any funds remaining in the grant. Awards for subsequent budget periods will be dependent upon availability of future funds.

### **C. ELIGIBILITY**

**Only private nonprofit organizations that are CBFRS lead agencies, or designees of CBFRS lead agencies may apply for these funds.** CBFRS lead agencies that do not meet the private nonprofit criteria should designate a private non-profit entity from their Statewide Network as the applicant agency, and provide that agency with a letter of support to be submitted with their application.

### **D. USE OF FUNDS**

Funded entities will use their grant award dollars to support the establishment, training, and maintenance of parent self-help groups that will meet accreditation requirements to become affiliates of PA, Inc., a network of national parent support and self-help programs. These newly-established support and self-help groups should offer assistance to families, provide early and ongoing support for parents, increase family stability, improve family access to other formal and informal resources and opportunities for assistance available within communities, and support the additional needs of families with children with disabilities. Local programs should have the capacity to promote the strengthening of families in partnership with their communities, and foster an understanding, appreciation, and knowledge of diverse populations in order to be effective in preventing child abuse and neglect.

In order to accomplish the goals of the project, applicants must focus on three specific outcomes: (1) the establishment of new self-help groups, or growth and capacity-building for existing self-help groups that are, or will become, part of the PA, Inc. mutual support and self-help network; (2) the coordination of newly-established groups with other family support initiatives at the community, State, and national levels, including the Community-Based Family Resource and Support Grants program authorized in Title II of the Child Abuse Prevention and Treatment Act of 1996 (CAPTA); and (3) training that will enable parents to participate in meaningful leadership roles in the planning, policy direction, implementation, and evaluation of programs designed to provide family support services, such as is required in the Community-Based Family Resource and Support Grants program authorized in Title II of CAPTA. Parents Anonymous, Inc. will provide technical assistance to successful applicants for these funds.

### **E. PROPOSED ACTIVITIES**

1. In general, discretionary funds awarded under this authority must be used for achieving the following objectives:
  - Hiring of full or part-time staff necessary for developing mutual self-help groups.
  - Training and technical assistance necessary for new groups to achieve national PA, Inc. affiliation.

- Increasing the participation of families involved in self-help programs by strengthening the relationships between self-help groups and public and private agencies that serve maltreated children, to promote parent self-help as part of a coordinated child abuse prevention and/or intervention strategy.
  - Increasing the participation of fathers and other kin in self-help groups by promoting and providing access to improved recruitment and training techniques.
  - Promoting increased sensitivity in parent self-help groups to issues of cultural diversity as they affect child-rearing theories and practices.
  - Increasing the participation of members of racial and ethnic minorities in parent self-help groups.
  - Enhancing the capacity for community-based mutual self-help program affiliates and State organizations to communicate with each other and participate in PA, Inc. leadership development and agenda-setting.
  - Providing training and technical assistance to parents, service providers, and agency personnel that will increase meaningful parent participation in the development, operation, oversight, and evaluation of the Statewide network of community-based, prevention-focused, family resource and support programs.
2. By February 28, 1999; August 31, 1999; and January 31, 2000 each grantee shall prepare a report of the activities, strategies, lessons learned, and recommendations for ways to strengthen connections among mutual support and self-help groups and other community agencies and services as a means of strengthening families in partnership with communities.
  3. Grantees shall budget appropriately to include a trip to Washington DC for at least one staff person and one parent to attend a national meeting of the CBFRS grantees, and to attend at least one national meeting of PA, Inc.

## **PART II: INSTRUCTIONS FOR APPLYING**

In order to successfully compete for funding under this announcement, applicants must meet eligibility requirements and submit the following information and documentation:

### **A. Form 424**

This form is attached to this Instruction and must be completed, signed, and returned as a part of the application package.

### **B. VERIFICATION OF APPLICANT AGENCY'S PRIVATE NONPROFIT STATUS**

The application must include a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent tax-exempt organizations described in section 501(c)(3) of the IRS code, or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation establishing the applicant agency as a private nonprofit entity and bearing the seal of the State in which the agency is domiciled.

### **C. LETTER OF DESIGNATION AND SUPPORT**

If the applicant agency is not the CBFRS lead agency, the application must contain a letter of designation and support from the CBFRS lead agency in the State, including verification that the applicant agency is a member of the CBFRS statewide network of service providers.

#### **D. PROGRAM NARRATIVE/PROJECT DESCRIPTION**

Provide a Program Narrative/Project Description that meets all of the **Uniform Project Description** requirements contained in Part III, pages 9-13 of this Program Instruction. Information on the Budget Requirement is also contained in this section.

#### **E. USE OF FUNDS ASSURANCE**

A "Use of Funds" Assurance, specifying the activities and purposes for which these funds may be used, is included in the Attachment section of this Instruction, and must be signed by the applicant authority who will be responsible for administering these funds, and returned with the application package.

#### **F. CERTIFICATIONS**

**The Certification Regarding Lobbying and Assurances for Non- Construction Programs must be signed and returned.**

The following Certifications are attached for your files. They are not required to be signed or returned with the application. The signature on the grant application by an authorized official of the applicant agency attests to the applicant's intent to comply with the Certifications:

1. Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions; and
2. Certification Regarding Drug-Free Workplace Requirements.

#### **G. SUBMISSION OF THE APPLICATION**

One original and two copies of the completed application package must be received **not later than 60 days following the Issuance Date on this Program Instruction.**

Applicants must ensure that a legibly dated U.S. Postal Service postmark or a legibly dated, machine produced postmark of a commercial mail service is affixed to the envelope/package containing the application. A postmark from a commercial mail service must include the logo/emblem of the commercial mail service company and must reflect the date the package was received by the commercial mail service company from the applicant. Private Metered postmarks shall not be acceptable as proof of timely mailing. (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

**LATE APPLICATIONS:** Applications which do not meet the criteria for timely submission are considered late applications. ACYF shall notify each late applicant that its application will not be considered in the current competition.

**MAILED APPLICATIONS AND OVERNIGHT/EXPRESS MAIL SERVICE:**

The following address should be used if applications are mailed through the U.S. Postal Service:

Administration on Children, Youth and Families (ACYF)  
Operations Headquarters  
1225 Jefferson Davis Highway, Suite 415  
Arlington, VA 22201  
**ATTN: Mutual Support and Self-Help**

The Operations Center phone number is 1-800-351-2293.

**HAND-DELIVERED APPLICATIONS, APPLICANT COURIERS:**

Applications **hand-delivered by applicants, applicant couriers, or by other representatives of the applicant** shall be considered as meeting an announced deadline if they are **RECEIVED** on or before the deadline date, between the hours of 8:00 a.m. and 4:30 p.m., EDT, at the address provided above. Any application **RECEIVED AFTER 4:30 p.m.** on the deadline date will not be considered. (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

**ELECTRONIC TRANSMISSIONS:**

ACYF cannot accommodate transmission of applications by fax or electronic media. Therefore, applications transmitted to ACYF electronically will not be accepted regardless of date or time of submission and time of receipt.

**PART III: UNIFORM PROJECT DESCRIPTION <sup>1</sup>**

**A. PURPOSE**

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly. Applicants are encouraged to provide information on their organizational structure, staff, related experience, and other information considered to be relevant. Awarding offices use this and other information to determine whether the applicant has the capability and resources necessary to carry out the proposed project. It is important, therefore, that this information be included in the application. However, in the narrative the applicant must distinguish between resources

directly related to the proposed project from those that will not be used in support of the specified project for which funds are requested.

**The Children's Bureau is particularly interested in the following:**

- Evidence that the applicant agency is a private nonprofit organization that is either the Community-Based Family Resource and Support (CBFRS) lead agency in the State, or a participant in the CBFRS Statewide Network and designee of the CBFRS lead agency to be the State applicant.
- A description of the applicant agency's organizational strengths, background and experience that will facilitate meeting the objectives of this grant.
- A biographical sketch, including job responsibilities, for each key person appointed, and a job description for each vacant key position. A biographical sketch will also be required for new key staff as appointed.

**B. General Instructions**

Cross-referencing should be used rather than repetition. ACYF is particularly interested in specific factual information and statements of measurable goals in quantitative terms. Project descriptions are evaluated on the basis of substance, not length. Extensive exhibits are not required. (Supporting information concerning activities that will not be directly funded by the grant or information that does not directly pertain to an integral part of the grant funded activity should be placed in an appendix.) Pages should be numbered and a table of contents should be included for easy reference.

**The Children's Bureau is particularly interested in the following:**

A description of the applicant agency's plan for the use of these funds to engage in activities consistent with the conditions set forth in the Use of Funds Assurance. The Assurance is included in the Attachment section of this Program Instruction, and must be signed and submitted with the application.

**C. OBJECTIVES AND NEED FOR ASSISTANCE**

Clearly identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the project description, the applicant may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

**The Children's Bureau is particularly interested in the following:**

- A description of the need for a mutual support program(s) in the proposed target area.
- A description of how parents and community resources will be included in the initiation of mutual support programs, and how linkage with Parents Anonymous, Inc. will be established.

#### **D. RESULTS OR BENEFITS EXPECTED**

Identify the results and benefits to be derived. For example, when applying for a grant to establish a neighborhood mutual support program, describe who will participate in the program, who will use the program, how the program will be used, and how the program will benefit the community in which it is located.

#### **The Children's Bureau is particularly interested in the following:**

How the applicant will ensure the establishment of new mutual support and self-help groups that will meet the accreditation and affiliation requirements to become a part of the PA, Inc. mutual support and self-help network.

#### **E. APPROACH**

Outline a plan of action which describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors which might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served and the number of microloans made. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

Identify the kinds of data to be collected, maintained, and/or disseminated. Note that clearance from the U.S. Office of Management and Budget might be needed prior to a "collection of information" that is "conducted or sponsored" by ACF. List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

#### **F. EVALUATION**

Provide a narrative addressing how the results of the project and the conduct of the project will be evaluated. In addressing the evaluation of results, state how you will determine the extent to which the project has achieved its stated objectives and the extent to which the accomplishment of objectives can be attributed to the project. Discuss the

criteria to be used to evaluate results, and explain the methodology that will be used to determine if the needs identified and discussed are being met and if the project results and benefits are being achieved. With respect to the conduct of the project, define the procedures to be employed to determine whether the project is being conducted in a manner consistent with the work plan presented and discuss the impact of the project's various activities on the project's effectiveness.

**The Children's Bureau is particularly interested in the following:**

How the applicant will evaluate the results of the project to determine if the activities were effective in:

1. Establishing new mutual support and self-help programs, or providing growth and capacity-building for existing self-help groups that were successful in becoming accredited by, and affiliating with Parents Anonymous, Inc.
2. Coordinating newly-established programs with other family support initiatives at the community, State, and national levels, including the Community-Based Family Resource and Support Grants program; and
3. Providing training that enabled parents to participate in meaningful leadership roles in the planning, policy direction, implementation, and evaluation of programs designed to prevent child abuse and neglect and provide family support services.

**G. GEOGRAPHIC LOCATION**

Describe the precise location of the project and boundaries of the area to be served by the proposed project. Maps or other graphic aids may be attached.

**H. BUDGET AND BUDGET JUSTIFICATION**

Provide line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF-424.

Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

**The Children's Bureau points out that:**

- Budget information forms (two pages), are included with the Attachments and must be completed and included with the application package<sup>2</sup>. The Catalog of Federal Domestic Assistance Number for this program is #93.670.
- The dollar amount for the outline of **Federal expenditures must total \$50,000**; the dollar amount for the **non-Federal expenditures must total \$12,500**. The amount of **\$12,500** is the amount that the applicant organization must contribute as a 20% match to receive funds under this authority. Cash match is preferred to in-kind match.

## **PART IV: EVALUATION OF APPLICATIONS**

### **CRITERIA FOR EVALUATION**

Before a panel review, each application will be screened for eligibility by reviewing verification of the applicant's private nonprofit status, a signed copy of the Use of Funds Assurance and, when appropriate, the letter of designation and support from the CBFRS lead agency. Applications will be screened to ensure that they include elements A-F under Instructions for Applying. Applications from ineligible organizations and incomplete applications will not be considered or reviewed in the competition, and the applicants will be so informed.

A panel of reviewers (primarily experts from outside the Federal government) will review applications. In making decisions on awards, ACYF may give preference to applications which focus on the establishment of mutual support and self-help groups in States currently lacking Parents Anonymous, Inc. affiliates. All applications will be evaluated against the following criteria:

1. **Objective, Support and Need for Assistance [20 points]:** The extent to which the application pinpoints relevant data supporting an unmet need for self-help groups within specific localities; the number and location of proposed projects, including maps and other graphic aids, as appropriate; and a familiarity with available support systems within identified communities. The application also lists each organization, agency, consultant, or other key individuals or groups who will work on the project along with a description of the activities and nature of their effort or contribution.
2. **Approach [30 points]:** The extent to which the application outlines a sound and workable plan of action pertaining to the scope of the project; details how linkages will be established with Parents Anonymous, Inc.; cites factors which might accelerate or decelerate the efforts to establish parent self-help groups, including the identification of parents who desire to participate in such self-help groups; describes and supports features of the project, such as design, technological innovations, or extraordinary social and community involvements; and provides for projections for the accomplishments to be achieved. The application should include a listing of the activities to be carried out in chronological order, showing a reasonable schedule of accomplishments and target dates.
3. **Results and Benefits Expected [25 points]:** The extent to which the application identifies the kinds of data to be collected, and discusses the criteria to be used to

evaluate the results and successes of the project, including evaluation methodology that will be able to determine if the objectives outlined in the Use of Funds Assurance have been achieved. The extent to which the application identifies the results and benefits derived that are consistent with the objectives of the application, and the extent to which the proposed project costs are reasonable in view of the expected results.

4. **Staff Background and Organization Experience [25 points]:** The application identifies the background of the project director and key project staff, (including name, address, training, educational background and other qualifying experience) and the experience of the organization to demonstrate the applicant's ability to effectively and efficiently administer the project. The application describes the relationships between the proposed project and other work planned, anticipated or underway by the applicant with Federal assistance.

## **PART V: ADDITIONAL INFORMATION**

### **INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS**

This program has been excluded from the provisions of Executive Order 12372, "Intergovernmental Review of Federal Programs," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities" (52 **FR** 161).

### **PAPERWORK REDUCTION ACT**

All information collections within this Program Announcement are approved under the following currently valid OMB control numbers: 424, (0348-0043); 424A (0348-0040); Disclosure of Lobbying Activities (0348-0046); Uniform Project Description (0970-0139); Expiration date 10/31/2000).

Public reporting burden for this collection of information is estimated to average 24 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) Control Number.

### **ADDRESS INQUIRIES TO:**

Eleanor M. Wagoner or Lynne Henson  
Administration on Children, Youth, and Families  
Office on Child Abuse and Neglect  
330 C Street, SW, Switzer Bldg., Room 2421  
Washington, DC 20201  
Office: (202) 205-0749 or (202) 205-1723

E-Mail: ewagoner@acf.hhs.gov  
lhenson@acf.hhs.gov

Date: May 28, 1998

/s/

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

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<sup>1</sup>This section is a standardized form/format (see page 16, Paperwork Reduction Act) that, in some instances uses generic examples that may not be germane to the Development of Mutual Support Programs. In those cases the application should tailor their information to the Development of Mutual Support Programs.

<sup>2</sup> Instructions for completing the Budget forms are included with the forms, in the Attachment section of this Instruction.

**Attachments:**

[USE OF FUNDS Assurance Form](#)  
[APPLICATION FOR FEDERAL ASSISTANCE Form - SF 424 - INSTRUCTIONS for Completing SF 424](#)  
[BUDGET INFORMATION - SF 424A \(2 pages\) - INSTRUCTIONS for Completing SF 424A](#)

CERTIFICATIONS: (*Links will open in another browser window.*)

- [Assurances - Non-Construction Programs\\*](#)
- [Certification Regarding Lobbying\\*](#)
- [Certification Regarding Drug-Free Workplace Requirements](#)
- [Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions](#)

**\* These certifications must be signed and returned with the application.**

**USE OF FUNDS ASSURANCE**

**MUTUAL SUPPORT AND SELF-HELP PROGRAMS**

**GRANTEE AGENCY:**

On behalf of the above named grantee, I am authorized to administer the grant award to establish or maintain one or more mutual support and self-help groups, to be accredited by and affiliated

with Parents Anonymous, Inc., as a means of strengthening families in partnership with their communities. I am likewise authorized to assume the obligations imposed by the terms and conditions for receipt of the funds, and assure that the funds will be used to assist in achieving the following objectives:

- Hiring of staff necessary for the organization and support of developing one or more community-based mutual self-help groups.
- Training and technical assistance necessary for new programs to achieve Parents Anonymous, Inc. affiliation.
- Increasing the participation of families involved in self-help programs by strengthening the relationships between self-help groups and public and private agencies that serve maltreated children under Title II, in order to encourage consistent use of parent-self-help as part of a coordinated prevention and/or intervention strategy.
- Increasing the participation of fathers and other kin in self-help groups by promoting and providing access to improved recruitment and training techniques.
- Promoting increased sensitivity in parent self-help groups to issues of cultural diversity as they affect child-rearing practices and questions of abuse and neglect.
- Increasing the participation of members of racial and ethnic minorities in parent self-help groups.
- Enhancing the capacity for community-based mutual self-help program affiliates and State organizations to communicate with each other and participate in national PA leadership development and agenda-setting.
- Providing training and technical assistance to parents, service providers, and agency personnel that will increase meaningful parent participation in the development, operation, oversight, and evaluation of the Statewide network of community-based, prevention-focused, family resource and support programs.
- Financing a trip to Washington DC for at least one staff person and one parent to attend a national meeting of the CBFRS grantees, and to attend at least one national meeting of PA, Inc.

It is understood that this agency will work in close collaboration with Parents Anonymous, Inc. (675 W. Foothill Blvd., Suite 220, Claremont, CA 91711, Phone:909-621-6184) to achieve the goal of Parents Anonymous, Inc. affiliation for those community-based programs established or maintained by these funds.

This agency also assures that the funds received under this agreement will supplement, and not supplant, other Federal, State and local public funds designated for the establishment or maintenance of mutual support and self-help programs.

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(Signature of Responsible Administrator)

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(Typed Name and Title of Administrator)

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(Date)

*OMB Control No. 0970-0139, Expiration Date 10/31/00*

### **CERTIFICATION REGARDING LOBBYING**

#### 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 an 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.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any 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 commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement 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 statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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Signature

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Title

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Organization

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### **CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS**

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This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

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#### **Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)**

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.

4. For grantees who are individuals, Alternate II applies.

5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

*Controlled substance* means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

*Conviction* means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

*Criminal drug statute* means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

*Employee* means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - (b) Establishing an ongoing drug-free awareness program to inform employees about --
    - (1) The dangers of drug abuse in the workplace;
    - (2) The grantee's policy of maintaining a drug-free workplace;
    - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
    - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
  - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
    - (1) Abide by the terms of the statement; and
    - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
  - (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
  - (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted --
    - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
    - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
  - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).
- (B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

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Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER  
RESPONSIBILITY MATTERS**

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. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an 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 the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which 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.

5. The terms covered transaction, debarred, suspended, ineligible, lower 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 the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. 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 proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

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 Transaction," provided by the department or agency entering into this covered transaction, 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 proposed for debarment under 48 CFR part 9, subpart 9.4, 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 List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

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 a 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 proposed for debarment under 48 CFR part 9, subpart 9.4, 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 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 belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded 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 a public transaction; violation of Federal or State antitrust statutes 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 or 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.

### 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 is 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 had 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 voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, 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 Transaction," 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 proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered

transactions, 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 List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

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 proposed for debarment under 48 CFR part 9, subpart 9.4, 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 this 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.

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# 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-98-07

2. Issuance Date: 04/30/98

3. Originating Office: Children's Bureau

4. Key Words: Adoption, Bonus, Incentive, Baseline, Increment

## PROGRAM INSTRUCTION

**TO:** State Agencies Administering Title IV-E of the Social Security Act

**SUBJECT:** Procedures for Establishing Adoption and Guardianship Baselines to Implement the Presidential Initiative, **Adoption 2002** and the Requirements of the Adoption and Safe Families Act of 1997

**LEGAL AND RELATED REFERENCES:** The Adoption and Safe Families Act of 1997 (Public Law 105-89); Sections 473A and 473(a)(1)(B)(ii) of Title IV-E of the Social Security Act; **Adoption 2002**, A Response to the Presidential Executive Memorandum on Adoption, issued December 14, 1996; and 45 CFR 1355.40. This Program Instruction (PI) supplements Information Memorandum, ACYF-CB-IM-97-05, issued July 7, 1997. (To the extent that there is an inconsistency between ACYF-CB-IM-97-05 and this PI, this issuance supersedes.)

### **PURPOSE:**

The purpose of this PI is to provide information to the States about adoption incentive payments authorized by the Adoption and Safe Families Act (ASFA), establishing adoption and guardianship baseline data, calculating bonuses and setting targets for implementing the President's Adoption Initiative, **Adoption 2002**.

### **BACKGROUND:**

In December 1996, the President introduced the **Adoption 2002** initiative. This initiative is a collaborative undertaking between the States and the Federal government to double the number of children adopted or placed for guardianship by the year 2002 as compared to the same such permanent placements made in fiscal year (FY) 1997. The joint effort is meant to engage Federal, State and local governments, child welfare and adoption professionals, community leaders and other interested citizens in creative and meaningful activities to improve the lives of

children who are backlogged, or at risk of being backlogged, in the child welfare system, by creating permanent homes for them.

As part of the **Adoption 2002** initiative, the President directed the Department to develop a proposal for a per-child financial incentive to States to increase adoptions from State foster care systems. The proposal included providing an additional sum of money to the State child welfare agency for every child adopted from the public child welfare system in excess of each year's established baseline. That proposal, with some modifications by the Congress, was included in ASFA. The incentive funds--\$4,000 per adopted child and an additional \$2,000 per adopted title IV-E special needs child--will only be paid to the State agency for **finalized** adoptions. Up to \$20 million per year for five years, between FYs 1999 and 2003, is authorized to be available to the States. Although **Adoption 2002** emphasizes the establishment of permanency through both adoption and guardianship, ASFA restricts the bonus incentives to finalized adoptions. Nevertheless, States are required to set baselines and numerical targets to be achieved for the number of guardianships completed as well as adoptions finalized for the purposes of the **Adoption 2002** initiative.

## **STATUTORY REQUIREMENTS**

A State is eligible for an adoption incentive payment for a fiscal year if:

1. the State has an approved plan under title IV-E;
2. the number of foster child adoptions from the public child welfare system finalized during the fiscal year exceeds the baseline established for that year;
3. except in the initial year of a State's participation in the adoption incentive program, the determination of the number of children adopted each year, FY 1998 through FY 2002, is made on the basis of the Adoption and Foster Care Analysis and Reporting System (AFCARS) data submissions in compliance with Federal regulations at 45 CFR 1355.40;<sup>1</sup> and
4. in FY 2001 and FY 2002, the State provides health insurance coverage to any special needs child for whom there is an adoption assistance agreement between the State and the child's adoptive parent(s).

The incentive funds will be paid to the States in the year following the year in which they are earned. The incentive money will be available for use by the State for any activity or service which is allowable under titles IV-B or IV-E of the Social Security Act (SSA) and requires no matching State funds. Regardless of when during the fiscal year the incentive funds are received, they must be liquidated by the end of the succeeding fiscal year.

## **INSTRUCTIONS:**

The following provides definitions of the terms used for the purpose of establishing the baseline and providing the incentive funds:

**Adoption**--For purposes of this PI, adoption means the final legalized adoption of a child who, at the time of adoptive placement, was in foster care under the responsibility or supervision of the State.

**FY 1998 Baseline**--The **average** number of children adopted from the State child welfare agency foster care program, whose adoptions were finalized during fiscal years 1995, 1996 and 1997.

**FY 1998 Special Needs Baseline**--The **average** number of title IV-E special needs children adopted from the State child welfare agency foster care program, whose adoptions were finalized during fiscal years 1995, 1996 and 1997.

**FY 1999 - FY 2002 Baselines**--For each of the fiscal years, FY 1999 - FY 2002, baselines will be based on the previous fiscal year that has the largest number of finalized adoptions from the State child welfare agency foster care program, beginning with FY 1997.

**FY 1999 - FY 2002 Special Needs Baselines**--For each of the fiscal years, FY 1999 - FY 2002, baselines will be based on the previous fiscal year that has the largest number of finalized special needs adoptions from the State child welfare agency title IV-E foster care program, beginning with FY 1997.

**Fiscal Year**--Fiscal year means Federal fiscal year (October 1 through September 30).

**Guardianship**--Guardianship is the judicially created relationship between a child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control, custody, and decision-making. For purposes of establishing a baseline and counting completed guardianship arrangements, only those children being released from foster care under the responsibility or supervision of the State should be counted.

**Special Needs Child(ren)**--A special needs child is one whose adoption has been finalized and for whom there is a title IV-E adoption assistance agreement under section 473(a)(1)(B)(ii) of the Social Security Act.

## **ESTABLISHING THE BASELINE AND INCREMENTS:**

### **A. ADOPTION INCENTIVE PROGRAM**

The process for establishing adoption incentive baselines is based on the following principles:

- The law requires that AFCARS be the sole source of data to determine State baselines, except for the initial FY 1998 baseline. For FY 1998, this data may come from other sources and must be derived through consultation between the States and the ACF Regional Office and Central Office staff. Any adoption data source(s) proposed as an alternative to AFCARS for the FY 1998 baseline must be documented to be of equivalent completeness and reliability.

- Separate baselines are to be established for total foster child adoptions and, of these, the number of title IV-E special needs adoptions.
- The FY 1998 baseline data will be the average of the number of finalized adoptions during FYs 1995, 1996 and 1997, as mandated by statute. At the end of FY 1998, that baseline, for practical purposes, will cease to exist.
- Beginning in FY 1999, the baseline data will consist of the greatest annual number of qualifying adoptions for any single fiscal year from FY 1997 or later. Thus, if the number of adoptions completed in FY 1998 does not surpass the number of adoptions completed in FY 1997, the new baseline for FY 1999 will be the number of adoptions completed in FY 1997.
- Although incremental targets are to be established for the Adoption 2002 initiative, it will be the actual number of a State's finalized adoptions, and not the proposed increments or the relationship between the actual numbers and the proposed increments, that will determine the final amount of the incentive awards.

### **Developing Adoption Incentive Baselines for FY 1998**

With assistance from ACF Regional Offices and using [ACYF-CB-IM-97-05](#) as guidance, States began establishing FY 1998 baselines based on FY 1997 data. However, ASFA expanded the FY 1998 baseline requirement to include the average number of adoptions finalized in fiscal years 1995, 1996, and 1997. Baselines must be established counting all children adopted from the State child welfare agency foster care system in those years.

### **Establishing Subsequent Baselines**

The baselines for each of the fiscal years after 1998 will be calculated based on the greatest number of adoptions finalized by the State from FY 1997 to the fiscal year prior to the current fiscal year. If a State does not make a submission for FY 1998 incentive awards and/or a State chooses not to participate during the initial year(s) of the incentive program, it may choose to establish initial baselines in any year up to and including FY 2002. However, only AFCARS data can be used for baseline data after FY 1998.

### **Amount of Incentives**

Every State that meets the requirements established in section 473A of the Social Security Act and this PI with an approved FY 1998 baseline will receive incentive funds as follows (see attached [Table 1](#)):

For FY 1998, the sum of:

- A. \$4,000 for every qualified child adopted over the FY 1998 baseline, and
- B. \$2,000 for every special needs child adopted over the FY 1998 special needs baseline.

For FYs 1999 through 2002, the sum of:

- A. \$4,000 for every qualified child adopted over the baseline established for that year, and
- B. \$2,000 for every special needs child adopted over the special needs baseline established for that year.

### **Calculation of Incentive Payments (See [Table 1](#))**

The actual amount of incentive funds earned cannot be calculated until each State's AFCARS data has been submitted after the end of the fiscal year for which the funds will be awarded. The funds will not, therefore, be paid out until the year following the year in which they have been earned. Thus, incentive funds earned in FY 1998 will be paid to the States in FY 1999, as soon as possible after their AFCARS submissions for FY 1998 have been processed and reviewed. This may not occur until the latter part of the fiscal year.

After all of the States have submitted their data, further analysis of the potential incentives to be paid out must also be undertaken by ACF before final payments are issued to ensure that the total amount payable to all States does not exceed the annual amount of incentive funds appropriated by Congress. Pub. L. 105-89 authorizes an annual appropriation of \$20 million for payment in fiscal years 1999-2003. Should the total amount of incentives earned exceed the actual annual appropriation, the final amount of the incentive payable to each State will be a *pro rata* share of the total appropriation based on the percentage of the national incentive earned by that State.

### **Expenditure of Incentive Bonuses**

The funds awarded for adoption incentive bonuses must be expended by the end of the fiscal year following the fiscal year in which they are awarded. This means that incentive funds earned in FY 1998 and awarded in FY 1999 must be fully liquidated by September 30, 2000. Information on the procedures for claiming and awarding of the adoption incentive funds as well as for reporting fiscal and program uses of the funds will be provided in a subsequent issuance.

### **B. ADOPTION 2002**

The process for establishing adoption and guardianship baselines and increments for the Adoption 2002 initiative is based on the following principles:

- Separate baselines will be established for FY 1997 for: (1) the total number of finalized foster child adoptions, (2) the total number of title IV-E special needs adoptions, and (3) the total number of guardianships.
- AFCARS is the primary source of data to determine the State FY 1997 baselines for the Adoption 2002 initiative. However, if the State has not reported data to AFCARS, or if the State and the Central Office statistical staff or Regional Office staff agree that the reported data are unreliable, the State may propose the use of alternative data sources to determine the baselines. The proposed alternative to AFCARS for the FY 1997 baseline must be documented to be of equivalent completeness and reliability.

- Interim targets will be set for the numbers of finalized adoptions and guardianships during each of the five years after FY 1997. Setting interim numerical targets for adoptions, including title IV-E special needs adoptions and guardianships by the year 2002, is primarily the responsibility of the States. ACF Regional and Central Office staff will provide assistance, as appropriate and requested. (See attached [Table 2](#) and [ACYF-CB-IM-97-05](#).)
- The goal to be reached in FY 2002 is determined by doubling the FY 1997 baseline numbers for finalized adoptions and guardianships.
- Although not relevant for incentive awards, it is necessary to determine the baselines and establish the increments in order to measure the progress toward and the degree of successful achievement of the **Adoption 2002** goals.

### **Incremental Targets for Adoption 2002**

In consultation with the Regional Offices, States are to propose increments in the target numbers for increasing adoptions and guardianships from FY 1998 through FY 2002. The proposed increments will help the States monitor their progress and help ACF project the likelihood of success and determine areas where additional technical assistance may be needed. The increments do not need to be the same number or rate for each year. The impact of child welfare demonstration waivers and the implementation of other ASFA provisions should be taken into consideration when developing and evaluating increments. Increments should be calculated to lead to at least a doubling of the number of permanent placements in 2002, that is, a 100 percent increase, compared to the number of permanent placements finalized in FY 1997. If a State plans to set a goal to more than double the numbers and desires to establish yearly targets to do so, Federal child welfare staff will work with them to achieve this.

The States and Regional Offices should work together to establish the increments and develop plans for achieving them. This should begin as soon as possible after the baseline has been established. Central Office staff are available for consultation and for the review of increments upon request by the Regional Offices. As experience and knowledge are gained, States may choose to amend or supplement their procedures or change their incremental targets. The Regional Offices will work with the States in accomplishing this and notify Central Office of such changes.

### **DUE DATES:**

#### **Adoption Incentive Baseline Data Deadline:**

Section 473A(c)(2)(B) of the SSA requires that baseline data for the adoption incentive program be submitted by November 30, 1997. This is clearly impossible since the effective date of the legislation was November 19, 1997. Technical amendments are currently before the Congress to change this date. In the meantime, since the data has to be approved by the Secretary by July 1, 1998, States are encouraged to submit their data as soon as possible.

#### **Adoption 2002 Baseline Data Deadline:**

The **Adoption 2002** increments, targets and the plans for achieving them should be transmitted to the Regional Offices by July 1, 1998.

**INQUIRIES TO:** ACF Regional Administrators

/s/

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

<sup>1</sup> Adoption data element # 34, category 1, will be used to identify adoptions from the public foster care system.

**Attachments:**

[Attachment 1](#) - Table 1: Illustrates how the incentive works

[Attachment 2](#) - Table 2: Illustrates how a State may set its incremental targets

**Table 1** illustrates how the incentive works.

**Adoptions Finalized and Incentive Bonuses Paid for State XYZ for FYs 1998 Through 2002**

STATE XYZ	1995	1996	1997	AVG	1998	1999	2000	2001	2002
<b>1. Established Baseline</b>	-	-	-	-	100	150	150	160	190
<b>2. Established Special Needs Baseline</b>	-	-	-	-	50	75	90	100	115
<b>3. Total Number of Adoptions</b>	78	106	117	100	150	148	160	190	238
<b>4. Number of Special Needs Adoptions</b>	34	56	59	50	75	90	100	115	160
<b>5. Bonus Payment [(L3-L1)x\$4,000]</b>	-	-	-	-	\$200,000	**	\$40,000	\$120,000	\$192,000
<b>6. Special Needs Bonus Payment* [(L4-L2)x\$2,000]</b>	-	-	-	-	\$50,000	**	\$20,000	\$30,000	\$90,000
<b>7. Total Bonus [Line5+Line6]</b>	-	-	-	-	\$250,000	**	\$60,000	\$150,000	\$282,000

\* Special needs bonus payments are made only if Line 3 exceeds Line 1, **and** Line 4 exceeds Line 2.

\*\* No bonus payments are made because the total number of adoptions for fiscal year 1999 did not exceed the baseline for the year.

Please note the following situations reflected in the table:

- a. Each year's awards are considered on their own.
- b. Incentives are not paid out until the year after they have been earned.
- c. In this example, the baselines for the 1998 incentives are 100 and 50. Because the 1997 achievements were 117 and 59, however, no year's established baselines (other than 1998) could fall below 117 and 59 for the purposes of earning the incentive funds.

The following table indicates how the baselines and incremental targets for adoption and guardianship may be structured:

1997 Baseline Data:

117 Adoptions

**30 Guardianships**

147 Permanent Placements

Goals for 2002:

234 Adoptions

**60 Guardianships**

294 Permanent Placements

**Table 2** illustrates how a State may set its incremental targets.

**State XYZ's Incremental Targets for Doubling Permanent Placements**

<b>STATE XYZ</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
<b>1. Total Adoptions Baseline</b>	117	117	134	152	174	203
<b>2. Total Projected Increase</b>	-	+17	+18	+22	+29	+31
<b>3. Special Needs** Adoption Baseline</b>	59	59	65	75	87	105
<b>4. Special Needs Portion** of Projected Increase</b>	-	+6	+10	+12	+18	+22
<b>5. Total Target Adoptions [L1+L2]</b>	-	134	152	174	203	234
<b>6. Guardianship Baseline</b>	30	30	35	39	45	53
<b>7. Guardianship Projected</b>	-	+5	+4	+6	+8	+7

<b>Change</b>						
<b>8. Target Guardianships</b>	-	35	39	45	53	60
<b>9. Total Projected Permanent Placements [L5+L8]</b>	147	169	191	219	256	294

\*\*The numbers in Lines 3 and 4 are subsets of the numbers in Lines 1 and 2 respectively.

<h1 style="margin: 0;">ACF</h1> <p style="margin: 0;">Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  Administration for Children, Youth and Families	
	<b>1. Log No:</b> ACYF-CB-PI-98-08	<b>2. Issuance Date:</b> June 29, 1998
	<b>3. Originating Office:</b> Children's Bureau	
	<b>4. Key Words:</b> CAPTA; Appeals Requirement	

**PROGRAM INSTRUCTION**

**TO:** The State Office, Agency or Organization Designated by the Governor to Apply for a State Child Abuse and Neglect State Grant under the Child Abuse Prevention and Treatment Act (CAPTA)

**SUBJECT:** Guidance on the CAPTA State plan assurance for States to have an appeals process in place no later than October 3, 1998 for individuals who disagree with an official finding of child abuse or neglect

**LEGAL AND RELATED REFERENCES:** Section 106(b)(2)(A)(xi)(II) of CAPTA; ACYF-NCCAN-PIQ-97-01, Dated April 30, 1997; and ACYF-NCCAN-PIQ-97-03, Dated September 26, 1997

**PURPOSE:** The purpose of this issuance is to provide instruction to the States on the establishment of the appeals process required by section 106(b)(2)(A)(xi)(II) of CAPTA.

**BACKGROUND:** The 1996 CAPTA amendments (Public Law 104-235) authorize the annual award of funds to States that submit State plans and meet certain other eligibility criteria. Specifically, subsection (b) of section 106 requires the State to submit with its State plan certain assurances signed by the Governor of the State. One of those assurances is for the State to have provisions, procedures, and mechanisms in place by October 3, 1998 for an appeals process by which individuals who disagree with an official finding of child abuse or neglect can appeal such a finding.

As we have stated in previous issuances, this requirement applies to the perpetrator of child abuse or neglect (ACYF-NCCAN-PIQ-97-03, Q/A #5) and applies to all States receiving funds under a CAPTA State plan, not just States with Central Registries (ACYF-NCCAN-PIQ-97-01, Q/A #19). This requirement is to assure that individuals who have been found by the State to have committed child abuse or neglect are afforded due process.

**INSTRUCTION:** By October 3, 1998, States must have in place an appeals process by which an individual who is officially found to have committed child abuse or neglect can appeal such a finding. States have some flexibility in determining the type of appeals process that best meets their needs. For example, the appeals process can be established through the courts, through some other external appeals process, or through an internal appeals process.

The appeals process, however, must meet the following minimum conditions in order to satisfy the CAPTA requirements:

1. The process must afford the individual with a finding of child abuse or neglect an opportunity for due process.
2. The office or individual(s) hearing such appeals cannot be involved in any other stage of the case.
3. The office or individual(s) established to hear such appeals must have the authority to overturn a previous finding of child abuse or neglect.
4. Individuals must be given written notification of their right to appeal, and the method by which they may appeal, at the time they are notified of the official finding of child abuse or neglect.

**EFFECTIVE DATE:** October 3, 1998

**INQUIRIES TO:** ACF Regional Offices, Regions I - X

/s/

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

<h1>ACF</h1>  <b>Administration</b>  <b>for Children</b>  <b>and Families</b>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  Administration for Children, Youth and Families	
	<b>1. Log No:</b> ACYF-CB-PI-CB-98-10	<b>2. Issuance Date:</b> June 29, 1998
	<b>3. Originating Office:</b> Children's Bureau	
	<b>4. Key Words:</b> CAPTA; Appeals Requirement	

**PROGRAM INSTRUCTION**

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**LEGAL AND RELATED REFERENCES:** Section 106(b)(2)(A)(xi)(II) of CAPTA; ACYF-NCCAN-PIQ-97-01, Dated April 30, 1997; and ACYF-NCCAN-PIQ-97-03, Dated September 26, 1997

**PURPOSE:** The purpose of this issuance is to provide instruction to the States on the establishment of the appeals process required by section 106(b)(2)(A)(xi)(II) of CAPTA.

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As we have stated in previous issuances, this requirement applies to the perpetrator of child abuse or neglect (ACYF-NCCAN-PIQ-97-03, Q/A #5) and applies to all States receiving funds under a CAPTA State plan, not just States with Central Registries (ACYF-NCCAN-PIQ-97-01,

Q/A #19). This requirement is to assure that individuals who have been found by the State to have committed child abuse or neglect are afforded due process.

**INSTRUCTION:** By October 3, 1998, States must have in place an appeals process by which an individual who is officially found to have committed child abuse or neglect can appeal such a finding. States have some flexibility in determining the type of appeals process that best meets their needs. For example, the appeals process can be established through the courts, through some other external appeals process, or through an internal appeals process.

The appeals process, however, must meet the following minimum conditions in order to satisfy the CAPTA requirements:

1. The process must afford the individual with a finding of child abuse or neglect an opportunity for due process.
2. The office or individual(s) hearing such appeals cannot be involved in any other stage of the case.
3. The office or individual(s) established to hear such appeals must have the authority to overturn a previous finding of child abuse or neglect.
4. Individuals must be given written notification of their right to appeal, and the method by which they may appeal, at the time they are notified of the official finding of child abuse or neglect.

**EFFECTIVE DATE:** October 3, 1998

**INQUIRIES TO:** ACF Regional Offices, Regions I - X

/s/

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

# 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-98-12

**2. Issuance Date:** July 15, 1998

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

**4. Key Words:** Child Abuse and Neglect State Grants Citizen Review Panels  
(AMENDMENT TO ACYF-PI-CB-98-01, Dated January 7, 1998)

## PROGRAM INSTRUCTION

**TO:** The State Office, Agency, or Organization Designated by the Governor to Apply for a State Child Abuse and Neglect Grant

**SUBJECT:** Amendment to ACYF-PI-CB-98-01, Dated January 7, 1998 with Respect to the Number of Citizen Review Panels Required Under the Child Abuse Prevention and Treatment Act (CAPTA)

**LEGAL REFERENCES:** Sections 106(b)(2)(A)(x) and (c) and Sections 203(b)(1)(A) and (B) of the Child Abuse Prevention and Treatment Act, as amended (42 U.S.C. 5101 et seq.)

**PURPOSE:** The purpose of this Program Instruction is to amend the section of [ACYF-PI-CB-98-01](#), dated January 7, 1998, that sets forth the number of citizen review panels States are required to establish in accordance with sections 106(b)(2)(A)(x) and 106(c)(1) of CAPTA. **(Note: This issuance does not supersede ACYF-PI-CB-98-01 in its entirety. It amends only the section on "Number of Panels Required and Deadline for Establishment" under "Instruction" of that issuance on pages 2-3.)**

**BACKGROUND:** The number of citizen review panels a State must establish is statutorily linked to the amount of funds that it receives under the Community-Based Family Resource and Support (CBFRS) program. The CBFRS program funds are awarded through a two-part calculation. Seventy percent of the funds are allocated proportionately among the eligible States based on the number of children under the age of 18 who are residing in each State, except that no State receives less than the base amount of \$175,000. The remaining 30 percent of the funds are then allocated proportionately among the eligible States based on the amount of funds leveraged by the State from private, State or other non-Federal sources for community-based support activities and directed through the State's CBFRS lead agency in the preceding fiscal year. A State's grant award is the total of these two figures.

The Administration on Children, Youth and Families (ACYF) provided instruction to the States on the citizen review panel requirements of sections 106(b)(2)(A)(x) and 106(c) of CAPTA in ACYF-PI-CB-98-01. That instruction, among other things, stated that all 50 States and the District of Columbia received CBFRS awards of more than \$175,000 and, therefore, were required to establish no less than three citizen review panels. However, as a result of questions and issues raised by States with small populations, the ACYF has re-examined this requirement and determined that the better interpretation of section 106(c) requires only one panel in States which receive only the minimum allotment under section 203(b)(1)(A).

Accordingly, the revised requirement for the number of citizen review panels based on the allotments under section 203(b)(1)(A) is as follows:

#### **INSTRUCTION:**

##### **Number of Panels Required and Deadline for Establishment**

Twenty States had a minimum allotment of \$175,000 under section 203(b)(1)(A) before including amounts for their leveraged funds as authorized by section 203(b)(1)(B) of CAPTA. The 20 States that received the minimum allotment of \$175,000 **are required to establish no less than one** citizen review panel in accordance with section 106(c)(1)(B) of CAPTA. Those States are: Alaska, Arkansas, Delaware, the District of Columbia, Hawaii, Idaho, Kansas, Maine, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, West Virginia, and Wyoming.

States that received more than the base amount of \$175,000 under section 203(b)(1)(A) **are required to establish no less than three** citizen review panels in accordance with section 106(c)(1)(A) of CAPTA. Those States are: Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Puerto Rico, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin.

Since the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands and Palau submit consolidated grant applications in accordance with 45 CFR Part 97, these jurisdictions are not required to comply with the instructions set forth in this issuance.

As stated in ACYF-PI-NCCAN-97-01, the citizen review panels must be established no later than **June 30, 1999**.

**INQUIRIES TO:** Regional HUB Directors and Administrators Regions I - X

/s/

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

<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-CB-PI-98-13	<b>2. Issuance Date:</b> July 23, 1998
	<b>3. Originating Office:</b> Children's Bureau	
	<b>4. Key Words:</b> Title IV-E State Plan Amendments; Public Law 105-89; Public Law 105-200	

**PROGRAM INSTRUCTION**

**TO:** State and Territorial Agencies Administering or Supervising the Administration of Title IV-E of the Social Security Act, Regional Administrators, Regions I-X, and Territories Administering the Title IV-E State Plan.

**SUBJECT:** Title IV-E State Plan Amendments

**LEGAL AND RELATED REFERENCES:** Sections 471, 473 and 475 of the Social Security Act (the Act); the Adoption and Safe Families Act of 1997, Public Law 105-89; the Child Support Performance and Incentive Act of 1998, Public Law 105-200; [ACYF-PI-88-07](#), "Title IV-E State Plan Revision;" and [ACYF-PI-97-04](#), "Title IV-E State Plan Amendments."

**PURPOSE:** The purpose of this Program Instruction (PI) is to notify States about amendments required to be made to their title IV-E State plans in response to legislative changes made by the Adoption and Safe Families Act (ASFA) and the Child Support Performance and Incentive Act.

**BACKGROUND:** The Adoption and Safe Families Act (Public Law 105-89) was enacted on November 19, 1997. This law made several amendments to titles IV-B and IV-E of the Act. In addition, the Child Support Performance and Incentive Act (Public Law 105-200), enacted on July 16, 1998, made several technical amendments to the Act. The amendments made by these laws to sections 471, 473 and 475 of the Act require revisions to Title IV-E State plans.

The effective date for States to be in compliance with ASFA was November 19, 1997, unless the State required the passage of State legislation to comply and a "delayed effective date" was granted or approved by the Department of Health and Human Services.

**Listed below is a summary of amendments to the Act which require State plan revisions. Please do not solely rely on this information when amending your State plans, but rather refer to the actual statutory language in Public Law 105-89 and Public law 105-200.**

Section 471(a)(15) of the Act was amended by:

- clarification of the importance of health and safety in making reasonable efforts determinations, including circumstances in which reasonable efforts are not required. This section also sets forth the requirements when a court finds reasonable efforts have not been made.

Section 471(a) of the Act was further amended by the addition of:

- subsection (20), which requires criminal records checks (unless the State opts out) for prospective foster and adoptive parents;
- subsection (21), which requires health insurance coverage for non-title IV-E eligible children with special needs who otherwise could not be adopted due to their special needs for medical, mental health or rehabilitative care;
- subsection (22), which requires the implementation of State standards to ensure quality services for children in foster care; and
- subsection (23), which prohibits a State from denying or delaying the placement of a child for adoption when an approved family is available in another jurisdiction. This section also prohibits a State from denying an opportunity for a fair hearing to an individual who alleges a violation of this requirement.

Section 473(a)(2) of the Act was amended to:

- provide continued eligibility for title IV-E adoption assistance payments on behalf of children who were receiving title IV-E adoption assistance until their adoption was dissolved or the parents died and were subsequently adopted on or after October 1, 1997.

Section 475(1)(A) and (B) of the Act was amended by:

- including a requirement that certain safety considerations be addressed in the case plan

Section 475(1) of the Act was amended by:

- the addition of subparagraph (E), which requires documentation in the case plan of the efforts made by the agency to place a child in a permanent home.

Section 475(5)(A) and (B) of the Act was amended by:

- including safety considerations in the case review system.

Section 475(5)(C) of the Act was amended by:

- changing the name of the hearing required under the case review system from "dispositional" to "permanency" hearing;
- shortening the time frame for the initial hearing from 18 months to 12 months;

- changing the date to start the clock for such hearings from the date of the original placement to the date the child was to have entered foster care; and
- changing the requirement for what must be determined in the permanency hearings to emphasize that these hearings must determine a specific permanency plan for a child. This change more clearly defines the purpose of the permanency hearing.

Section 475(5) of the Act was amended by:

- the addition of subparagraph (E), which requires States to file a petition or join existing proceedings within a specified time to terminate parental rights for certain children in foster care and, concurrently, to find a qualified adoptive family. This must be phased in over time for children currently in foster care. (The requirements of subparagraph (E) must be treated as State plan requirements imposed by section 471(a) of the Act);
- the addition of subparagraph (F), which defines when a child is considered to have entered foster care; and
- the addition of subparagraph (G), which requires States to provide foster parents, preadoptive parents or caretaker relatives with notice of, and an opportunity to be heard in a review or hearing to be held with respect to the child.

#### **INSTRUCTION:**

Each State must submit amendments to its title IV-E State plan to reflect the new requirements of sections 471, 473 and 475 of the Act. States must record the applicable State statutory, regulatory, policy references and citation(s) for each Federal requirement.

States may submit their amendments using the attached pages for the title IV-E State plan or States may use a different format, provided the format used includes all of the title IV-E State plan requirements of the Act as summarized and set forth in the law.

1. For States using the preprinted title IV-E State plan revision format:
  - replace the cover page; pages 1 and 2 of the Table of Contents; pages 8, 9, 10, 11, 12, and 13 of Section 2; pages 4, 5 and 8 of Section 3; and pages 3 and 4 of Section 4.
  - Insert pages 14, 15 and 16 in Section 2.
2. For States using their own format:
  - include the pertinent Federal requirements; and
  - record the applicable State statutory, regulatory, policy references and citations for each Federal requirement.

States are to submit the following documents to the appropriate ACF Regional Administrator for approval: 1) the title IV-E State plan amendments, citing the State statutory or regulatory policy references for each and indicating if the amendments are currently in place and, if not, the date on which they will be effective; and 2) the certification, signed by the designated State agency official.

**SUBMITTAL DATE:** Within 90 days of this issuance date.

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

/s/

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

[Attachment:](#) State Plan Preprint

OMB Approval No. 0980-0141

Expiration Date: 08/31/99

**STATE PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT**

**FOSTER CARE AND ADOPTION ASSISTANCE**

STATE of \_\_\_\_\_

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
ADMINISTRATION FOR CHILDREN AND FAMILIES  
ADMINISTRATION ON CHILDREN, YOUTH AND FAMILIES  
CHILDREN'S BUREAU  
1998

**STATE PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT**

**FOSTER CARE AND ADOPTION ASSISTANCE**

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

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**STATE AGENCY CERTIFICATION**

Attachment A

Title IV-E State Plan - State of <hr/> Federal Statutory/Regulatory References	Section 2 State Citations for Each
45 CFR 1356. 21(d)(2)	b. be developed within a reasonable period, but no

	<p>later than 60 days from the time the State Agency assumes responsibility for providing services, including placing the child; and 45 CFR 1356.21(d)(4)</p>
	<p>c. after October 1, 1983, include a description of the services offered and the services provided to prevent removal of the child from the home and to reunify the family; and</p>
475(1)(A)	<p>d. include a description of the type of home or institution in which the child is placed; and</p>
	<p>e. include a discussion of <b>the safety and</b> 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 472(a)(1) of the Act; and</p> <p>Currently in place: _____ Will be met by: _____</p>
475(1)(B)	<p>f. include a plan for assuring that the child receives <b>safe and</b> proper care and services are provided to the parent(s) in order to improve the conditions in the parent's (parents') home to facilitate the child's return to his own <b>safe</b> home or the permanent placement of the child; and</p> <p>Currently in place: _____ Will be met by: _____</p>
	<p>g. include 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; and</p>
475(1)(B)	<p>h. include a discussion of the appropriateness of the services that have been provided to the child under the plan; and</p>
475(1)(D)	<p>i. where appropriate, for a child 16 or over, include a written description of the programs and services which will help such child prepare for the transition from foster care to independent living;</p>

	and
475(1)(E)	<p>j. in the case of a child with respect to whom the permanency plan is adoption or placement in another permanent home, documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, a fit and willing relative, a legal guardian, or in another planned permanent living arrangement, and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child specific recruitment efforts such as the use of State, regional, and national adoption exchanges including electronic exchange systems; and</p> <p>Currently in place:_____</p> <p>Will be met by:_____</p>
475(5)(A) 45 CFR 1356.21 (d)(3)	<p>k. be designed to achieve placement <b>in a safe setting</b> that is the least restrictive (most family-like) and most appropriate setting available and in close proximity to the parent's (parents') home consistent with the best interest and special needs of the child,</p> <p>Currently in place:_____</p> <p>Will be met by:_____</p>
475(5)(A) (i)	<p>1. if the child has been placed in a foster family home or child-care institution a substantial distance from the home of the parent(s), or in a different State, sets forth the reasons why such a placement is in the best interests of the child; and</p>
475(5)(A) (ii)	<p>1. if the child has been placed in foster care in a State outside the State in which the child's parent(s) are located, assure that an agency caseworker, of either State, visit the foster home or institution no less frequently than every 12 months and submit a report on the visit to the State agency of the State where the home of the child's parent(s) is located; and</p>

475(5)(C)	<p>m. assure that the <b>permanency</b> hearings determine whether an out-of-State placement continues to be appropriate and in the best interests of the child; and</p> <p>Currently in place: _____  Will be met by: _____</p>
475(1)(C)	<p>n. to the extent available and accessible, incorporate the health and education records of the child, including:</p> <ol style="list-style-type: none"> <li>1. the names and addresses of the child's health and educational providers;</li> <li>2. the child's grade level performance;</li> <li>3. the child's school record;</li> <li>4. assurances that the child's placement in foster care takes into account the proximity to the school in which the child is enrolled at the time of placement;</li> <li>5. a record of the child's immunizations;</li> <li>6. the child's known medical problems;</li> <li>7. the child's medications; and</li> <li>8. any other relevant health and education information concerning the child determined to be appropriate by the State agency.</li> </ol>
<p>2. Case Review</p> <p>The State Agency has a case review system which meets the requirements of 475(5) of the Act and assures that</p>	
475(5)(B)	<p>a. a review of each child's status will be made no less frequently than once every six months either by a court or by administrative review to:</p> <ol style="list-style-type: none"> <li>1. determine the safety of the child, the continuing need for and appropriateness of the placement,</li> <li>2. determine the extent of compliance with the case plan,</li> <li>3. determine the extent of progress made toward alleviating or mitigating the causes necessitating the placement, and</li> <li>4. project a likely date by which the child may be returned <b>and safely maintained at</b></li> </ol>

	<p>home or placed for adoption or legal guardianship.</p> <p>Currently in place:_____</p> <p>Will be met by:_____</p>
475(6)	<p>b. If an administrative review is conducted, the following requirements specified in 475(6) of the Act will be met:</p> <ol style="list-style-type: none"> <li>1. the review will be open to the participation of the parents of the child, and</li> <li>2. the review will be conducted by a panel of appropriate persons, at least one of whom is not responsible for the case management of, or delivery of services to either the child or the parents who are the subject of the review.</li> </ol>
475(5)(C)	<p>3. A permanency hearing must be held for all children under the responsibility for placement and care of the title IV-E/IV-B State agency, including children for whom the State claims Federal reimbursement for the costs of voluntary foster care maintenance payments. To meet this requirement, the <b>permanency</b> hearing must take place within <b>12</b> months of the date the child is considered to have entered foster <b>care (as defined within the meaning of 475(5)(F))</b> and not less frequently than every 12 months thereafter during the continuation of foster care. The only exceptions to this requirement are:</p> <ol style="list-style-type: none"> <li>a. for those children who are placed in a court sanctioned permanent foster home with a specific caregiver; and;</li> <li>b. for those children who are free for adoption and are placed in adoptive homes pending the finalization of the adoption.</li> </ol> <p>For the purposes of this requirement, a <b>permanency</b> hearing shall determine the permanency plan for the child that includes whether, and if applicable when, the child will be returned to the parent, placed for adoption and the State will file a petition</p>

	<p>for termination of parental rights, or referred to legal guardianship, or (in cases where the State agency has documented to the State court a compelling reasons for determining that it would not be in the best interest of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian) placed in another planned permanent living arrangement.</p> <p>Currently in place: _____ Will be met by: _____</p>
475(5)(D)	<p>4. A child's health and education record must be reviewed and updated, and supplied to the foster parent or foster care provider with whom the child is placed, at the time of each placement of the child in foster care.</p>
475(5)(G)	<p>5. The foster parents (if any) of a child and any preadoptive parent or relative providing care for the child are provided with notice of, and an opportunity to be heard in, any review or hearing to be held with respect to the child, except that this shall not be construed to require that any foster parent, preadoptive parent, or relative providing care for the child be made a party to such a review or hearing solely on the basis of such notice and opportunity to be heard.</p> <p>Currently in place: _____ Will be met by: _____</p>
	<p><b>E. MEDICAL AND SOCIAL SERVICES</b></p>
472(h) 473(b)(1) (B)(2)	<p>For purposes of titles XIX and XX, any child with respect to whom foster care maintenance payments are made under this section shall be deemed to be a dependent child as defined in 406 of the Act and shall be deemed to be a recipient of aid to families with dependent children under Part A of this title. Titles XIX and XX services shall be available to such child in the State in which the child resides.</p>

	F. SPECIFIC GOALS IN STATE LAW
471(a) (14)(A)	1. The State agency will formulate for each fiscal year, commencing with the fiscal year which begins October 1, 1983, a specific goal as to the maximum number of children (in absolute numbers or as a percentage of all children in foster care receiving assistance under a State title IV-E program) who at any given time during the fiscal year will have been in foster care for over 24 months.
471(a)(14) (B)	2. The State Agency will describe the steps which will be taken to achieve the specific goal established.
471(a)(14)	3. The specific goal for the first fiscal year will be established by the State in law on or before October 1, 1982.
	G. PREVENTIVE AND REUNIFICATION SERVICES
471(a)(15) (A)& (B)	When making reasonable efforts, the child's health and safety shall be the paramount concern. Reasonable efforts shall be made to preserve and reunify families, to prevent or eliminate the need for removing the child from the child's home, and to make it possible for the child to safely return to the child's home.  Currently in place: _____ Will be met by: _____
471(a)(15) (C)	If continuation of reasonable efforts as described in section 471(a)(15)(B) of the Act is determined to be inconsistent with the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child;  Currently in place: _____ Will be met by: _____
471(a)(15) (D)	Reasonable efforts as described at section 471(a)(15)(B) shall not be required to be made with respect to a parent

	<p>of a child if a court of competent jurisdiction has determined that--</p> <ul style="list-style-type: none"> <li>i. the parent has subjected the child to aggravated circumstances (as defined in State law, which definition may include but need not be limited to abandonment, torture, chronic abuse, or sexual abuse; and</li> <li>ii. the parent has-- <ul style="list-style-type: none"> <li>I. committed murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;</li> <li>II. committed voluntary manslaughter (which would have been an offense under section 1112)(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;</li> <li>III. aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter; or</li> <li>IV. committed a felony assault that results in serious bodily injury to the child or another child of the parent; or</li> </ul> </li> <li>iii. the parental rights of the parent to a sibling have been terminated involuntarily;</li> </ul> <p>Currently in place: _____  Will be met by: _____</p>
471(a)(15) (E)	<p>if reasonable efforts of the type described in section 471(a)(15)(B) are not made with respect to a child as a result of a determination made by a court of competent jurisdiction in accordance with paragraph (D)--</p> <ul style="list-style-type: none"> <li>i. a permanency hearing (as described in section 475(5)(C)) shall be held for the child within 30 days after the determination; and</li> <li>ii. reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps</li> </ul>

	<p>are necessary to finalize the permanent placement of the child; and reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts of the type described at section 471(a)(15)(B).</p> <p>Currently in place:_____</p> <p>Will be met by:_____</p>
471(a)(22)	<p>Effective January 1, 1999, the State shall develop and implement standards to ensure that children in foster care placements in public or private agencies are provided quality services that protect the safety and health of the children.</p> <p>Currently in place:_____</p> <p>Will be met by:_____</p>
	<p style="text-align: center;"><b>H. TERMINATION OF PARENTAL RIGHTS</b></p>
475(5)(E)	<p>The State Agency will, in the case of a child who has been in foster care under the responsibility of the State for 15 of the most recent 22 months, or, if a court of competent jurisdiction has determined a child to be an abandoned infant, or has made a determination that the parent has committed murder of another child of the parent, aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter, or committed a felony assault that has resulted in serious bodily injury to the child or to another child of the parent, the State shall file a petition to terminate the parental rights of the child's parents, and concurrently, to identify, recruit, process and approve a qualified family for adoption unless:</p> <ul style="list-style-type: none"> <li>a. the child is being cared for by a relative, at State option;</li> <li>b. a State agency has documented in the case plan a compelling reason for determining that filing such a petition would not be in the best interests of the child; or</li> <li>c. the State has not provided the family of the child, consistent with the time period in the State case plan, such services as the State deems necessary for the safe return of the child to the child's home.</li> </ul>

	<p>Currently in place:_____</p> <p>Will be met by:_____</p>
475(5)(F)	<p>A child shall be considered to have entered foster care on the earlier of:</p> <ul style="list-style-type: none"> <li>a. the date of the first judicial finding that the child has been subjected to child abuse or neglect; or</li> <li>b. the date that is 60 days after the date on which the child is removed from the home.</li> </ul> <p>Currently in place:_____</p> <p>Will be met by:_____</p>
473(a)(2) (C)	<ul style="list-style-type: none"> <li>c. has been determined by the State to be a child with special needs.</li> </ul>
473(a)(2)(C)	<p>Any child who meets the requirements of subparagraph (C), who was determined eligible for adoption assistance payments with respect to a prior adoption, who is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died, and who fails to meet the requirements of subparagraphs (A) and (B) but would meet such requirements if the child were treated as if the child were in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments and the prior adoption were treated as never having occurred, shall be treated as meeting the requirements to receive adoption assistance payments.</p> <p>Currently in place:_____</p> <p>Will be met by:_____</p>
	<p><b>B. PAYMENTS - AMOUNTS AND CONDITIONS</b></p>
473(a)(1) (B)(i)	<ul style="list-style-type: none"> <li>1. Payments shall be made for nonrecurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a child with special needs, directly through the State Agency or through another public or nonprofit private agency, in amounts determined through an</li> </ul>

	agreement with the adoptive parents, and
473(a)(1) (B)(ii)	2. in any case where the child meets the requirements of 473(a)(2) of the Act, the State may make adoption assistance payments to adoptive parents, directly through the State Agency or through another public or nonprofit private agency, in amounts so determined through an adoption assistance agreement (see section 3C of this plan). The amount of such payment:
473(a)(3)	<ul style="list-style-type: none"> <li>a. shall take into consideration the circumstances of the adopting parents and the needs of the child being adopted;</li> <li>b. may be adjusted periodically with the concurrence of the adoptive parents to reflect changing circumstances; and</li> <li>c. may not exceed the foster care maintenance payment which would have been paid during the period if the child with respect to whom the adoption assistance payment is made had been in a foster family home.</li> </ul>
45 CFR 1356. 40(d)	3. In determining eligibility for adoption assistance payments, there is no income eligibility requirement (means test) for the adoptive parents.
473(a)(4) (A) 473(a)(4) (B)	<p>4. Payments are terminated when the State determines that</p> <ul style="list-style-type: none"> <li>a. the child has attained the age of 18 (or, where the State determined that the child has a mental or physical handicap which warrants the continuation of assistance, the age of 21), or</li> <li>b. the parents are no longer legally responsible for the support of the child, or</li> <li>c. the child is no longer receiving support from the adoptive parents.</li> </ul>
	<b>D. MEDICAID AND SOCIAL SERVICES</b>
473(b)(1)(B) 473(a)(2)	For the purposes of titles XIX and XX, any eligible child for whom there is an adoption assistance agreement in

	<p>effect under 473(a)(2) (whether or not adoption assistance payments are being made) shall be deemed to be a dependent child as defined in 406 of the Act and shall be deemed to be a recipient of AFDC under part A of title IV of the Act in the State in which such child resides.</p>
<p>471(a)(21) (A)&amp;(B)</p>	<p>The State shall provide health insurance coverage (through one or more State medical assistance programs), with the same type and kind of benefits as those which would be provided for children by the State under title XIX, or a comparable State medical plan, for any child who has been determined to be a child with special needs, for whom there is in effect an adoption assistance agreement between the State and an adoptive parent or parents, and who the State has determined cannot be placed with an adoptive parent or parents without medical assistance due to special needs for medical, mental health or rehabilitative care.</p> <p>Currently in place: _____  Will be met by: _____</p>
<p>471(a)(21)(C) 471(a)(21)(D)</p>	<p>in the event that the State provides such coverage through a State medical assistance program other than the program under title XIX, and the State exceeds its funding for services under such other program, any such child shall be deemed to be receiving aid or assistance under the State plan under this part for purposes of section 1902(a)(10)(A)(i)(I); and in determining cost-sharing requirements, the State shall take into consideration the circumstances of the adopting parent or parents and the needs of the child being adopted consistent, to the extent coverage is provided through a State medical assistance program, with the rules under such program</p> <p>Currently in place: _____  Will be met by: _____</p>
	<p style="text-align: center;">F. REMOVAL OF BARRIERS TO INTERETHNIC ADOPTION</p>
<p>471(a)(18) (A)(B)</p>	<p>The State shall have a plan approved by the Secretary, not later than January 1, 1997, which provides that neither the State nor any other entity in the State that receives funds from the Federal Government and is involved in adoption or foster care placements may--</p> <p style="padding-left: 40px;">A. deny to any person the opportunity to become an</p>

	<p>adoptive or foster parent, on the basis of race, color, or national origin of the person, or of the child involved; or</p> <p>B. delay or deny the placement of a child for adoption or into foster care, on the basis of race, color, or national origin of the adoptive or foster parent or the child involved.</p>
	<b>G. KINSHIP CARE</b>
471(a)(19)	The State shall consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant State child protection standards.
	<b>H. CRIMINAL BACKGROUND CHECKS</b>
471(a)(20) (A)	The State Agency shall implement procedures for criminal records checks for any prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child on whose behalf foster care maintenance or adoption assistance payments are to be made, including procedures that:
	<p>a. in any case in which a record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children, or for a crime involving violence, if a State finds that a court of competent jurisdiction has determined that the felony was committed at any time, such final approval shall not be granted; and</p> <p>b. in any case in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if a State finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years, such final approval shall not be granted.</p> <p>Currently in place: _____ Will be met by: _____</p>
471(a)(20) (B)	If the Governor of the State has notified the Secretary in writing that the State has elected to make 471(a)(20)(A) inapplicable to the State, or if the State legislature, by law, has elected to make 471(a)(20)(A) inapplicable to the State, 471(a)(20)(A) shall not apply.

	<p>Currently in place: _____  Will be met by: _____</p>
	<p>I. INTERJURISDICTIONAL ADOPTION</p>
<p>471(a)(23)(1)471(a)(23)(2)</p>	<p>The State shall not deny or delay the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child; or</p> <p>Fail to grant an opportunity for a fair hearing, as described in section 471(a)(12), to an individual whose allegation of a violation of paragraph (1) of this subsection is denied by the State or not acted upon by the State with reasonable promptness.</p> <p>Currently in place: _____  Will be met by: _____</p>

<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-CB-PI-98-14	<b>2. Issuance Date:</b> August 20, 1998
	<b>3. Originating Office:</b> Children's Bureau	
	<b>4. Key Words:</b> Transition Rules, Adoption and Safe Families Act, Termination of Parental Rights	

**PROGRAM INSTRUCTION**

**TO:** State and Territorial Agencies Administering or Supervising the Administration of Title IV-E of the Social Security Act and Regional Administrators, Regions I-X.

**SUBJECT:** The Transition Rules for Implementing the Title IV-E Termination of Parental Rights Provision in the Adoption and Safe Families Act of 1997.

**LEGAL AND RELATED REFERENCES:** Section 475(5) of the Act; Sections 103 and 501 of the Adoption and Safe Families Act of 1997 (Public Law 105-89).

**PURPOSE:** The purpose of this Program Instruction is to provide guidance on the transition rules for implementing the requirement at section 475(5)(E) of the Act to file termination of parental rights (TPR) petitions in certain circumstances. Specific guidance on the actual implementation of section 475(5)(E) of the Act will be transmitted in a future issuance or regulation. Until such guidance is issued, States should consult the statute in implementing section 475(5)(E) of the Act.

**BACKGROUND:** President Clinton signed the Adoption and Safe Families Act of 1997 (ASFA) into law on November 19, 1997. The goal of the ASFA is to strengthen the child welfare system's response to children's safety, need for permanency, and well-being. Congress amended section 475(5) of the Act by adding subsection (E) which requires States to file or join a petition to terminate parental rights:

1. when a child has been in foster care for 15 of the most recent 22 months;
2. when a child has been determined to be an abandoned infant (as defined in State law); or
3. when the parent has been convicted of murder or voluntary manslaughter of his/her own child, been convicted of aiding or abetting, attempting, conspiring or soliciting to commit such a murder or voluntary manslaughter, or committing a felony assault that resulted in serious bodily injury to his/her own child.

The three exceptions to this requirement are:

1. the child is placed with a relative (at the option of the State);
2. the State documents a compelling reason not to file a petition for TPR;
3. the State has not provided the services, identified in the case plan, necessary to make the home safe for the child's return within the timeframe specified in the case plan.

For those children who enter foster care after the date of enactment of the ASFA, section 475(5)(F) sets a reference point for implementing section 475(5)(E) by identifying when a child is considered to have entered foster care. A child enters foster care on the earlier of: 1) the date at which the court first determines the child has been abused or neglected, or 2) the date that is 60 days from the date of the child's removal from home.

**INSTRUCTION:** In this Program Instruction, we address the transition rules as they apply to:

1. the effective date for implementing the ASFA;
2. differentiating between "new" and "current" children in foster care;
3. applying the TPR provision to:
  - o "new" children in foster care;
  - o children "currently" in foster care; and,
  - o abandoned infants and children of parents who have committed the felonies identified in section 475(5)(E) of the Act; and,
4. ACF's response to a State not enacting the necessary State legislation to implement section 475(5)(E) of the Act within the timeframe prescribed in statute.

**Effective Date:** The ASFA is effective upon enactment; however, the law permits a delayed effective date when the Secretary determines a State must enact legislation to implement certain State plan requirements. In such situations, the effective date for those State plan requirements in the ASFA requiring State legislation is the first day of the calendar quarter following the end of the first legislative session that occurs after the date of enactment, November 19, 1997 ([see ACYF-PI-CB-98-02](#)).

States with two-year legislative sessions must count each year as a separate session. In such States, therefore, the delayed effective date is the first day of the calendar quarter following the end of the first year of the legislative session.

States should note that nothing in the statute precludes a State from complying with section 475(5)(E) earlier than is required in the statute.

**Determining "New" and "Current" Children in Foster Care:** The State must distinguish "new foster children" from "current foster children," in accordance with the distinction in the ASFA at section 103(c). As defined in the ASFA, "new foster children" are those who have entered foster care (in accordance with section 475(5)(F) of the Act) on or after November 20,

1997. "Current foster children" are those who were in foster care under the responsibility and care of the State agency on or before November 19, 1997.

**Transition Rules for "New" Children in Foster Care:** The effect of the transition rules on "new" children in foster care depends on: 1) whether the State requires legislation to comply with section 475(5)(E); and 2) if so, whether the child reaches the 15 month time limit before or after the delayed effective date.

**No legislation required.** When a State can comply with section 475(5)(E) without enacting legislation, it must file a petition for TPR or document the relevant exception in the case plan for any "new foster children" as soon as that child has been in foster care for 15 of the most recent 22 months.

**Rule for "new" children who reach the 15 month time limit after the delayed effective date.** When a "new foster child" reaches the 15 month time limit after the delayed effective date for 475(5)(E), the State must apply the TPR provision as soon as that child reaches the time limit. For example, if the State's first legislative session following the enactment of the ASFA ends on June 15, 1998, the State's delayed effective date would be July 1, 1998. The State must comply with section 475(5)(E) beginning July 1, 1998 and file petitions for TPR or document the relevant exception in the case plan for a "new foster child" when that child reaches the 15-month time limit.

**Rules for "new foster children" who reach the 15 month time limit before the delayed effective date.** The State has three months from the end of the first legislative session that follows the date of enactment of the ASFA to apply the TPR provision to "new foster children" who reach the 15-month time limit before the delayed effective date. For example, if the first legislative session following the date of enactment ends on March 15, 1999, the State's delayed effective date is April 1, 1999. In this example, the State has until June 15, 1999 to apply section 475(5)(E) of the Act to any "new foster child" who reached the 15 month time limit before April 1, 1999 by filing a petition for TPR or documenting the relevant exception in the case plan.

**Transition Rules for "Current Foster Children:"** In implementing the TPR provision, the transition rules are applied to "current foster children" irrespective of the need for State legislation to implement certain State plan requirements. States have 18 months from the end of the first legislative session following the date of enactment of the ASFA to apply section 475(5)(E) of the Act to all "current foster children." The State is to apply the TPR provision to one-third of the "current foster children" at six-month intervals until it has complied with section 475(5)(E) for all "current foster children." States must, at a minimum, prioritize two subsets of "current foster children" when phasing in the TPR provision:

1. those who have adoption as their permanency plan; and
2. those who have been in foster care the longest.

The TPR provision must be applied to these two subsets of "current foster children" during the first six-month phase-in period. We want to note that States do have the flexibility to identify

other subsets of "current foster children," in addition to those identified in the statute, for whom it will give priority when coming into compliance with section 475(5)(E) of the Act.

To illustrate, if a State's first legislative session following the enactment of the ASFA ends on June 30, 1998, the State must:

1. apply section 475(5)(E) of the Act to one-third of its "current foster children," giving priority to children with a permanency goal of adoption and children who have been in foster care the longest, by filing a petition for TPR or documenting the relevant exception in the case plan by January 1, 1999;
2. apply section 475(5)(E) of the Act to two-thirds of its "current foster children" by filing a petition for TPR or documenting the relevant exception in the case plan by July 1, 1999; and,
3. apply section 475(5)(E) of the Act to all of its "current foster children" by filing a petition for TPR or documenting the relevant exception in the case plan by January 1, 2000.

Nothing in the statute precludes a State from coming into compliance with section 475(5)(E) of the Act for "current foster children" earlier than what is prescribed.

**Effective Date for Abandoned Infants and Children of Parents Who Have Committed Certain Felonies:** If the State does not need to enact legislation, it must apply section 475(5)(E) with respect to abandoned infants and parents who have committed the felonies identified at section 475(5)(E) of the Act beginning on November 19, 1997. If the State does need to enact legislation to implement the TPR provision, it must apply section 475(5)(E) with respect to abandoned infants and parents who have committed the felonies identified at section 475(5)(E) of the Act beginning on the delayed effective date.

**The State Agency Is Unable to Obtain the Necessary Legislation:** The ASFA requires section 475(5)(E) of the Act to be treated as a title IV-E State plan requirement. Therefore, failure to obtain the necessary State legislation required to implement section 475(5)(E) of the Act during the first legislative session following the enactment of the ASFA will result in a State plan compliance issue.

**INQUIRIES TO:** ACF Regional Offices  
James A. Harrell  
Deputy Commissioner  
Administration on Children, Youth, and Families

<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-CB-98-15	<b>2. Issuance Date:</b> September 10, 1998
	<b>3. Originating Office:</b> Children's Bureau	
	<b>4. Key Words:</b> CAPTA Child Abuse and Neglect State Grant, Annual State Data Report; FY 1997 Summary Data Component Survey	

**PROGRAM INSTRUCTION**

**TO:** The State Office, Agency or Organization Designated by the Governor to Apply for a Child Abuse and Neglect State Grant, and the State-designated Contacts for the *1997 Summary Data Component Survey*

**SUBJECT:** Summary Data Component Submission for 1997, Including Data Reporting Requirements Associated with the Child Abuse and Neglect State Grant under the Child Abuse Prevention and Treatment Act (CAPTA)

**LEGAL AND RELATED REFERENCES:** Section 106(d) of CAPTA and [ACYF-IM-CB-98-02](#), dated March 2, 1998

**PURPOSE:** The purpose of this Program Instruction is to transmit to the States the *1997 Summary Data Component Survey* for completion.

The form includes instructions and procedures associated with the sections of CAPTA relating to the collection and reporting of data on child abuse and neglect.

**BACKGROUND:** The Child Abuse Prevention and Treatment Act Amendments of 1996 (Public Law 104-235) added a provision requiring States that receive a Child Abuse and Neglect State Grant to submit an annual State data report. Specifically, Section 106(d) of CAPTA requires that "Each State to which a grant is made under this section shall annually work with the Secretary to provide, to the maximum extent practicable, a report that includes the following:

1. The number of children who were reported to the State during the year as abused or neglected.
2. Of the number of children described in paragraph (1), the number with respect to whom such reports were--
  - A. substantiated;
  - B. unsubstantiated; or

- C. determined to be false.
- 3. Of the number of children described in paragraph (2)--
  - A. the number that did not receive services during the year under the State program funded under this section or an equivalent State program;
  - B. the number that received services during the year under the State program funded under this section or an equivalent State program; and
  - C. the number that were removed from their families during the year by disposition of the case.

The number of families that received preventive services from the State during the year.

The number of deaths in the State during the year resulting from child abuse and neglect.

Of the number of children described in paragraph (5), the number of such children who were in foster care.

The number of child protective services workers responsible for the intake and screening of reports filed in the previous year.

The agency response time with respect to each such report with respect to initial investigation of reports of child abuse or neglect.

The response time with respect to the provision of services to families and children where an allegation of abuse or neglect has been made.

The number of child protective services workers responsible for intake, assessment, and investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

The number of children reunited with their families or receiving family preservation services that, within five years, result in subsequent substantiated reports of child abuse and neglect, including the death of the child.

The number of children for whom individuals were appointed by the court to represent the best interests of such children and the average number of out of court contacts between such individuals and children."

In the committee report that accompanied the CAPTA reauthorization bill, the Congress encouraged the Department to identify the most effective and efficient means for collecting these data items, noting that some of the information is already reported by the majority of States through the National Child Abuse and Neglect Data System (NCANDS). After reviewing the new data requirements and consulting with State representatives, the Children's Bureau determined that the most effective and efficient means for collecting the new data items would be to incorporate them into the Summary Data Component of the NCANDS, to which all States have been supplying data on an annual basis for the past seven years. This approach will build on

the existing infrastructure for collecting and analyzing data, and will prevent unnecessary duplication of effort at the State or Federal level.

In accordance with the requirements of the Paperwork Reduction Act of 1995, the Administration for Children and Families published a notice in the **Federal Register** on January 9, 1998 soliciting comments from the public on the proposed revision of this information collection. No comments were received.

The *1997 Summary Data Component Survey* has been approved by the Office of Management and Budget until 5/31/00 (No. 0980-0229).

## **INSTRUCTIONS:**

States agencies are requested to complete and return the [1997 Summary Data Component Survey](#) by **November 30, 1998**. Questions corresponding to the required data items are *italicized* to identify them clearly on the *Survey* (see Attachment).

The submission of other data items remains voluntary for States receiving funds under the Child Abuse and Neglect State Grant. Submission of all data items is voluntary for those States that do not receive the Basic State Grant.

State data should reflect information collected about child maltreatment for either the past calendar year (January 1 through December 31, 1997), the past Federal fiscal year (October 1, 1996 through September 30, 1997), or the past State fiscal year (July 1, 1996 through June 30, 1997).

If data are consolidated across codes or categories within an item, clarification should be provided. If the information requested cannot be submitted, the most relevant data should be provided with an explanation. A [Glossary](#) accompanies the *Survey*.

States are encouraged to use the comments section of the *1997 Summary Data Component Survey* to provide feedback on the extent to which submission of requested data is practicable, including any information on the future availability of data the State is currently unable to report. This information will assist the Children's Bureau in analyzing results and making recommendations for any future changes in the data elements.

The completed *Survey* may be mailed, faxed or e-mailed to:

National Child Abuse and Neglect Data System (NCANDS)  
c/o Walter R. McDonald & Associates, Inc.  
12300 Twinbrook Parkway, Suite 310  
Rockville, MD 20852-1606  
Phone: (301) 881-2590  
FAX: (301) 881-0093  
E-mail: wrma\_wdc@compuserve.com

To e-mail the completed *Survey*, a word processing file in WordPerfect 6.1 or Word 7.0 for Windows 95 may be requested by calling (301) 881-2590.

**INQUIRIES TO:**

John A. Gaudiosi  
Division of Data, Research and Innovation  
Children's Bureau  
Administration on Children, Youth and Families  
330 C Street, SW - Room 2425  
Washington, DC 20447  
Phone: (202) 205-8625  
FAX: (202) 401-5917  
E-mail: [jgaudiosi@acf.hhs.gov](mailto:jgaudiosi@acf.hhs.gov)

/s/

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

**Attachments:**

[1997 Summary Data Component Survey](#)  
[1997 Summary Data Component Glossary](#)

OMB No. 0980-0229  
Expiration Date: 05/31/00

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Administration for Children and Families  
Administration on Children, Youth and Families  
Children's Bureau**

**NATIONAL CHILD ABUSE AND NEGLECT DATA SYSTEM (NCANDS)**

**Summary Data Component  
SURVEY  
1997 Data Year**

**August 1998**

**INSTRUCTIONS**

The Paperwork Reduction Act of 1995 (Pub. L. 104-13)

*Public reporting burden for this collection of information is estimated to average 60 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. Respondents may direct comments concerning this estimate to: Children's Bureau, 330 C Street, S.W., Washington, D.C. 20447.*

*An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.*

### **Additional Information**

1. States that receive the CAPTA State Child Abuse and Neglect Grant (the Basic State Grant) are required to annually work with the Secretary to provide, to the maximum extent practicable, a report that includes (the 12 data items listed in the statute). On the *Summary Data Component Survey*, questions corresponding to these required data items are *italicized* to identify them clearly. (The submission of other data items remains voluntary for these States.) Submission of all data items is voluntary for those States that do not receive the Basic State Grant.
2. State data should reflect information collected about child maltreatment for the period of January through December 1997, or for the past fiscal year (i.e., fiscal year 1997).
3. If you consolidate data across codes or categories within an item, please provide clarification. If you cannot provide all the information requested according to the NCANDS definitions, please provide your most relevant data and explain your response. A glossary accompanies this form.
4. States are encouraged to use the comments section of the survey (Section 8) to provide feedback on the extent to which submission of requested data is practicable (including any information on the future availability of data not currently able to be reported). This information will assist the Children's Bureau to analyze results and make recommendations for any changes in the data elements in the future.
5. In the package you have received, you will find a self-addressed stamped envelope. Please mail or fax the completed survey by **November 30, 1998** to:

National Child Abuse and Neglect Data System (NCANDS)  
c/o Walter R. McDonald & Associates, Inc.  
1997 Summary Data Component Survey  
12300 Twinbrook Parkway, Suite 310  
Rockville, Maryland 20852-1606  
Phone (301) 881-2590  
FAX (301) 881-0096  
E-MAIL: WRMA\_WDC@COMPUSERVE.COM

6. If you wish to e-mail the 1997 SDC Survey, you may request a word processing file in WordPerfect 6.1 or Word 7.0 for Windows 95 by calling the National Child Abuse and Neglect Data System Technical Assistance Program at (301) 881-2590.
7. We would also appreciate your enclosing or sending under separate cover a copy of your most recent State report on child abuse and neglect. Thank you!



Enter the number of children and families who received services aimed at preventing child abuse and neglect during the reporting year. These services may be directed at specific populations identified as being at increased risk of becoming abusive and may be designed to increase the strength and stability of families, to increase parents' confidence and competence in their parenting abilities, and to afford children a stable and supportive environment. Include child abuse and neglect preventive services provided through Federal funds, such as the Child Abuse and Neglect State Grant, the Community-Based Family Resource and Support Grant, Family Support Services (title IV-B, part 2), Maternal and Child Health Block Grant, and the Social Services Block Grant (title XX), or State and local funds. Do not include public awareness campaigns.

Please specify the service programs you have included in the comments section at the end of the form.

- A. Children Receiving Preventive Services [            ]
- B. Families Receiving Preventive Services [            ]

[Comments Section: 1.1](#)

## SECTION 2: REPORTS AND INVESTIGATIONS

### 2.1 Reports Received by CPS by Initial Screening Decision

Enter the number of reports alleging child abuse and neglect that were received during the reporting period, including those that were screened out prior to an investigation or assessment. Indicate whether the State counts reports as family-based or child-based. A family-based reporting system counts as a report each family unit involved in the child abuse or neglect allegation regardless of the number of children involved. A child-based reporting system counts as a report each child who is alleged to be a victim of maltreatment. A child-based report does not include multiple victims.

	Family-Based	Child-Based
A. Not Referred for CPS Investigation or Assessment	[            ]	[            ]
B. Referred for CPS Investigation or Assessment	[            ]	[            ]
<b>TOTALS</b>	[            ]	[            ]

[Comments Section: 2.1](#)

## 2.2 Reports Referred for Investigation or Assessment by Report Source

Enter the number of reports referred for investigation or assessment by each reporting source below. If categories are grouped differently in your State, please provide the best estimate for each item listed below.

- A. **Social Services Personnel.** Social workers, counselors, supervisors, etc. [            ]
- B. **Medical Personnel.** Physicians, nurses, emergency medical technicians, dentists, chiropractors, coroners, etc. [            ]
- C. **Mental Health Personnel.** Psychologists, psychiatrists, therapists, etc. [            ]
- D. **Legal, Law Enforcement, or Criminal Justice Personnel.** Personnel employed in local, county, State, Tribal or Federal law enforcement agencies, courts, probation agencies, etc. [            ]
- E. **Education Personnel.** Teachers, principals, school counselors, Head Start staff, etc. [            ]
- F. **Child Day Care Providers.** Day care staff, babysitters, etc. [            ]
- G. **Substitute Care Providers.** Foster parents, residential facility staff, etc. [            ]
- H. **Alleged Victims.** Children who allege they have been maltreated. [            ]
- I. **Parents.** Birth mother/father, adoptive mother/father, or stepmother/father of the child. [            ]
- J. **Other Relatives.** Siblings, grandparents, aunts, uncles, cousins, legal guardians, etc. [            ]
- K. **Friends and Neighbors.** Non-relatives who interact with the family or who live nearby. Includes non-relative household members, landlords, clergy, youth group workers, etc. [            ]
- L. **Alleged Perpetrators.** Self-reported abusers regardless of other [            ]

relationship to the child.

M. **Anonymous or Unknown Reporters.** Individuals who did not identify themselves, or where the source was not known. [ ]

N. **Other.** Other sources not included above. [ ]

**TOTAL** [ ]

[Comments Section: 2.2](#)

**2.3 Investigations or Assessments by Disposition**

This section requests data on the disposition of CPS investigations or assessments of child abuse and neglect of reports received in 1997. Investigations may have been completed in 1998. If you use another data selection criterion, please explain in the comments section.

A. **Investigations in Which the Allegation of Maltreatment or Risk of Maltreatment was Substantiated.** Enter the number of investigations in which the allegation of maltreatment or risk of maltreatment was supported or founded according to State law or State policy. [ ]

B. **Investigations in Which the Allegation of Maltreatment Was Indicated.** Enter the number of investigations for which the allegation of maltreatment was indicated, or there was reason to suspect maltreatment, but it was unable to be founded, under State law or State policy. NOTE: Use this category only if your State distinguishes between substantiated and indicated dispositions. If your State uses only "indicated," enter the number of indicated dispositions under A. [ ]

C. **Investigations in Which the Allegation of Maltreatment Was Not Substantiated.** Enter the number of investigations for which the alleged maltreatment was unfounded or not substantiated. Investigations determined to be intentionally false should appear in D. [ ]

D. **Investigations in Which the Allegation Was Determined to Be Intentionally False.** Do not include this number in C. [ ]

E. **Assessments in Which Children/Families Were Found** [ ]

**to Be in Need of Services.** Enter the number of assessments that resulted in a decision that the child or family is in need of services. NOTE: Use this category only if your State has a diversified response system (i.e., if the State allows assessments as well as investigations in response to a report).

E. **Investigations Closed Without a Finding.** Enter the number of investigations that were concluded without a specific finding (e.g., family moved, investigation time exceeded that allowed, etc.). [ ]

F. **Other Dispositions.** Enter the number of completed investigations or assessments for which the dispositions are not included in the above categories. These may include assessments that resulted in a decision that the family was not in need of services, as well as other dispositions. Please provide a breakout of the categories reported in the comments section at the end of the form. [ ]

G. **Unknown Dispositions.** Enter here the number of investigations for which dispositions were not recorded. [ ]

**TOTAL** [ ]

[Comments Section: 2.3](#)

**3.1 Children Subject of a Report Referred for CPS Investigation or Assessment.** Enter the number of children who were in the reports counted in Item 2.1.B. [ ]

[Comments Section: 3.1](#)

**3.2 Children Subject of a CPS Investigation or Assessment by Disposition Pertaining to the Child** Enter the number of children, by disposition, who were in the reports counted in Item 2.3. [ ]

A. **Children for Whom the Allegation of Maltreatment or Risk of Maltreatment was Substantiated.** Enter the number of children for whom the allegation of maltreatment or risk of maltreatment was supported or founded according to State law or State policy. [ ]

B. **Children for Whom the Allegation of Maltreatment Was Indicated.** Enter the number of children for whom the [ ]

allegation of maltreatment was indicated, or there was reason to suspect maltreatment, but it was unable to be founded under State law or State policy. **NOTE:** Use this category only if your State distinguishes between substantiated and indicated dispositions. If your State uses only "indicated," enter the number of indicated dispositions under A.

- C. **Children for Whom the Allegation of Maltreatment Was Not Substantiated.** Enter the number of children for whom the alleged maltreatment was unfounded or unsubstantiated. Allegations determined to be intentionally false should appear in D. [ ]
- D. **Investigations in Which the Allegation Was Determined to Be Intentionally False.** Do not include this number in C. [ ]
- E. **Children Who Were Found to Be in Need of Services.** Enter the number of children for whom the assessment resulted in a decision that the child is in need of services. **NOTE:** Use this category only if your State has a diversified response system (i.e., if the State allows assessments as well as investigations in response to a report). [ ]
- F. **Children for Whom the Investigation Was Closed Without a Finding.** Enter the number of children for whom the investigation was concluded without a specific finding (e.g., family moved, investigation time exceeded that allowed, etc.). [ ]
- G. **Other Dispositions.** Enter the number of children for whom the investigation or assessment disposition is not included in the above categories. These may include children whose assessments determined that the family was not in need of services. Please provide a breakout of the categories reported in the comments section at the end of the form. [ ]
- H. **Unknown Dispositions.** Enter here the number of children for whom dispositions were not recorded. [ ]
- TOTAL** [ ]

[Comments Section: 3.2](#)

### 3.3 *Children Who Received Services*

Enter the number of children by disposition who were opened for or

continued to receive services **in addition to CPS investigation or assessment.**

Substantiated	[	]
Indicated	[	]
Unsubstantiated	[	]
Intentionally False	[	]
In Need of Services	[	]
No Finding>	[	]
Other	[	]
Unknown	[	]

[Comments Section: 3.3](#)

**3.4 Children Who Did Not Receive Services** Enter the number of children by disposition who did not receive any services in addition to CPS investigation or assessment, e.g., were closed after the investigation or assessment.

A. Substantiated	[	]
B. Indicated	[	]
C. Unsubstantiated	[	]
D. Intentionally False	> [	]
E. In Need of Services	[	]
F. No Finding	[	]
G. Other	[	]
H. Unknown	[	]

[Comments Section: 3.4](#)

**3.5 Children Who Were Removed from the Home** Enter the number of children counted in 3.3 who were removed from their home during or as an immediate result of a CPS investigation or assessment. All children in 3.5 must also appear in 3.3.

A. Substantiated	[	]
B. Indicated	[	]

- C. Unsubstantiated [            ]
- D. Intentionally False [            ]
- E. In Need of Services [            ]
- F. No Finding [            ]
- G. Other [            ]
- H. Unknown [            ]

[Comments Section: 3.5](#)

## SECTION 4: CHILD VICTIMS

**Note:** All items refer to child victims of maltreatment.

### SECTION 4: CHILD VICTIMS

All items refer to child victims of a substantiated or indicated maltreatment as reported in 3.2.A and 3.2.B. A State may also determine that child victims include children in need of services (i.e., 3.2.E).

#### 4.1 Child Victims by Type of Maltreatment

Enter the number of children who were found to be victims of maltreatment by type of maltreatment and disposition. One or more types of maltreatment can be recorded for each child victim.

**Physical Abuse.** Enter the number of victims of physical acts that caused or could have caused physical injury.

Substantiated	Indicated	In Need of Services
[            ]	[            ]	[            ]

**Neglect or Deprivation of Necessities.** Enter the number of victims who failed to receive needed care even though their caretakers were financially able to do so or were offered means to do so.

Substantiated	Indicated	In Need of Services
[            ]	[            ]	[            ]

**Medical Neglect.** Enter the number of victims who failed to receive the appropriate health care even though their caretakers were financially able to do so or were offered means to do so. May include perinatal exposure to drugs.

Substantiated	Indicated	In Need of Services
[                      ]	[                      ]	[                      ]

**Sexual Abuse.** Enter the number of victims of sexually exploitative activities.

Substantiated	Indicated	In Need of Services
[                      ]	[                      ]	[                      ]

**Psychological or Emotional Abuse or Neglect.** Enter the number of victims of maltreatment that resulted in impaired psychological functioning and development.

Substantiated	Indicated	In Need of Services
[                      ]	[                      ]	[                      ]

**Other.** Enter the number of victims of other forms of maltreatment not included above. Describe these in the comments section at the end of the form.

Substantiated	Indicated	In Need of Services
[                      ]	[                      ]	[                      ]

**Unknown.** Enter the number of children for whom the type of maltreatment was not recorded.

Substantiated	Indicated	In Need of Services
[                      ]	[                      ]	[                      ]

**TOTALS**

Substantiated	Indicated	In Need of Services
[                      ]	[                      ]	[                      ]

[Comments Section: 4.1](#)

4.2 Child Victims by Age

Enter the number of child victims by age at the time of the report or as of December 31 of the reporting year. If your State reports by age groups (e.g., 1-3, 4-6, etc.), please divide the number among the years in each group, putting the remainder into the oldest age in the group.

<b>Age In Years</b>	<b>Number of Victims</b>	<b>Age In Years</b>	<b>Number of Victims</b>
---------------------	--------------------------	---------------------	--------------------------

<1	[	]	10	[	]
1	[	]	11	[	]
2	[	]	12	[	]
3	[	]	13	[	]
4	[	]	14	[	]
5	[	]	15	[	]
6	[	]	16	[	]
7	[	]	17	[	]
8	[	]	18 and older	[	]
9	[	]	Unknown	[	]
			<b>TOTAL</b>	[	]

[Comments Section: 4.2](#)

### 4.3 Child Victims by Sex

Enter the number of child victims by sex.

A. Male	[	]
B. Female	[	]
C. Unknown	[	]
TOTAL	[	]

[Comments Section: 4.3](#)

### 4.4 Child Victims by Hispanic or Latino Ethnicity

Enter the number of child victims by Hispanic or Latino ethnicity.

- A. **Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. [ ]
- B. **Not Hispanic or Latino.** [ ]
- C. **Unable to Determine or Unknown.** The child victim is very young or is severely disabled and no other person is available to identify ethnicity, or the child victim's ethnicity was not recorded. [ ]

**TOTAL** [ ]

[Comments Section: 4.4](#)

#### 4.5 Child Victims by Race

Enter the number of child victims by race. A child victim may be counted in more than one racial group.

A. **African American.** A child having origins in any of the black racial groups of Africa. [ ]

B. **American Indian or Alaska Native.** A child having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment. [ ]

C. **Asian.** A child having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. [ ]

D. **Native Hawaiian or Other Pacific Islander.** A child having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. [ ]

E. **White.** A child having origins in any of the original peoples of Europe, the Middle East, or North Africa. [ ]

F. **Other.** A child having other or multi-racial origins, who has not been counted above. [ ]

G. **Unable to Determine or Unknown.** The child victim is very young or is severely disabled and no other person is available to identify race, [ ]

or the child victim's race was not recorded.

**TOTAL** [ ]

[Comments Section: 4.5](#)

***4.6 Child Victims Whose Families Received Family Preservation Services in the Previous Five Years***

Enter the number of child victims whose families had received [ ]

[Comments Section: 4.6](#)

***4.7 Child Victims Who Were Reunited with Their Families in the Previous Five Years***

Enter the number of child victims who were abused by the parents or principal caretakers with whom they had been reunited in the previous five years. [ ]

[Comments Section: 4.7](#)

***4.8 Child Victims for Whom Court Action Was Taken***

Enter the number of child victims for whom court action was initiated either during or as an immediate result of an investigation. [ ]

[Comments Section: 4.8](#)

***4.9 Child Victims Who Received Court-Appointed Representatives***

Enter the number of child victims for whom an individual (guardian ad litem) was appointed by the court to represent the best interests of the child. A guardian ad litem may be an attorney, a court-appointed special advocate, or both. [ ]

[Comments Section: 4.9](#)

***4.10 Average Number of Out-of-Court Contacts Between the Court-Appointed Representatives and the Child Victims They Represent***

Enter the average number of out-of-court contacts which enable the court-appointed representatives to obtain first-hand an [ ]

understanding of the situation and needs of the child victim, and to make recommendations to the court concerning the best interests of the child.

[Comments Section: 4.10](#)

## SECTION 5: CHILD FATALITIES

**Note:** Describe the source of data on child fatalities and any limitations of these data in the comments section at the end of the form.

### ***5.1 Total Number of Child Victims Who Died as a Result of Maltreatment.*** [ ]

Enter the number of child victims who died as a result of child abuse or neglect.

[Comments Section: 5.1](#)

### ***5.2 Child Victims Who Died as a Result of Maltreatment While in Foster Care*** [ ]

Enter the number of child victims whose death was caused by maltreatment that occurred while in foster care and was attributed to the foster care provider. Foster care is 24-hour substitute care for all children placed away from their parents or guardians and for whom the State agency has placement and care responsibility. This includes, but is not limited to, family foster homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes regardless of whether the foster care facility is licensed and whether payments are made by the State or local agency for the care of the child or whether there is Federal matching of any payments that are made.

[Comments Section: 5.2](#)

Enter the number of child victims whose death was caused by maltreatment and whose families had received Family Preservation Services during the five (5) years preceding the report(s) of child abuse or neglect received in this reporting period. Family Preservation Services are services designed to protect children from harm and to assist families at risk or in crisis, including services to prevent placement, to support the reunification of children with their families, or to support the continued placement of children in adoptive homes or other permanent living arrangements. [ ]

[Comments Section: 5.3](#)

### ***5.4 Child Victims Who Died as a Result of Maltreatment and Had Been Reunited with Their Families in the Previous Five Years***

Enter the number of child victims whose death was caused by the parents or principal caretakers with whom they had been reunited during the previous five years. [ ]

[Comments Section: 5.4](#)

## SECTION 6: PERPETRATORS OF CHILD MALTREATMENT

### 6.1 Perpetrators by Relationship to Child Victim

- |   |   |  |   |
|---|---|--|---|
| A. <b>Parents.</b> Birth mother/father, adoptive mother/father, or stepmother/father of the child.  | [ |  | ] |
| B. <b>Other Relatives or Household Members in a Caretaking Relationship.</b> Relatives, guardians, household members, or paramours who have some responsibility for the care and supervision of the child.  | [ |  | ] |
| C. <b>Foster Parents.</b> Individuals licensed to provide a home for child victims, usually with the approval of the government.  | [ |  | ] |
| D. <b>Residential Facility Staff.</b> Employees of a public or private group residential facility, including emergency shelters, group homes, and institutions.   | [ |  | ] |
| E. <b>Child Day Care Providers.</b> Persons who work in a setting providing child day care services and who have temporary caretaker responsibility for the child, including day care center staff members, family day careproviders, and baby sitters. | [ |  | ] |
| F. <b>Non-Caretakers.</b> Persons who are not responsible for the care and supervision of the child, including school personnel, friends, neighbors, etc.   | [ |  | ] |
| G. <b>Those with Unknown Relationships to Child Victim.</b> Includes missing data.  | [ |  | ] |
| <b>TOTAL</b>  | [ |  | ] |

[Comments Section: 6.1](#)

## SECTION 7: CHILD PROTECTIVE SERVICES WORKFORCE

### *7.1 Number of Staff Responsible for CPS Functions (Screening, Intake, and Investigation/Assessment of Reports) During the Year*

Enter the number of full-time-equivalent workers (FTE's) who [ ] carried out CPS functions during the year. Indicate the types of workers included in this calculation and explain the methodology used to obtain this number or estimate in the comments section at the end of the form.

[Comments Section: 7.1](#)

**7.2 Full-Time Equivalent Workers (FTE's) Responsible for the Screening and Intake of Reports During the Year**

Enter the number of full-time equivalent workers (FTE's) who were responsible for the screening and intake functions of CPS. Screening and Intake represents the portion of the case flow from point of initial contact with the reporter (e.g., the phone call) to the time that the report is assigned to a worker or to a CPS supervisor for assignment to a worker for investigation or assessment of the allegation. Explain the methodology used to obtain this number or estimate in the comments section at the end of the form. [ ]

[Comments Section: 7.2](#)

**7.3 Response Time with Respect to the Initial Investigation of Reports of Child Abuse or Neglect**

Enter the average response time (in hours) for each response priority standard or category used by the State. Please specify the number of reports on which the averages are based and the methodology used to determine the average response time.

Response time is defined as the time from receipt of report to initial investigation. Receipt of report is defined as the log-in of a call to the agency from a reporter alleging child maltreatment. Initial investigation is defined as face-to-face contact with the alleged victim, when this is appropriate, or contact with another person who can provide information essential to the disposition of the investigation or assessment. In the comments section at the end of the form, provide State definitions which differ from the above.

Priority Standard	Average Response Time	Number of Reports
[ ]	[ ]	[ ]
[ ]	[ ]	[ ]
[ ]	[ ]	[ ]
[ ]	[ ]	[ ]

[Comments Section: 7.3](#)

**7.4 Response Time with Respect to the Provision of Services**



Enter here comments on Item 3.1.

Enter here comments on Item 3.2.

Enter here comments on Item 3.3.

Enter here comments on Item 3.4.

Enter here comments on Item 3.5.

Enter here comments on Item 4.1.

Enter here comments on Item 4.2.

Enter here comments on Item 4.3.

Enter here comments on Item 4.4.

Enter here comments on Item 4.5.

Enter here comments on Item 4.6.

Enter here comments on Item 4.7.

Enter here comments on Item 4.8.

Enter here comments on Item 4.9.

Enter here comments on Item 4.10.

Enter here comments on Item 5.1.

Enter here comments on Item 5.2.

Enter here comments on Item 5.3.

Enter here comments on Item 5.4.

Enter here comments on Item 6.1.

Enter here comments on Item 7.1.

Enter here comments on Item 7.2.

Enter here comments on Item 7.3.

Enter here comments on Item 7.4.

ENTER HERE OTHER COMMENTS 8.0.

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Administration for Children and Families  
Administration on Children, Youth, and Families  
Children's Bureau**

**NATIONAL CHILD ABUSE AND NEGLECT  
DATA SYSTEM (NCANDS)**

**Summary Data Component  
GLOSSARY  
1997 Data Year  
AUGUST 1998**

**GLOSSARY**

The glossary contains working definitions of the terms that are found in the Summary Data Component (SDC) Survey of the National Child Abuse and Neglect Data System (NCANDS). The terms are presented in alphabetical order.

**AFRICAN AMERICAN:** A person having origins in any of the black racial groups of Africa.

**AGE:** Age in years at the time of the report of abuse or neglect or as of December 31 of the reporting year.

**ALLEGATION OF MALTREATMENT:** A notification to the child protective services (CPS) agency of suspected maltreatment of a child.

**ALLEGED VICTIM:** Child about whom a report regarding maltreatment has been made to a CPS agency.

**AMERICAN INDIAN OR ALASKA NATIVE:** A person having racial origins in any of the original peoples of North and South America(including Central America), and who maintains tribal or community affiliation.

**ANONYMOUS OR UNKNOWN REPORTER:** An individual who reports a suspected incident of child maltreatment without identifying himself or herself; or the type of reporter is unknown.

**ASIAN:** A person having racial origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

**ASSESSMENT:** A process by which the CPS agency determines whether the child and/or other persons involved in the report of alleged maltreatment is in need of services.

**CHILD:** A person younger than 18 years of age or considered to be a minor under State law.

**CHILD-BASED:** A method of reporting in which each child alleged to be a victim of maltreatment is counted as one report. A child-based report does not include multiple children. See also **FAMILY-BASED**.

**CHILD DAY CARE PROVIDER(S):** A person who has temporary caretaker responsibility for the child and who is not related to the child, such as a day care center staff member, a family day care provider, or a baby-sitter. Does not include persons with legal custody or guardianship of the child.

**CHILD FATALITY:** See **DIED AS A RESULT OF CHILD ABUSE OR NEGLECT**

**CHILD VICTIM:** A child for whom an incident of abuse or neglect has been substantiated or indicated by an investigation or assessment. A State may decide to include some children with other dispositions as victims.

**CHILDREN/FAMILIES IN NEED OF SERVICES:** A term used to specify the decision that a child or family is in need of services by the child welfare agency as the result of an assessment that was conducted. This disposition is applicable only to States that have a diversified response system. Children or families who are so classified do not receive a disposition of substantiated, indicated, or unsubstantiated. See also **DIVERSIFIED RESPONSE SYSTEM**.

**CLOSED WITHOUT A FINDING:** Disposition that does not conclude with a specific finding because the investigation could not be completed. Reasons for this might include, for example, that a family moved out of the jurisdiction, that a family could not be located, or that necessary diagnostic or other reports were not received within required time limits.

**COURT ACTION:** Legal action initiated by a representative of the CPS agency on behalf of the child. This includes, for instance, authorization to place the child, filing for temporary

custody, dependency, or termination of parental rights. It does not include criminal proceedings against a perpetrator.

**COURT-APPOINTED REPRESENTATIVE:** A person required to be appointed by the court to represent a child in a neglect or abuse proceeding. This person may be an attorney or a court-appointed special advocate (or both) and is often referred to as a guardian ad litem. The court-appointed representative makes recommendations to the court concerning the best interests of the child.

**DIED AS A RESULT OF CHILD ABUSE OR NEGLECT:** Death caused directly by an injury suffered through abuse and/or neglect or death in which abuse and/or neglect was a primary contributing factor.

**DISPOSITION:** The determination by the social services agency or a court that the evidence is or is not sufficient under State law or policy to conclude that abuse and/or neglect occurred. Where State law permits, dispositions may also include the determination that the child is at risk of being abused or neglected, or that additional services are needed.

**DIVERSIFIED RESPONSE SYSTEM:** CPS practice in which an assessment or other alternative response to a report of alleged maltreatment may be made, instead of an investigation. Diversified responses to reports usually result in a determination as to whether services are needed. See **CHILDREN/FAMILIES IN NEED OF SERVICES, ASSESSMENT, and INVESTIGATION**.

**EDUCATION PERSONNEL:** An employee of an educational institution or program; includes teachers, teacher assistants, administrators, Head Start staff, and others directly associated with the delivery of educational services.

**EMOTIONAL ABUSE OR NEGLECT:** See **PSYCHOLOGICAL OR EMOTIONAL ABUSE OR NEGLECT**.

**ETHNICITY:** See **HISPANIC OR LATINO ETHNICITY**.

**FAMILY:** A group of two or more persons related by birth, marriage, adoption, or emotional ties.

**FAMILY-BASED:** A type of reporting system that counts as a report the family unit involved in a child abuse or neglect allegation regardless of the number of children involved. See also **CHILD-BASED**.

**FAMILY PRESERVATION SERVICES:** Services designed to protect children from harm and to assist families at risk or in crisis, including services to prevent placement, to support the reunification of children with their families, or to support the continued placement of children in adoptive homes or other permanent living arrangements.

**FATALITY:** See **DIED AS A RESULT OF CHILD ABUSE OR NEGLECT**.

**FOSTER CARE:** A 24-hour substitute care for all children placed away from their parents or guardians and for whom the State agency has placement and care responsibility. This includes, but is not limited to, family foster homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes regardless of whether the foster care facility is licensed and whether payments are made by the State or local agency for the care of the child or whether there is Federal matching of any payments that are made.

**FOSTER PARENT(S):** Individual(s) licensed to provide a home for orphaned, abused, neglected, delinquent or disabled children, usually with the approval of the government or a social service agency. This individual can be a relative or a non-relative.

**FRIENDS AND NEIGHBORS:** Non-relatives acquainted with the child, the parent, or the caretaker, including landlords, clergy, youth group workers (e.g., Scout leaders, Little League coaches). May also be a person living in close geographical proximity to the child or family.

**FTE (FULL-TIME EQUIVALENT):** A method of deriving the workforce from hours worked. This involves dividing the total annual number of hours worked in a designated function by the annual number of hours considered by the State to constitute full-time employment. For example, if a State has recorded that 10,600 hours were worked in a function during the calendar year, and the State considers full-time employment to be 1,860 hours a year, the number of FTE's in the function would be 5.7 (10,600 divided by 1,860).

**GUARDIAN AD LITEM:** See **COURT-APPOINTED REPRESENTATIVE**.

**HISPANIC OR LATINO ETHNICITY:** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

**INDICATED:** An investigation disposition that concludes that although maltreatment could not be substantiated under State law or policy, there is reason to suspect that the child may have been maltreated or was at risk of maltreatment. This is applicable only to States that distinguish between substantiated and indicated dispositions.

**INITIAL INVESTIGATION:** Face-to-face contact with the alleged victim, when this is appropriate, or contact with another person who can provide information essential to the disposition of the investigation or assessment.

**INITIAL SCREENING DECISION:** The decision by the CPS agency to conduct either an investigation or an assessment of an allegation of child maltreatment. The screening process may include more than one decision. See also **SCREENING AND INTAKE, INVESTIGATION**.

**IN NEED OF SERVICES:** See **CHILDREN/FAMILIES IN NEED OF SERVICES**.

**INTENTIONALLY FALSE:** An unsubstantiated investigation disposition about which it has been concluded that the person reporting the alleged incident of maltreatment knew that the allegation was false.

**INVESTIGATION:** The gathering of objective information to determine whether the child has been, or is at risk of being, maltreated. Generally includes face-to-face contact with the victim and results in a disposition as to whether the alleged report is substantiated or not.

**LEGAL, LAW ENFORCEMENT, OR CRIMINAL JUSTICE PERSONNEL:** Those employed by a local, State, Tribal, or Federal justice agency, including law enforcement, courts, district attorneys' offices, probation or other community corrections agencies, and correctional facilities.

**MALTREATMENT:** Any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm. State definitions may include additional criteria.

**MEDICAL NEGLECT:** A type of maltreatment due to failure by the caretaker to provide for the appropriate health care of the child, although financially able to do so or offered financial or other means to do so. This may include perinatal exposure to drugs.

**MEDICAL PERSONNEL:** Those employed by a medical facility or practice, including physicians, physician assistants, nurses, emergency medical technicians, dentists, dental assistants and technicians, chiropractors, and coroners.

**MENTAL HEALTH PERSONNEL:** Those employed by a mental health facility or practice, including among others, psychologists, psychiatrists, and therapists.

**NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER:** A person having racial origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**NEGLECT OR DEPRIVATION OF NECESSITIES:** A type of maltreatment that refers to the failure by the caretaker to provide needed, age-appropriate care, although financially able to do so or offered financial or other means to do so.

**NON-CARETAKER(S):** A person who is not responsible for the care and supervision of the child. Includes school personnel, friends, neighbors, etc.

**NOT SUBSTANTIATED:** Investigation disposition that determines that there is not sufficient evidence under State law or policy to conclude that the child has been maltreated or is at risk of being maltreated. Equivalent terms may be "Unfounded" or "Unsubstantiated."

**OTHER RELATIVE OR HOUSEHOLD MEMBER:** A relative or household member in a caretaking relationship who has some responsibility for the supervision of the child. Can include grandparents, aunts, uncles, guardians, paramours, etc. who are responsible for the care and supervision of the child. Relatives or household members with no such responsibility are **NON-CARETAKERS**.

**OUT-OF-COURT CONTACTS:** Contact, which is not part of the actual judicial hearing, between the court-appointed representative and the child victim. Such contacts enable the court-appointed representative to obtain a first-hand understanding of the situation and needs of the child victim, and to make recommendations to the court concerning the best interests of the child.

**PARENT(S):** The birth mother/father, adoptive mother/father, or step mother/father of the child.

**PERPETRATOR:** The person who has been determined to have caused or knowingly allowed the maltreatment of the child.

**PHYSICAL ABUSE:** A type of maltreatment that refers to physical acts that caused or could have caused physical injury to the child.

**PREVENTIVE SERVICES:** Services aimed at preventing child abuse and neglect. Such services may be directed at specific populations identified as being at increased risk of becoming abusive and may be designed to increase the strength and stability of families, to increase parents' confidence and competence in their parenting abilities, and to afford children a stable and supportive environment. They include child abuse and neglect preventive services provided through Federal funds such as the Child Abuse and Neglect State Grant, the Community-Based Family Resource and Support Grant, the Promoting Safe and Stable Families Program (title IVB, subpart 2), Maternal and Child Health Block Grant, the Social Services Block Grant (title XX), and State and local funds. Preventive services do not include public awareness campaigns.

**PRIORITY STANDARD:** The State or local requirements for responding to a report alleging child abuse or neglect based upon the initial screening decision. For example: immediate, within 1-2 hours, within 72 hours, etc.

**PSYCHOLOGICAL OR EMOTIONAL ABUSE OR NEGLECT:** A form of maltreatment that results in impaired psychological functioning and development. It frequently occurs as verbal abuse or excessive demands on a child's performance and may cause the child to have a negative self-image and disturbed behavior.

**RACE:** The racial group(s) with which the individual identifies himself or herself as a member, or with which the parent identifies the child as a member.

**RECEIPT OF REPORT:** The log-in of a call to the agency from a reporter alleging child maltreatment.

**RELATIONSHIP OF PERPETRATOR TO VICTIM:** This refers to the primary role of the perpetrator in relation to the child victim of maltreatment. The relationship may be established with each child in the investigated report or with one child in the report, regardless of how many children are victims of maltreatment.

**REMOVED (FROM THE HOME):** The removal of the child from his/her normal place of residence to a substitute care setting by a CPS or social services agency. See **FOSTER CARE**.

**REPORT:** Notification to the CPS agency of suspected child maltreatment.

**REPORTING PERIOD:** The 12-month period for which data are submitted to the NCANDS (e.g., calendar year 1997, fiscal year 1997, etc.).

**RESIDENTIAL FACILITY STAFF:** Employees of a public or private group residential facility, including emergency shelters, group homes, and institutions.

**RESPONSE TIME:** The time from receipt of report to initial investigation.

**REUNITED (WITH THEIR FAMILIES):** Describes children who have been in foster care and are subsequently returned to reside in their principal caretaker's home.

**SCREENED OUT:** The decision by the CPS agency not to conduct an investigation or assessment. This decision may be the result of an inappropriate referral, lack of information, or a decision to refer the report to another agency.

**SCREENING AND INTAKE:** Portion of the case flow from point of contact with the reporter to the time that the report is assigned to a worker, or to a CPS supervisor for assignment to a worker, for investigation or assessment of the allegation. See also **INITIAL SCREENING DECISION**.

**SERVICES:** Noninvestigative services other than CPS investigation or assessment provided as a result of an investigation or assessment or continued as a result of an investigation or assessment.

**SEXUAL ABUSE:** The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct, or the rape, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children.

**SOCIAL SERVICE PERSONNEL:** Employees of a public or private social services or social welfare agency or other social workers and counselors who provide similar services.

**SOURCE (OF REPORT):** Person who makes a report to the CPS agency alleging child maltreatment.

**STATE/TERRITORY:** The two-letter abbreviation for the State or other Federal jurisdiction that submits data to the NCANDS.

**SUBJECT OF A REPORT:** The child or children about whom a report of abuse or neglect is made.

**SUBSTANTIATED:** An investigation disposition that concludes that the allegation of maltreatment or risk of maltreatment was supported or founded by State law or State policy. This is the highest level of finding by a State agency. See also **INDICATED**.

**SUBSTITUTE CARE PROVIDERS:** A person providing out-of-home care to children, such as foster parent(s) or residential facility staff.

**UNSUBSTANTIATED:** See **NOT SUBSTANTIATED**.

**VICTIM:** See **CHILD VICTIM**.

**VICTIM-BASED:** A method of counting in which each child victim is counted as one report. A victim-based report does not include multiple victims. See also **CHILD-BASED**.

**WHITE:** A person having racial origins in any of the original peoples of Europe, the Middle East, or North Africa.