

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: Section 427-Triennial Review

PROGRAM INSTRUCTION

TO: State Agencies and Indian Tribal Organizations Administering Title IV-B of the Social Security Act

SUBJECT: Section 427 Compliance -- Triennial Review

LEGAL AND RELATED BACKGROUND: Section 427 and Section 475 of the Social Security Act (the Act).

SUMMARY: In order to pass the Triennial Compliance Review (TCR), at least 90 percent of the foster care cases reviewed must meet the three critical elements and at least 15 of the 18 other statutory requirements.

BACKGROUND: Section 427 of title IV-B provides that a State may be eligible for incentive payments, if among other things, it "has implemented and is operating to the satisfaction of the Secretary" certain systems providing protection for children in foster care. However, before ACYF conducts an initial compliance review, a State must certify that it meets all the statutory requirements.

These statutory requirements include the conduct of an inventory and the implementation and operation of a statewide information system, a system of case review for each child in foster care, a service program to facilitate reunification with families, or other permanent placements, and a preplacement preventive service program designed to help children remain with their families. Once a State has certified to these protections, funds are made available to the State.

ACYF then conducts a two-part review to verify compliance.

The first part of the compliance review determines whether a State has fully implemented its systems. This is called an administrative procedures review. In this part of the compliance

review, ACYF looks at the administrative procedures a State has in place to implement the protections specified in the statute at section 427. The Department considers a State to be in compliance with this part of the review only if it has fully implemented 100 percent of the statutory provisions. This means that the inventory must have been conducted and the statewide information system, the case review system, and the services program(s) must have been implemented and be in operation. For example, reviewers verify the State's statutory or administrative procedures established to implement the case review system through administrative directives, guidelines, manuals, or working procedures with courts. State administrative procedures must make all the statutory protections mandatory and must document each and every element of the case review system. Only if the State achieves 100 percent compliance with the administrative procedures review requirements will ACYF conduct the second part of the compliance review, the case record survey.

The case record survey is a review of the operational aspect of compliance. The Secretary has exercised her discretion in determining whether States are operating their systems to her satisfaction by establishing acceptable levels of performance regarding the number of statutory protections which individual case records must contain and the number of satisfactory case records required for an acceptable State systems.

Like the administrative procedures review, the case record survey also focuses on the statutory requirements found in section 427. A sample of case records is reviewed. Reviewers first determine if the three critical elements which make up the case review system are implemented for each case under review.

These critical elements, statutorily mandated in section 427(a)(2)(B) and specifically set forth in section 475(1) and (5), require that:

the case plan be a written document;

the periodic review be conducted no less frequently than once every six months; and

the dispositional hearing be conducted no later than 18 months after the child's original placement and periodically thereafter as defined by the State.

If a case record does not meet any one of these three critical elements it is considered a failed case. If a case meets the three critical elements, reviewers then determine to what extent the 18 other statutory requirements related to the three critical elements are applied to the case (see [attachment I](#)). Cases which document that the required number of elements have been met are considered acceptable.

INSTRUCTION: This Program Instruction identifies the three types of section 427 compliance reviews and indicates the percentage of acceptable cases required in each for a State to demonstrate eligibility for section 427 funds. In the Initial Compliance Review (ICR), at least 66 percent of the State agency's foster care cases must meet the three critical elements and, in addition, meet at least 13 of the 18 other statutory requirements. Increasingly higher levels of

performance are required in later year reviews. If a State meets the ICR requirements, a compliance review is conducted for the following fiscal year. In this review, known as a Subsequent Compliance Review (SCR), at least 80 percent of the State agency's foster care cases must meet the three critical elements and at least 13 of the 18 other statutory requirements.

States that meet the requirements of the SCR will be reviewed for the third year following the year for which the SCR was conducted and for every third year thereafter. In this review, known as a Triennial Compliance Review (TCR), at least 90 percent of the State agency's foster care cases must meet the three critical elements and at least 15 of the 18 other statutory requirements.

Attachment II contains the Instructions for a section 427 Triennial Review regarding the Case Record Survey Sample and the appropriate Decision Table to be used.

EFFECTIVE: Upon Receipt

INQUIRIES TO: Regional Program Directors, ACYF

/s/

Dodie Livingston
COMMISSIONER

Attachments:

[Attachment I](#) - Eighteen Elements

[Attachment II](#) - Instructions for Sec. 427 Triennial Reviews: Case Record Sample Survey and Triennial Review Decision Tables III and IV

Attachment I

EIGHTEEN ELEMENTS

CASE PLAN

A. THERE IS A WRITTEN CASE PLAN.

1. The case plan includes a description of the type of home or institution in which the child is to be placed.
2. The case plan discusses the appropriateness of the placement.
3. The case plan is designed to achieve placement in the least restrictive (most family-like) setting available consistent with the best interest and special needs of the child.
4. The case plan is designed to achieve placement in close proximity to the parents' home consistent with the best interest and special needs of the child.

5. The case plan discussed how the agency plans to carry out the judicial determination made with respect to the child in accordance with Section 472(a)(1).
6. The case plan includes a plan for assuring that the child receives proper care.
7. The case plan includes a plan for assuring that services are provided to the child and parents to improve the conditions in the parents' home and facilitate return of the child to his own home or the permanent placement of the child.
8. The case plan includes a plan for assuring that services are provided to the child and foster parents to address the needs of the child while in foster care.
9. The case plan discusses the appropriateness of the services that have been provided to the child under the plan.

PERIODIC REVIEW

B. THE STATUS OF EACH CHILD IS REVIEWED PERIODICALLY BUT NO LESS FREQUENTLY THAN ONCE EVERY SIX MONTHS BY EITHER A COURT OR AN ADMINISTRATIVE REVIEW.

10. The periodic reviews have determined the continuing necessity for and appropriateness of the placement.
11. The periodic reviews have determined the extent of compliance with the case plan.
12. The periodic reviews have determined the extent of progress which has been made toward alleviating or mitigating the causes necessitating the placement in foster care.
13. The periodic reviews have projected a likely date by which the child may be returned to the home or placed for adoption or legal guardianship.
14. If the periodic review was an administrative review, it was open to the participation of the parents of the child.
15. If the periodic review was an administrative review, it was 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 parents who are the subject of the review.

PROCEDURAL SAFEGUARDS

C. TO DETERMINE THE FUTURE STATUS OF THE CHILD THERE WAS A DISPOSITIONAL HEARING HELD IN ACCORDANCE WITH SECTION 475(5)(C)

NO LATER THAN 18 MONTHS AFTER ORIGINAL PLACEMENT AND PERIODICALLY THEREAFTER.

16. Procedural safeguards were applied with respect to parental rights pertaining to the removal of the child from the home of his parents.
17. Procedural safeguards were applied with respect to parental rights pertaining to a change in the child's placement.
18. Procedural safeguards were applied with respect to parental rights pertaining to any determination affecting visitation rights.

Attachment II

**INSTRUCTION FOR SEC. 427 TRIENNIAL REVIEW
CASE RECORD SURVEY SAMPLE
TRIENNIAL REVIEW DECISION TABLES III AND IV**

Triennial Review Criteria

The Triennial Review, completed for the third year after a State has passed its Subsequent Review requires a 90 percent level of acceptable case records from the State file of open and closed cases in which the child was in foster care for at least six months during the year under review. This necessitates the use of Decision Tables III and IV.

Sample Size

States with 1,000 or more children who were in continuous foster care for six or more months during the year under review, including both open and closed cases, will require a review of a random sample of 150 case records. States with less than 1,000 children who were in continuous foster care for six or more months during the year under review (open and closed cases) will require a review of a random sample of 81 case records.

Decision Tables III and IV

There are two Decision Tables for sequential sampling to be used for the Triennial Review. Decision Table III is to be used with States with 1,000 or more children in foster care; and Decision Table IV is to be used with States with less than 1,000 children in foster care as of the end of the fiscal year for which additional funds were claimed. The two tables are used in a similar manner, except for the cut-off in the reading of case records; 150 case records for Table III and 81 case records for Table IV. The instructions for using Decision Table III and Decision Table IV are the same.

- Col. 1. Case Record I.D. - The review supervisor enters case by case the case record I.D. of every case that is reviewed in the sequence in which the review is completed. This would follow the random reading sequence allowing for deletion of case records that do not meet selection criteria.
2. Number of Records Reviewed - This is a sequential listing of the cumulative number of records reviewed beginning with 1 and ending with 150 (or 81 for Decision Table IV) for the last record that may be evaluated, e.g., the number 54 would indicate that a total of 54 records have been reviewed.
3. Acceptance Number - This column represents the maximum number of "Unacceptable" case records that are necessary to make the decision that the State is in compliance. No decision to accept a State can be made before at least 45 (or 26 for Decision Table IV) case records have been reviewed. At that point in the review there cannot be any "Unacceptable" case records. The total number of "Unacceptable" case records cannot exceed 15 (or 8 for Decision Table IV) for the State to be in compliance.
4. Unacceptable: Actual/Cumulative - This represents the actual and cumulative total of "Unacceptable" case records. The Review Supervisor enters the actual and cumulative total number of "Unacceptable" case records in this column as each record review is completed and the results are transferred from the Reviewer's Tally Sheet to the Decision Table. Enter "0" for an "Acceptable" case record and "1" for an "Unacceptable" case record. This cumulative total of "Unacceptable" case records is compared line by line with the corresponding figures in columns 3 and 5. Whenever the number in this column equals the number of either column 3 or 5 the review process stops and a decision is made. If the cumulative number in column 4 equals the number in column 3 the decision is made to consider the State in compliance. If the cumulative total in column 4 is between the numbers in columns 3 and 5 the review process continues until the 150th (or 81st for Decision Table IV) case record is reviewed.

Since a State must pass at the 90 percent level, A State is considered to have passed the case record survey only if the accumulated total number of Unacceptable records, Column 4, does not exceed the Acceptance Number in Column. For samples of 150 cases, the maximum number of Unacceptable case records is 15; for samples of 81 case records the maximum number of Unacceptable case record is 8.

5. Rejection Number - This column represents the minimum number of "Unacceptable" case records that are necessary to make the decision that the State is not in compliance.
6. Reviewer's Initials - The reviewer initials the entry made by the supervisor for each completed case record reviewed.
7. Supervisor's Initials - The Review Supervisor initials the entry made for each completed case record reviewed.

Technical Note: Statistical Computation

The sequential probability ratio test was used for the binomial distribution. The four quantities that completely determine the sequential inspection plan for States with 1,000 or more children who were in continuous foster care for six or more months during the year under review are:

77	7	17
78	7	17
79	7	18
80	7	18
81	8	18

Date

Review Supervisor (Signature)

TRIENNIAL REVIEW DECISION TABLE IV

Review Supervisor

State

Telephone Number

Dates

1	2	3	4	5	6	7
Case Record I.D.	Number Records Reviewed	Acceptance Number	Unacceptable* Actual Cumulative	Rejection Number	Reviewer's Initial	Supervisor's Initial
	61	5		15		
	62	5		15		
	63	5		15		
	64	5		15		
	65	5		16		
	66	5		16		
	67	6		16		
	68	6		16		
	69	6		16		
	70	6		16		
	71	6		16		
	72	6		17		
	73	6		17		
	74	7		17		
	75	7		17		

TRIENNIAL REVIEW DECISION TABLE IV

Review Supervisor			State			
Telephone Number			Dates			
1	2	3	4	5	6	7
Case Record I.D.	Number Records Reviewed	Acceptance Number	Unacceptable* Actual Cumulative	Rejection Number	Reviewer's Initial	Supervisor's Initial
	46	2		13		
	47	3		13		
	48	3		13		
	49	3		13		
	50	3		13		
	51	3		14		
	52	3		14		
	53	4		14		
	54	4		14		
	55	4		14		
	56	4		14		
	57	4		14		
	58	4		15		
	59	4		15		
	60	5		15		

TRIENNIAL REVIEW DECISION TABLE IV

Review Supervisor			State			
Telephone Number			Dates			
1	2	3	4	5	6	7
Case Record I.D.	Number Records Reviewed	Acceptance Number	Unacceptable* Actual Cumulative	Rejection Number	Reviewer's Initial	Supervisor's Initial
	31	0		11		

32	0	11
33	1	11
34	1	11
35	1	11
36	1	11
37	1	11
38	1	12
39	1	12
40	2	12
41	2	12
42	2	12
43	2	12
44	2	13
45	2	13

TRIENNIAL REVIEW DECISION TABLE IV

Review Supervisor			State			
Telephone Number			Dates			
1	2	3	4	5	6	7
Case Record I.D.	Number Records Reviewed	Acceptance Number	Unacceptable* Actual Cumulative	Rejection Number	Reviewer's Initial	Supervisor's Initial
	16	-		8		
	17	-		9		
	18	-		9		
	19	-		9		
	20	-		9		
	21	-		9		
	22	-		9		
	23	-		9		
	24	-		10		

25	-	10
26	0	10
27	0	10
28	0	10
29	0	10
30	0	10

TRIENNIAL REVIEW DECISION TABLE IV

Review Supervisor		State				
Telephone Number		Dates				
1	2	3	4	5	6	7
Case Record I.D.	Number Records Reviewed	Acceptance Number	Unacceptable* Actual Cumulative	Rejection Number	Reviewer's Initial	Supervisor's Initial
	1	-		-		
	2	-		-		
	3	-		-		
	4	-		-		
	5	-		-		
	6	-		-		
	7	-		7		
	8	-		7		
	9	-		7		
	10	-		8		
	11	-		8		
	12	-		8		
	13	-		8		
	14	-		8		
	15	-		8		

TRIENNIAL REVIEW DECISION TABLE III

Review Supervisor			State			
Telephone Number			Dates			
1	2	3	4	5	6	7
Case Record I.D.	Number Records Reviewed	Acceptance Number	Unacceptable* Actual Cumulative	Rejection Number	Reviewer's Initial	Supervisor's Initial
	136	13		29		
	137	13		29		
	138	13		29		
	139	13		29		
	140	13		29		
	141	13		29		
	142	14		30		
	143	14		30		
	144	14		30		
	145	14		30		
	146	14		30		
	147	14		30		
	148	14		31		
	149	15		31		
	150	15		31		

TRIENNIAL REVIEW DECISION TABLE III

Review Supervisor			State			
Telephone Number			Dates			
1	2	3	4	5	6	7
Case Record I.D.	Number Records Reviewed	Acceptance Number	Unacceptable* Actual Cumulative	Rejection Number	Reviewer's Initial	Supervisor's Initial
	121	11		27		
	122	11		27		
	123	11		27		

124	11	27
125	11	27
126	11	27
127	11	27
128	12	28
129	12	28
130	12	28
131	12	28
132	12	28
133	12	28
134	12	28
135	13	29

TRIENNIAL REVIEW DECISION TABLE III

Review Supervisor		State				
Telephone Number		Dates				
1	2	3	4	5	6	7
Case Record I.D.	Number Records Reviewed	Acceptance Number	Unacceptable* Actual Cumulative	Rejection Number	Reviewer's Initial	Supervisor's Initial
	106	8		24		
	107	9		25		
	108	9		25		
	109	9		25		
	110	9		25		
	111	9		25		
	112	9		25		
	113	9		25		
	114	10		26		
	115	10		26		
	116	10		26		

117	10	26
118	10	26
119	10	26
120	10	26

TRIENNIAL REVIEW DECISION TABLE III

Review Supervisor			State			
Telephone Number			Dates			
1	2	3	4	5	6	7
Case Record I.D.	Number Records Reviewed	Acceptance Number	Unacceptable* Actual Cumulative	Rejection Number	Reviewer's Initial	Supervisor's Initial
	91	6		22		
	92	6		22		
	93	6		23		
	94	7		23		
	95	7		23		
	96	7		23		
	97	7		23		
	98	7		23		
	99	7		23		
	100	7		24		
	101	8		24		
	102	8		24		
	103	8		24		
	104	8		24		
	105	8		24		

TRIENNIAL REVIEW DECISION TABLE III

Review Supervisor	State
Telephone Number	Dates

1	2	3	4	5	6	7
Case Record I.D.	Number Records Reviewed	Acceptance Number	Unacceptable* Actual Cumulative	Rejection Number	Reviewer's Initial	Supervisor's Initial
	76	4		20		
	77	4		20		
	78	4		20		
	79	4		20		
	80	5		21		
	81	5		21		
	82	5		21		
	83	5		21		
	84	5		21		
	85	5		21		
	86	5		21		
	87	6		22		
	88	6		22		
	89	6		22		
	90	6		22		

TRIENNIAL REVIEW DECISION TABLE III

Review Supervisor			State			
Telephone Number			Dates			
1	2	3	4	5	6	7
Case Record I.D.	Number Records Reviewed	Acceptance Number	Unacceptable* Actual Cumulative	Rejection Number	Reviewer's Initial	Supervisor's Initial
	61	2		18		
	62	2		18		
	63	2		18		
	64	2		18		
	65	2		18		

66	3	19
67	3	19
68	3	19
69	3	19
70	3	19
71	3	19
72	3	19
73	4	20
74	4	20
75	4	20

TRIENNIAL REVIEW DECISION TABLE III

Review Supervisor		State				
Telephone Number		Dates				
1	2	3	4	5	6	7
Case Record I.D.	Number Records Reviewed	Acceptance Number	Unacceptable* Actual Cumulative	Rejection Number	Reviewer's Initial	Supervisor's Initial
	46	0		16		
	47	0		16		
	48	0		16		
	49	0		16		
	50	0		16		
	51	0		16		
	52	1		17		
	53	1		17		
	54	1		17		
	55	1		17		
	56	1		17		
	57	1		17		
	58	1		17		

59	2	18
60	2	18

TRIENNIAL REVIEW DECISION TABLE III

Review Supervisor			State			
Telephone Number			Dates			
1	2	3	4	5	6	7
Case Record I.D.	Number Records Reviewed	Acceptance Number	Unacceptable* Actual Cumulative	Rejection Number	Reviewer's Initial	Supervisor's Initial
	31	-		14		
	32	-		14		
	33	-		14		
	34	-		14		
	35	-		14		

TRIENNIAL REVIEW DECISION TABLE III

Review Supervisor			State			
Telephone Number			Dates			
1	2	3	4	5	6	7
Case Record I.D.	Number Records Reviewed	Acceptance Number	Unacceptable* Actual Cumulative	Rejection Number	Reviewer's Initial	Supervisor's Initial
	16	-		11		
	17	-		11		
	18	-		12		
	19	-		12		
	20	-		12		
	21	-		12		
	22	-		12		
	23	-		12		
	24	-		12		

25	-	13
26	-	13
27	-	13
28	-	13
29	-	13
30	-	13

TRIENNIAL REVIEW DECISION TABLE III

Review Supervisor		State				
Telephone Number		Dates				
1	2	3	4	5	6	7
Case Record I.D.	Number Records Reviewed	Acceptance Number	Unacceptable* Actual Cumulative	Rejection Number	Reviewer's Initial	Supervisor's Initial
	1	-		-		
	2	-		-		
	3	-		-		
	4	-		-		
	5	-		-		

	6	-		-		
	7	-		-		
	8	-		-		
	9	-		-		
	10	-		10		
	11	-		11		
	12	-		11		
	13	-		11		
	14	-		11		
	15	-		11		