

<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-83-6	2. Issuance Date: 7/20/83
	3. Originating Office: Children's Bureau	
	4. Key Words: State Plan Amendment IV-E	

PROGRAM INSTRUCTION

TO: STATE ADMINISTRATORS OF STATE PUBLIC WELFARE AGENCIES, TITLES IV-B AND IV-E OF THE SOCIAL SECURITY ACT

SUBJECT: Amendment to Title IV-E State Plan

LEGAL AND RELATED REFERENCES: Sections 471(a)(15) and 472(a)(1) of the Social Security Act.

INSTRUCTION: Section 471(a)(15) of the Social Security Act requires that "effective October 1, 1983, . . . [each approved State plan will provide 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".

Section 472(a)(1) requires that foster care payments be made if "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) have been made".

Accordingly, effective no later than October 1, 1983 each State must have amended its title IV-E State plan to include these requirements.

The preprinted format sent to State Agencies March 23, 1981 (ACYF-PI-81-2), Section 2, pages 5 and 6, erroneously contains the dispositional hearing requirement [Statutory Reference: section 475(5)(C)] which is not a title IV-E requirement. States may amend those pages by striking out the referenced sections and initialing and dating the stricken portions.

A State may submit its title IV-E State plan amendment using the attached preprinted formats, or it may use its own format(s) provided that it meets the requirements of the Act.

State plans and plan amendments shall be submitted to the appropriate ACYF Regional Program Director for approval.

EFFECTIVE DATE: Upon Issuance.

INQUIRIES: Regional Program Directors, ACYF

/s/
Lucy C. Biggs
Acting Commissioner

[Attachment:](#) Title IV-E State plan amendment

Attachment

AMENDMENT
IV-E

Section 2
Page 1

STATE OF

Statutory
Reference

SECTION 2. FOSTER CARE MAINTENANCE PAYMENTS

471(a)(1)

A. ELIGIBILITY

1. Payments are provided for each child

472(a)

a. who meets the requirements of Sec. 406(a) or Sec. 407 of the Act but for his or her removal from the home of a relative specified in Sec. 406(a), and

b. whose removal from his/her home

1. 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 have been made prior to the placement of each child in foster care, to prevent or eliminate the need for removal of the child from his/her home, and to make it possible for the child to

return to his/her home; or

472(a)(1)

2. occurred pursuant to a voluntary placement agreement entered into by the child's parent(s) or legal guardian(s) (a child who was voluntarily removed from the home of a relative and who had a judicial determination prior to October 1, 1978, to the effect that continuation therein would be contrary to the welfare of such child, shall be deemed to have been so removed as a result of such judicial determination if and from the date that a case plan and review have been made determining the child's need of foster care); and

Approval date:

Effective date: