

ACF

Administration
for Children
and Families

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children, Youth and Families

1. Log No: ACYF-PI-84-4

2. Issuance Date: June 1, 1984

3. Originating Office: Children's Bureau

4. Key Words: Sec. 427; SSA

PROGRAM INSTRUCTION

TO: State agencies Administering or Supervising Administration of Titles IV-E and IV-B of the Social Security Act.

SUBJECT: Deadline for Fiscal Year 1984 Certification of Eligibility Under Section 427 of the Social Security Act for States Not Previously Certifying Their Eligibility or Which Have Withdrawn Their Initial Year Certifications for Fiscal Year 1983.

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 sections 102(a), (b) and (c) of Public Law 96-272; 45 CFR 1357.15 and 1357.25

BACKGROUND: Section 427 specifies certain foster care protections and services that States must provide to be eligible for additional funds over their share of \$141 million. Compliance with the law requires actual delivery of the services and protections to eligible children and their families within the time requirements specified in the statute.

To meet the requirements of section 427 in an initial review and to be eligible for additional funds for fiscal year 1984, the inventory required in section 427(a)(1) must be completed and the statewide information system described in section 427(a)(2)(A) must be in operation. The case review system as required under section 427(a)(2)(B) and defined in section 475(5) must be implemented and operating to the extent that all children under the care of the State for six months or more receive timely reviews by September 30, 1984. The service program to help children return to their families or to be placed for adoption, section 427(a)(2)(C), must be available throughout the State and arrangements in place to assure appropriate delivery to children and families in need of them.

To be eligible for Federal financial participation under title IV-E for placements pursuant to voluntary placement agreements, States must meet the requirements of section 427(b)(3). The requirements include those of section 427(a) and implementation of a preplacement preventive

services program designed to help children remain with their families. The program must be available throughout the State and arrangements must be in place to assure appropriate delivery to children and their families.

To be eligible for fiscal year 1984 funds, States initially certifying eligibility in fiscal year 1984 must have implemented and be operating the required protections and services by September 30, 1984.

ACTION REQUIRED: States which have not previously certified eligibility for funds under section 427 or have withdrawn certifications for Initial Eligibility for fiscal year 1983 and which will have implemented the protections and have them operating in fiscal year 1984, should submit the following forms:

1. The "State Certification of Eligibility for Additional Funds under section 427 of the Social Security Act" (attached), in which the State certifies that it is meeting the requirements of section 427(a) or section 427(b); and
2. A revised Annual Budget Request (CWS-101). The original forms and one copy should be submitted to the Regional Program Director for Children, Youth and Families. An additional copy should be sent directly to:

Mr. Keith Moon
Associate Commissioner
P.O. Box 1182
Washington, D.C. 20013

The forms must be received by the Regional Program Director no later than August 15, 1984 or sent by certified mail dated no later than August 11, 1984. States for which certifications are not received by the Regional Program Director by August 15, 1984, or sent by certified mail by August 11, 1984 will not be eligible for funds available over \$141M for fiscal year 1984. Funds not allotted to these States will be reallocated, in accordance with 45 CFR 1357.30(g), among States with previously established eligibility or whose certification is received on time.

States meeting the requirements and able to expend funds beyond their share of the full appropriation should submit a completed CWS-101 requesting additional funds. Since it is impossible to estimate the amount of funds to be available through reallocation, States should estimate the maximum amount of funds they would use. The joint planning requirements of title IV-B apply to both classes of funds (45 CFR 1357.15). This requirement may have been met during development of the Long Range Strategy in the Child Welfare Services Plan or can be met through a jointly developed addendum to the Long Range Strategy. States certifying eligibility under section 427 will have a post certification eligibility review in fiscal year 1985.

EFFECTIVE DATE: Effective upon issuance.

INQUIRIES TO: Program Director for Children, Youth and Families
Lucy C. Biggs
Acting Commissioner
Administration for Children, Youth and Families

[Attachment A](#)- State Certification of State Certification of Eligibility for Additional Funds
Under Section 427 of the Social Security Act

Attachment A

**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.
- B. 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 in the preceding 12 months:
 - a. demographic characteristics;
 - b. legal custody status;
 - c. location; and
 - d. placement goals.
- C. 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.]
 1. 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. a description of the type of home or institution in which the child is to be placed;

- b. 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);
- c. *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;
- d. 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
- e. 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."

2. 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. 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.
- b. 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
 - 2. 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.
- c. 475(5)(C)The State Agency applies procedural safeguards with respect to each child in foster care under supervision of the State which include:
 - 1. 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

2. 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).

D. 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