

<h1>ACF</h1> Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration for Children, Youth and Families	
	1. Log No: ACYF-PI-81-2	2. Issuance Date: 03/23/81
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	4. Key Words: STATE PLAN (IV-E) P.L. 96-272	

PROGRAM INSTRUCTION

TO: STATE AGENCIES ADMINISTERING OR SUPERVISING THE ADMINISTRATION OF THE PUBLIC ASSISTANCE AND SOCIAL SERVICES TITLES OF THE SOCIAL SECURITY ACT

SUBJECT: State Plan Preprint for a Title IV-E Program

LEGAL & RELATED REFERENCES: P.L. 96-272

BACKGROUND: Public Law 96-272, The Adoption Assistance and Child Welfare Act of 1980 became effective on June 17, 1980. It amends title IV of the Social Security Act to establish a new Part E which provides for Federal payments to the States for foster care maintenance and adoption assistance for children, who, because they were not living with the relatives specified in Section 406(a) of the Act, have not been eligible for payments under the title IV-A program.

The objectives of this legislation are: (1) to improve the quality of care provided to children in foster care, (2) to reduce the removal of children from their own homes to placement in foster care, (3) to return children from foster care to their homes as soon as conditions in the home permit, and (4) to facilitate adoption or other permanent placement for those children who cannot or should not be returned to their own homes.

The legislation provides that States may begin implementing the program and receiving Federal funds for such implementation in accordance with an approved title IV-E State Plan as of October 1, 1980. It should be noted that under the notice of proposed rulemaking published December 31, 1980, (45 CFR 86817) Section 1356. 70(d)(2) provides that "the effective date of a new plan... shall be no earlier than the first day of the quarter in which an approvable plan is submitted."

Until that section is issued as a final regulation, however, Federal funds are available from October 1, 1980 or anytime thereafter, when the State is operating according to an approvable title IV-E State Plan.

ATTACHMENT: Title IV-E State Plan ACTION

REQUIRED: A State which has decided to establish a title IV-E program (Foster Care and Adoption Assistance) must submit, after review by the State's Governor or the A-95 clearinghouse, a State Plan in accordance with the attached format to the appropriate Regional Program Director, ACYF. A list of names and addresses is attached. The State Plan requires the State agency to certify that it will have a program which conforms to the statutory provisions of Public Law 96-272. It also requires the Governor of the State to certify that the signatory State agency has been designated to administer or supervise the administration of a title IV-E program.

Note that Section 2B on Voluntary Placements is applicable only for those States that intend to claim FFP for payments made on behalf of voluntarily placed children. A State not wishing to claim FFP for this purpose should cross out and initial the cross out of this section of the State plan.

Any State which has deleted this section, however, will have to amend its plan to add section 2B at such time that it intends to begin claiming FFP for foster care payments made on behalf of any voluntarily placed children.

If a State includes a voluntary placement program in its State plan, it must meet the requirements for all voluntarily placed children in the State, because of the "statewideness" requirements (Section 471(a)(3)).

Upon approval of the State Plan by the Regional Program Director, ACYF, the State will be eligible to make claims for Federal reimbursement under the provisions of Part E, title IV of the Social Security Act.

The State's title IV-A Plan must be brought into conformity with the approved title IV-E plan. ACYF Regional staff will assist States in amending their title IV-A State Plans as needed.

Decisions on IV-E State Plans will be made within 45 days of their receipt by the appropriate Regional Office.

Assistance from Regional staff will be available to States making claims for Federal funding of expenditures made in implementing their title IV-E program. The requirements for fiscal reporting will be transmitted shortly in a separate issuance.

EFFECTIVE DATE: Immediately

INQUIRES TO: Regional Program Director, ACYF

John Busa

Acting Commissioner for Children, Youth and Families