

ACF

Administration
for Children
and Families

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children, Youth and Families

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4. Key Words: STATE PLAN AMEND. (TITLE IV-A) 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: Implementation of Public Law 96-272 - Amendments to Title IV-A State Plans

LEGAL AND RELATED REFERENCES: P.L. 96-272, 45 CFR 233

BACKGROUND: Public Law 96-272, "The Adoption Assistance and Child Welfare Act of 1980", became effective on June 17, 1980.

Under this law, States may maintain their present AFDC-FC program under title IV-A until September 30, 1982 or they may establish an integrated foster care maintenance and adoption assistance program under title IV-E.

If the State chooses to implement title IV-E, it must submit a title IV-E State plan and amend its title IV-A State plan to remove the foster care maintenance payments provisions.

If a State operating under title IV-A wishes to claim Federal financial participation (FFP) in expenditures made for children placed in foster care under a voluntary agreement or in public institutions of 25 children or less, it must submit an amendment to its title IV-A State plan. If a State chooses not to claim the additional FFP, it need not amend its title IV-A State plan.

ACTION REQUIRED: States implementing title IV-E programs must submit a title IV-E State plan in accordance with the Program Instruction ACYF-PI-81-2, March 23, 1981. States must also submit an amended title IV-A State plan to the SSA regional office.

See [Attachment A](#).

States which do not implement a title IV-E program until September 30, 1982, but wish to claim Federal financial participation (FFP) for eligible children in foster care under a voluntary agreement or for eligible children in public institutions of 25 children or less must amend their title IV-A State plan to reflect the statutory provisions of P.L. 96-272 (section 101(a)(5)(A) amending section 408 of the Social Security Act and section 102(b) amending section 408(a) of the Social Security Act). The amendments shall be in the preprinted format as per Attachment B and shall be submitted to the ACYF regional office.

If a State does not implement a title IV-E program nor wish to claim additional Federal financial participation, it need not amend its title IV-A State plan.

All title IV-E State plans and title IV-A State plan amendments must have the Governor's signature or pass through the State A-95 clearinghouse process prior to approval by the regional offices.

The effective date for all title IV-A plan amendments will be the first day of the quarter in which an approvable plan is submitted.

Regional SSA and ACYF staff will coordinate their reviews and approvals of title IV-E and title IV-A plans and plan amendments to assure that statutory requirements are met.

EFFECTIVE DATE: Immediately.

INQUIRIES

TO:

Regional Program Director, ACYF

Regional Commissioner, SSA

Linda S. McMahan Warren Master, Acting Associate Commissioner for Children

Commissioner for Family Assistance Youth, and Families

IV-A State Plan OMB 0980-0098

Preprint Expires 9/81

Sec. 2.5

State Regulation 2.5 AFDC FOSTER CARE

233.110 (a)(1)(i)

- A. Foster care is provided for each otherwise through (iii) eligible child who meets the conditions specified in P.L. 96-272 and 45 CFR 233.110; namely, (1) the removal of the child from his home pursuant to a voluntary placement agreement entered into by the child's parent or legal guardian, or by court action because of conditions contrary to his welfare, for any reason, (2) the child's receipt of AFDC in or for the month in which a voluntary placement agreement was entered into or court action was initiated, or would have received such aid if application had been made, or (3) the fact that he lived with a relative specified in the Plan within six months prior to the month in which a voluntary

placement agreement was entered into or court action was initiated and would have been eligible in or for such month (i.e., the month in which a voluntary placement agreement was entered into or court action was initiated) if he had been living with such a relative in such month and application had been made for him.

- () The State agency assumes responsibility for placement and care in all cases.
- () The State agency has currently effective agreements with other public agencies under which they assume such responsibility in appropriate cases.
- B. A voluntary placement agreement is a written (a)(1)(i) agreement, binding on all parties, between the State through (iii) agency or an agency acting on its behalf and the parents or legal guardians of a child. At a minimum it specifies the legal status of the child and the rights and obligations of the parents or legal guardian, the child, and the agency while the child is in placement including the rights of the parents or legal guardians to revoke it.

APPROVAL DATE: EFFECTIVE DATE

- C. The Plan developed for each child assures that (1) he 233.110 will be placed in a foster family home or a public or (a)(3) a public or nonprofit child care institution in accordance with his needs, (2) his need for and the appropriateness of his care and services in such placement will be reviewed at least every six months, and (3) services will be provided to improve conditions in his home or to facilitate his placement in the home of a relative.
- D. (a)(3) Maximum use is made of the agency responsible for providing Child Welfare Services under IV-B or title XX of the Social Security Act, including any local agency providing such services.
- E. (a)(4)(i) Institutional placement is made:
 - () In private, nonprofit child care institutions.
 - () In public child care institutions.
- F. Foster care payments are made to:
 - () Foster family homes.
 - () Private nonprofit child care institutions.
 - () Public child care institutions with 25 children or less.
 - () Public child care institutions (without claim for Federal financial participation for placement of a child in an institution which accommodates more than twenty-five children).
 - () Other agencies, as listed below, with which there are agreements to provide foster care,

including other units of the single State agency which have related responsibilities separate from the unit responsible for the AFDC program.

APPROVAL DATE: EFFECTIVE DATE

G. (b)(1) Only foster homes and child care institutions which are licensed or approved by the responsible authority are used:

() Licensing authority(ies) specified:

() Approval authority(ies) specified:

H. (a)(5) The criteria for determining rates of payments in foster family homes and in child care institutions are contained in State Manual material submitted to the Regional Office.

APPROVAL DATE: EFFECTIVE DATE

IV-A State Plan Preprint

ATTACHMENT A

Sec. 1.7 IV-A State of Regulation

Section 1. ORGANIZATION

1.7 Plan for Foster Care Maintenance and Adoption Assistance

The State has in effect a plan approved under Part E, Title IV, of the Social Security Act and operates a foster care maintenance and adoption assistance program in conformity with such a plan.

APPROVAL DATE: EFFECTIVE DATE