

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration for Children, Youth and Families	
	1. Log No: ACYF-IM-90-11	2. Issuance Date: May 31, 1990
	3. Originating Office: Children's Bureau	
	4. Key Words: Health and Educational Records	

PROGRAM INSTRUCTION

TO: State Agencies Administering or Supervising the Administration of Titles IV-E and IV-B of the Social Security Act and Indian Tribes and Indian Tribal Organizations (ITOs)

SUBJECT: Title IV-E and Title IV-B Case Plan Requirements - Health and Educational Records

LEGAL AND RELATED REFERENCES: Sections 427, 471 (a) (16), 475 (1), and 475 (5) of the Social Security Act

BACKGROUND: The Omnibus Budget Reconciliation Act of 1989, Public Law (P.L.) 101-239, was enacted on December 19, 1989. Among other things, P.L. 101-239 amended section 475 (1) of the Social Security Act (SSA) to include in the definition of a "case plan" the requirement that a foster child's case plan must include certain specific information regarding his educational and health status. In addition, a subparagraph was added to section 475 (5) of the SSA to ensure that the child's health and education records are reviewed and updated at the time of each placement of the child in foster care, and that such records are supplied to the foster parent or foster care provider with whom the child is placed.

PURPOSE: The purpose of this Program Instruction (PI) is to provide information and instruction to the States regarding:

1. the requirement that a foster child's case plan must include certain information regarding the child's educational and health status;
2. the requirement that a child's health and education records must be reviewed and updated at the time of each placement of a child in foster care;
3. the requirement that such health and education records must be provided to the foster parent or foster care provider; and
4. the related actions States must take with regard to eligibility for funds under titles IV-E and IV-B (section 427) of the Social Security Act.

INFORMATION: Because of the P.L. 101-239 amendments, States are required to make certain changes in the documentation of their title IV-E State Plans and in the State Certification of Eligibility for Additional Funds Under Section 427 of the Social Security Act. These changes relate to the requirements that the health and educational status of a child must be incorporated into his case plan and that health and education records must be reviewed and updated at the time of each placement. The amendments add the following subparagraph (C) to section 475 (1) which defines the case plan as a written document which must include at least the following:

- 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.

The amendments add the following subparagraph (D) to section 475 (5) to assure that:

- D. a child's health and education record (as described in paragraph (1)(A)) [sic]* 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.

INSTRUCTION: In order to continue to be eligible for Federal financial participation under title IV-E and title IV-B, the following three actions must be taken by a State to comply with the statutory requirements:

1. Title IV-E - State Plan The State Plan requirement in section 471 (a) (16) for the development of a case plan for each child receiving foster care maintenance payments under title IV-E is affected by revisions to section 475 (1). States must revise and verify their title IV-E State plans to incorporate the amendments and additions of P.L. 100-239 and submit the amended pages, as well as supporting documentation, to the OHDS Regional Administrators. A listing of the OHDS Regional Administrators is attached (Attachment A). Revised pages of the title IV-E State plan and the _____*
Correct reference is "(as described in paragraph (1) (C))." certification are provided in Attachment B. The amended language in section 2, page 10 of the State Plan for Title IV-E of the Social Security Act relates to the case plan changes. The amended language in section 2, page 12 relates to case review system changes. The certification must be signed by the Designated State Agency Official and all items submitted to the Regional Administrator within 60 days of the date of this issuance.
2. Title IV-B - Administrative Procedures States must review and revise their administrative procedures to incorporate the new case plan and case review system requirements, as

appropriate, to ensure continuing eligibility for section 427 funds. Documentation from State policy materials to verify State policies and procedures must be submitted to the appropriate OHDS Regional Administrator within 60 days of the date of this issuance.

3. Title IV-B - Section 427 Certification The definitions of the terms "case plan" at section 475 (1) and "case review system" at section 475 (5) are applicable to all children in foster care under the responsibility of the State.

In order to assure compliance with the new procedures, each State receiving section 427 funds must amend its Certification of Eligibility for Additional Funds Under Section 427 of the Social Security Act to include a new item 3. (j) under section C. (1) Case Plan and a new item 1. (b) under section C. (2) Case Review. The amended page four (Attachment C) of the Certification must be signed by the State Certifying Official in States that have certified eligibility for section 427 funds and submitted with appropriate documentation from State policy materials to the designated Regional Administrator within 60 days of the date of this issuance.

EFFECTIVE DATE: The requirements under section 475 (1) and section 475 (5) are effective April 1, 1990. The revised title IV-E State plan certification (Attachment B) and the revised section 427 (title IV-B) Certification (Attachment C) will be effective upon the dated signature of the authorized State Official. These revised certifications must be submitted within 60 days of the date of this issuance.

INQUIRIES TO: OHDS Regional Administrators
Regions I - X
Wade F. Horn, Ph.D.
Commissioner

Attachments:

[Attachment A](#)- Regional Administrators Office Of Human Development Services
[Attachment B](#)- CFCIP Program Certifications
[Attachment C](#)- State Certification Of Eligibility For Additional Funds Under Section 427 Of The Social Security Act

Attachment A

Regional Administrators Office Of Human Development Services

Dr. A. Kenton Williams
Regional Administrator, Region I
Room 2000, JFK Building

Mr. Marvin Layne
Regional Administrator, Region VI
1200 Main Tower Building

Boston, Massachusetts 02203

Mr. Thomas DePippo
Regional Administrator, Region II
Federal Building
26 Federal Plaza
New York, New York 10278

Mr. Richard Spitzborg
Regional Administrator, Region III
Box 13716
3535 Market Street
Philadelphia, Pennsylvania 19109

Ms. Nell Ryan
Regional Administrator, Region IV
101 Marietta Tower, Suits 903
Atlanta, Georgia 30323

Ms. Kay Willmoth
Regional Administrator, Region V
105 West Adams Street
21st Floor
Chicago, Illinois 60603

Dallas, Texas 74202

Ms. Linda J. Carson
Regional Administrator, Region VII
601 E. 12th Street, Room 384
Kansas City, Missouri 64106

Mr. David Chapa
Regional Administrator, Region VIII
Federal Office Building
1961 Stout Street, Room 1194
Denver, Colorado 80294

Mr. Roy Fleischer
Acting Regional Administrator,
Region IX
50 United Nations Plaza, Room 450
San Francisco, California 94102

Mr. Edward Singler
Regional Administrator, Region X
Blanchard Plaza
2201 Sixth Avenue
Seattle, Washington 98121

Attachment B

CFCIP Program Certifications

(Amended)

IV-E STATE PLAN - STATE OF _____

C E R T I F I C A T I O N

I hereby certify that I am authorized to submit amended pages for the State Plan on behalf of

(Designated State Agency)

(Date)

(Signature)

(Title)

APPROVAL DATE: _____

EFFECTIVE DATE: _____

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(Amended)

Federal State Statutory/Regulatory/ Statutory/Regulatory Policy References and References Citation(s) for each (family-like) setting available and in close proximity to the parents' home consistent with the best interest and special needs of the child.

1. 475(1)(C) Effective April 1, 1990, to the extent available and accessible, the health and education records of the child must include--
 1. the names and addresses of the child's health and educational providers;
 2. the child's grade level performance;
 3. the child's school record;
 4. 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;
 5. a record of the child's immunizations;
 6. the child's known medical problems;
 7. the child's medications; and
 8. any other relevant health and education information concerning the child determined to be appropriate by the State agency.

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Federal State Statutory/Regulatory/ Statutory/Regulatory Policy References and References Citation(s) for Each

2. Case Review

The State Agency has a case review system which meets the requirements of 475 (5) of the Act and assures that 475 (5) (B) 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 an administrative review to:

1. determine the continuing need for and appropriateness of the placement,
2. determine the extent of compliance with the case plan,
3. determine the extent of progress made toward alleviating or mitigating the causes necessitating the placement, and
4. project a likely date by which the child may be returned home or placed for adoption or legal guardianship.

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(Amended)

Federal State Statutory/Regulatory/ Statutory/Regulatory Policy References and References
Citation(s) for Each

responsibility for placement and care of the title IV-E/IV-B State Agency except:

45 CFR 1356. a. for those children who are placed 21(e)(1) in a court sanctioned permanent foster family home with a specific caregiver; and 45 CFR 1356. b. for those children who are free for 21(e)(2) adoption and are placed in adoptive homes pending the finalization of the adoption.

4. 475(5)(D) Effective April 1, 1990, 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.
- E. MEDICAL AND SOCIAL SERVICES 472(h) For purposes of titles XIX and XX, any 473(b)(1) child with respect to whom foster care (B)(2) 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.
- F. SPECIFIC GOALS IN STATE LAW 471(a)(14)(A) 1. The State Agency will formulate for each fiscal year, commencing with the

Attachment C

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

(Amended Page 4)

475(5)(A) (i) a discussion of how the case plan for each child is designed to 45 CFR achieve placement in the least restrictive (most family like) 1356.21(d) setting available and in close proximity to the parent's home consistent with the best interest and special needs of the child 475(1)(C) (j) to the extent available and accessible, the health and education records of the child, including--

1. the names and addresses of the child's health and educational providers;
2. the child's grade level performance;
3. the child's school record;
4. 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;

5. a record of the child's immunizations;
6. the child's known medical problems;
7. the child's medications; and
8. any other relevant health and education information concerning the child determined to be appropriate by the State agency.
 1. Case Review 427(a)(2)(B) 1. A case review system which meets the requirements of section 475(5) and assures that 475(5)(B) (a) A review of each child's status is made no less frequently than once every six months either by a court or by an administrative review to:
 1. determine the continuing need for and appropriateness of the placement;
 2. determine the extent of compliance with the case plan;
 3. determine the extent of progress made toward alleviating or mitigating the cause necessitating the placement in foster care, and
 4. project a likely date by which the child may be returned home or placed for adoption or legal guardianship. 475(5)(D) (b) Effective April 1, 1990, a child's health and education record 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.

State of _____

I certify that _____ (Name of designated agency) meets the requirements of section 427(a) specified above.

_____	_____
Date	Commissioner of Single State Agency

_____	_____
Date	Director of Single Organizational Unit