

<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-81-7	<b>2. Issuance Date:</b> 7/1/81
	<b>3. Originating Office:</b> Children's Bureau/ACYF	
	<b>4. Key Words:</b> Sec. 427, SSA	

**PROGRAM INSTRUCTION**

**TO:** State Agencies Administering or Supervising the Administration of Titles IV-A, IV-E and IV-B of the Social Security Act.

**SUBJECT:** Procedures for State's use in requesting funds authorized under Section 427 of the Social Security Act.

**LEGAL AND RELATED REFERENCES:** Sections 421, 422, 423, 427 and 475 of the Social Security Act and Sections 472 and 408 of the Act as amended by Section 102(a), (b) and (c) of Public Law 96-272.

**BACKGROUND:** Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980, amended the Social Security Act to incorporate new provisions related to program administration and management and to casework practice in the operation of child welfare services programs.

Section 427 specifies that the States must meet certain requirements in order to be eligible for additional funds over their share of \$141 million. Compliance with the law requires actual delivery of the services to eligible children and their families who need them.

In order to apply for additional title IV-B funds over their share of \$141 million, or to transfer funds from title IV-A or IV-E to title IV-B, when circumstances permit such transfer, State Agencies must certify that they are meeting the requirements of Section 427(a) of the Act:

1. They have conducted an inventory of children who have been in foster care under the responsibility of the State for a period of 6 months preceding the inventory and have assessed the appropriateness and necessity of each placement, determined whether the child can be returned to his parents or freed for adoption and the services necessary to facilitate return of the child or another permanent placement.

2. They have implemented and are operating a Statewide information system, case review system, and programs for family reunification or other permanency planning, as specified.

If a State wishes to claim FFP for children placed pursuant to a voluntary placement agreement, it must, in addition to the above, also certify that it has implemented a preplacement preventive service program designed to help children remain with their families. (Sec. 427(b)) This certification of eligibility contains specific language from the Act that varies from the more abbreviated language in the interim State Plan for title IV-E. There is no variation in the substance of the provisions.

**ACTION REQUIRED:** To apply for funds under Section 427, a State must (1) prepare the attached form, "State Certification of Eligibility for Additional Funds under Section 427 of the Social Security Act", in which the State certifies that it has met the requirements of Section 427(a) or Section 427(b); (2) prepare a revised Annual Budget Request (CWS 101); and (3) submit the original and a copy of both forms to the Regional Program Director for Children, Youth and Families in its region and another copy of each form directly to:

Frank Ferro  
Associate Chief, Children's Bureau  
P.O. Box 1182  
Washington, D.C. 20013

The forms must be received by the Regional Program Director no later than July 31, 1981 for funds to be available during fiscal year 1981.

For States that are unable to meet the section 427 requirements by the date of certification or whose certification is not received by the Regional Program Director by July 31, 1981, funds will be re-allotted in accordance with 45 CFR 1392.84 among States that (1) are eligible for additional funds under section 427 of the Act; (2) whose certification is received by July 31; and (3) whose certification is approved by the Regional Program Director.

States that meet the requirements and would be able to expend funds beyond their share of the full appropriation (\$163.55M) should:

1. request on the CWS-101 the extra funds they can use; and
2. certify the amount of State and local funds that they have available to match Federal funds that might be re-allotted to them.

Section 427 funds are subject to the joint planning requirements of title IV-B. [See "Guidelines for Development of State Child Welfare Services Plans", 46 Fed. Reg. 1552, (January 6, 1981).] This requirement can be met during development of the Long Range Strategy of the Child Welfare Services Plan or through a jointly developed addendum to the Long Range Strategy.

**EFFECTIVE DATE:** Effective upon issuance.

**INQUIRIES:** Regional Program Director for Children, Youth and Families  
Warren Master Acting Commissioner

Administration for Children, Youth and Families

**STATE CERTIFICATION OF ELIGIBILITY FOR ADDITIONAL FUNDS UNDER  
SECTION 427 OF THE SOCIAL SECURITY ACT (AS AMENDED BY P.L. 96-272, THE  
ADOPTION ASSISTANCE AND CHILD WELFARE ACT OF 1980)**

**State of**

I certify that (name of designated agency) meets the requirements of section 427(a) specified below:

A. Has Completed an Inventory

427(a)(1) An inventory of all children who have been in foster care under the responsibility of the State for a period of six months preceding the inventory, and

- a. determined the appropriateness of, and necessity for, the current foster care placement, whether the child can or should be returned to his or her parents or should be freed for adoption; and
- b. determined the services necessary to facilitate either the return of the child or the placement of the child for adoption or legal guardianship.

Has Implemented and is Operating a Statewide Information System

427(a)(2)(A) A statewide information system from which the following data can readily be determined for every child currently in foster care and all children who have been in foster care within the preceding 12 months:

- a. demographic characteristics;
- b. legal custody status;
- c. location; and
- d. placement goals.

Has Implemented and is Operating a Case Review System

[The language in this section varies somewhat from that used in Section 475 in the interim State Plan for title IV-E, in which the provisions are slightly more abbreviated. There is no variation in the substance of the provisions.]

**Case Plan**

471(a)(16) 1. For each child receiving foster care maintenance payments, there is a case plan (as defined in Section 475 of the Act) which is a written document including at a minimum 475(1)

a description of the type of home or institution in which the child is to be placed;

a discussion of the 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 section 472(a)(1);\*

a plan for assuring that the child receives proper care and that services are provided to the parents in order to improve the conditions in the parents' home and to facilitate the child's return to his or her own home or the permanent placement of the child;

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

a discussion of the appropriateness of the services that have been provided to the child under the plan.

475(5)(A) (f) The case plan for each child is designed to achieve placement in the least restrictive (most family like) setting available and in close proximity to the parent's home consistent with the best interests and special needs of the child.

\*Section 472(a)(1) - "The removal from the home 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) have been made."

### **Case Review**

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

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(6) If an administrative review is made, the following requirements specified in Sec. 475(6) are met.

1. the review is open to the participation, of the parent(s) of the child, and

the review is 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 parent(s) who are the subject of the review.

475(5)(C) The State Agency applies procedural safeguards with respect to each child in foster care under supervision of the State which include:

a dispositional hearing 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 18 months after the original placement (and periodically thereafter during the continuation of foster care) to determine the future status of the child (including whether child should be returned to the parent(s), should be continued in foster care for a specific 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), and

procedural safeguards with respect to parental rights pertaining to the removal of the child from his or her parent's(s) home, to a change in the child's placement and to any determination affecting visitation privileges of the parent(s).

Has Implemented and is Operating a System of Reunification and other Permanent Placement Services

427(a)(2)(C) A services program designed to help children, where appropriate, return to families from which they have been removed or be placed for adoption or legal guardianship.

The State Agency further certifies that in addition to the above requirements it

// has implemented // has not implemented the requirements of Section 427(b)(3) for a preplacement preventive service program designed to help children remain with their families.

Section 427(b) is required for States wishing to claim FFP for children placed in foster care pursuant to a voluntary placement agreement (Sec. 472(d) of the Social Security Act as amended by Sec. 102(a)(2) of P.L. 96-272).

**Date**            **Commissioner of Single State Agency**

**Date**            **Director of Single Organizational Unit**