

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-87-01

2. Issuance Date: February 10, 1987

3. Originating Office: Children's Bureau

4. Key Words: Independent Living Initiative Title IV-E

PROGRAM INSTRUCTION

TO: State Administrators of State Public Welfare Agencies Administering Title IV-E of the Social Security Act

SUBJECT: Independent Living Initiatives

LEGAL AND RELATED REFERENCES: Section 477; section 474(a)(1)-(4); and section 475(l) of title IV-E of the Social Security Act

SUMMARY: The Consolidated Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272), through the addition of section 477 to title IV-E of the Social Security Act, authorizes funds to States for service programs and activities to assist eligible children (age 16 and over) in title IV-E foster care to make the transition from foster care to independent living. The Administration has proposed repeal of this program and the funds appropriated for fiscal year 1987 have been proposed for use in the title IV-E foster care program.

While we recognize the importance of developing independent living skills for teenagers in foster care, we cannot support the implementation of a new categorical services program for this purpose. However, we are issuing these instructions, on a contingency basis, to provide information on, and specify the application procedures for, this program in order that we may complete all administrative functions, except the final award of funds, during the period of Congressional consideration of our legislative and budgetary proposals. Prospective grantees will be notified of final Congressional action with regard to the award of fiscal year 1987 funds.

BACKGROUND: Each year thousands of Young people leave the foster care system and enter the community as "independent" members of society. Many will need assistance in making the transition and in developing the skills to cope successfully with problems and decisions related to jobs, housing and other essential areas of independent living. Section 477 of title IV-E, Independent Living Initiatives, was enacted on April 7, 1986, as a part of P.L. 99-272, the Consolidated Omnibus Budget Reconciliation Act of 1985. It authorizes a program of services

and activities designed to assist eligible children in making the transition from foster care to independent living. Eligible children are those age 16 and over on whose behalf title IV-E foster care maintenance payments are being made. A copy of the statute is included at Attachment A.

Most States prefer to take a comprehensive and coordinated approach to planning their services programs. Currently, many States are looking at a continuum of needs of older foster children, both title IV-E eligible and non-title IV-E eligible, to determine the specific kinds of independent living services that will be provided. A needs assessment, typically, is the first step in such a process. It identifies, among other things, the total number of such children in foster care, their ages and other demographic characteristics, their service needs (based in part on individual assessments made for each child as part of his or her case plan), and the service and funding resources already available to meet these needs.

Examples of services and activities that may be needed include: educational and employment assistance, training in daily living skills, supportive individual and group counseling, and housing assistance. The continuum may also include supervised practice living and post-foster care services, although funding for any activity or service provided after a child leaves foster care is not allowable under the title IV-E Independent Living Program. Title IV-E Independent Living (IV-E-IL) funds should be viewed as one funding source to be used in combination with other funds to support a comprehensive range of services for all children in foster care. For example, State funds may cover the needs of children in foster care who are not eligible under title IV-E, or who have recently left foster care. Or, State funds may be used to complete the continuum of services, covering those services not allowable under title IV-E, such as supervised practice living and after-care programs subsequent to leaving foster care. A major factor in the success of a comprehensive services program is the extent and quality of the coordination efforts among various State and local agencies. We expect that State child welfare agencies will continue to establish and improve relationships with other service programs and organizations such as Vocational Rehabilitation, Special and Vocational Education, local colleges and universities, Health Care, Job Training Partnership Act/Private Industry Councils Programs (JTPA/PIC), Job Corps, volunteer programs, and joint OHDS/WIN/JTPA programs. The development and improvement of community program resources and public/private partnerships should result in more effective and dynamic independent living programs for all children leaving foster care.

CONTENT: Availability of Funds: Under section 477(e) (1) of the Social Security Act (the Act), for fiscal year 1987, each State is allotted a share of \$45 million equal to the ratio of the State's average monthly number of children receiving title IV-E foster care maintenance payments in fiscal year 1984 to the average monthly number of children receiving such payments for all States in fiscal year 1984. States need not provide any match to the Federal funds, but States may not use Federal funds to replace already existing State efforts. Federal funds are to be used to supplement, not replace, current State efforts. The table attached at Attachment B provides the tentative allotment for each State. If any State does not apply for its share of the title IV-E-IL funds or does not submit a complete application which meets all of the requirements of the Act and this Program Instruction within 90 days from the date of this Program Instruction (May 11, 1987), the funds will be reallocated to other States that have applied properly, using the same statutory formula for the distribution of the funds (Section 477(e)(2)).

Definition of Eligible Participants: Persons eligible for services under the title IV-E-IL program must be children to whom foster care maintenance payments are being made under title IV-E and who have attained age 16. Under title IV-E, the child's eligibility for the foster care program extends through age 17, ending when the child reaches age 18, unless a State has opted under its title IV-A plan to extend eligibility through age 18. For those States which have selected this option, however, eligibility extends through age 18 (ending when the child is 19) for youth who are full time students in a secondary school or equivalent technical program and who are expected to complete the program before reaching age 19 (Section 406(a)).

Programs and Activities: Expenditures must be related to the specific purpose of the Independent Living Initiatives and must be allocated for programs in accordance with the proportion of title IV-E eligible children being served in such programs. As stated in section 477(d) of the Act, such programs may include programs to:

1. enable participants to seek a high school diploma or its equivalent or to take part in appropriate vocational training;
2. provide training in daily living skills, budgeting, locating and maintaining housing, and career planning;
3. provide for individual and group counseling;
4. integrate and coordinate services otherwise available to participants;
5. provide for the establishment of outreach programs designed to attract individuals who are eligible to participate in the program;
6. provide each participant with a written transitional independent living plan which shall be based on an assessment of his needs, and which shall be incorporated into his case plan, as described in section 475(1); and
7. provide participants with other services and assistance designed to improve their transition to independent living.

States may use varying methods and strategies to achieve the objective(s) of the program. They may wish to include an assessment of existing programmatic and systemic barriers to the successful transition of a child in foster care into independent living. Training programs for agency staff may be a critical element. Specialized training and consultation for foster parents and other child care providers may assist in the development and improvement of an important link for the child between dependence and independence. Other activities under title IV-E-IL may include, but are not limited to, the following:

1. Counseling and other similar assistance related to educational and vocational training, preparation for General Equivalency Diploma (GED) or higher education, job readiness, job search assistance and placement programs;
2. Counseling and instruction in basic living skills, such as: money management, home management, consumer skills, parenting, health care, access to community resources, transportation, housing options and location;
3. Individual and group counseling, work- shops and conferences for improved self esteem and self confidence, interpersonal and social skills training and development;
4. Coordination with other components of the State's independent living program, e.g., supervised practice living, and establishment of linkages with Federal agencies and State

and local organizations such as: the Department of Education, Special and Vocational Education programs and local education agencies; State and community colleges; Department of Labor, Employment and Training Administration programs including the Job Training Partnership Act (JTPA), which administers Private Industry Councils (PICs) and the Job Corps; Vocational Rehabilitation; volunteer programs (e.g., ACTION); medical and dental public and private providers; State and community mental health agencies and organizations; and local housing advisors;

5. Establishment of a system of outreach which would encourage title IV-E eligible youth currently in foster care to participate in independent living programs and development of community organizational efforts and ongoing support networks for youth leaving title IV-E foster care;
6. Where appropriate, development of a written transitional independent living plan, based upon an assessment of the needs of each title IV-E eligible child over age 16, which is incorporated into his/her case plan; and
7. Involvement of relatives and/or foster parents in the development of the child's independent living skills; and training youth in decision-making, planning, and time management.

INSTRUCTIONS: Application Requirements: In order for a State to receive its allotment under section 477, the State agency must submit an application that meets the requirements of section 477 and this Program Instruction. There is no fiscal form or other fiscal application. The application may be in the format of the State's choice; however, it must be signed by the administrator of the State title IV-E agency or his/her designee and contain the following descriptions and assurances:

1. Responsible State Agency. A statement that the State agency administering the title IV-E program will administer the Independent Living program under section 477 (Section 477(b)).
2. Description. A description of the services and activities that the State plans to carry out with the allotted funds; the number of title IV-E eligible children, age 16 or over, expected to be in care and the number expected to participate in the title IV-E-IL program during the year; status of the State agency's current independent living program efforts; a summary of problems and barriers to successful independent living program implementation; expected results and outcomes of the program; and current and projected expenditures for independent living programs, including title IV-E-IL funds available (Section 477(c)).
3. Maintenance of Effort. A description of how the title IV-E-IL funds will supplement IV-E foster care funds available for maintenance payments and administrative and training costs and other State funds available for independent living activities and services. This includes a description of planned shifts in staffing, resources and expenditures (Section 477(e)(3)).
4. Assurances. The State must assure that:
 - a. the program will be operated in an effective and efficient manner (Section 477 (c));
 - b. funds shall be used only for the specific purposes described in section 477 (Section 477(f)(1));

- c. payments made and services provided shall not be considered as income or resources for purposes of determining eligibility of participants for aid under the State's title IV-A or title IV-E plan or for determining the level of such aid (Section 477(h));
- d. the case plan for each child in foster care age 16 or over, where appropriate, will include a written description of the programs and services which will help the child prepare for transition from foster care to independent living (Section 475(1), as amended);
- e. payments to the State shall be used for conducting the activities and providing the services required to carry out the programs directly or under contracts with local governmental entities or private non-profit organizations (Section 477 (b)) ;
- f. grant funds will supplement and not replace any other funds which may be available for the same general purposes (Section 477(e)(3)); and
- g. the grants will be used in accordance with the requirements applicable to other Departmental grants to State and local agencies, including the regulations at 45 CFR Part 74 and OMB Circulars A-87 and A-102.

Application Submittal: A State must submit an original and one copy of the application to:

Administration for Children, Youth and Families
P. O. Box 1182
Washington, D.C. 20013
Attn: Program Operations Division
Children's Bureau

Concurrently, a copy should be sent to the appropriate HDS Regional Administrator. Attached at Attachment C is a listing of the HDS Regional Administrators and their addresses.

The closing date for receipt of all applications is May 11, 1987. Applications must be received by the Administration for Children, Youth and Families on or before May 11, 1987 or postmarked registered or certified mail, or received for delivery by a commercial carrier as demonstrated by a dated receipt no later than 3 days before above date.

To ensure equitable consideration for all States under this Program Instruction, States which may have already submitted applications on their own initiative should review their submission against the contents of this Instruction. If they believe that the original application meets the eligibility criteria established herein, they may simply submit a photocopy of the original application, signed as an original, following the above instructions. If they believe that the original application does not meet the criteria established herein, a new complete application should be submitted, following the above instructions.

Reallotment of Funds: Some States may not use the title IV-E-IL funds allotted to them for FY 1987, either because they do not apply for funds or because the application does not meet all of the requirements of section 477 of the Act or this Program Instruction. Failure of a State to apply for up to its share of the \$45 million or to meet the application requirements by the specified date

will be considered equivalent to certification that the funds will not be required by the State during FY 1987.

There will be no further opportunity to apply for these funds during FY 1987. These funds will then be available for reallocation to other States on the basis of the formula for allotting funds to the eligible States (Section 477(e)(1)(2)). The State shall expend the FY 1987 funds by September 30, 1988 (Section 477(f)(3)). The Administration has requested no funds for Independent Living in FY 1988. Reporting Requirements: Fiscal Reports. Expenditures under the Independent Living Program shall be reported by States quarterly on a Standard Form 269, Financial Status Report, and mailed to:

Administration for Children, Youth and Families
P. O. Box 1182
Washington, D. C. 20013
Attn: Formula Grants Branch
Management Support Division

A copy of the Standard Form 269 should also be sent to the appropriate HDS Regional Administrator.

Program Reports. Not later than March 1, 1988, the State must submit a Program Report covering its FY 1987 program and activities. This Report shall be mailed to:

Commissioner, Administration for Children,
Youth and Families
P. O. Box 1182
Washington, D. C. 20013.
Attn: Program Operations Division
Children's Bureau

A copy of the Program Report should also be sent to the appropriate HDS Regional Administrator. The Report must contain the following information:

1. an accurate description of the independent living activities conducted and the services provided, including: programs modified or newly established and the current status of implementation, e.g., counseling, tutoring, basic living skills; and coordinating activities undertaken by the title IV-E agency with other community agencies and the services provided by such agencies in achieving the purposes of the independent living program (Section 477(g)(1)(A));
2. a statement, if appropriate, explaining how the title IV-E Independent Living funded programs have been incorporated into a comprehensive State program of services to this age group of children in foster care and what those services are;
3. a complete record of the purposes for which the funds were spent (Section 477(g)(1)(A));
4. a statement regarding the extent to which the funds assisted title IV-E eligible youth (16 or over) in making the transition from foster care to independent living (Section 477(g)(1)(A)); and

5. additional information for use by the Secretary in assessing and evaluating the findings and achievements of the State's Independent Living programs, developing comprehensive information and data on the basis of which decisions can be made with respect to the future of such programs, and in providing information and recommendations to Congress (Section 477(g)(2)):
 - a. a detailed description of the number and specific characteristics of the eligible population and of the individuals served, e.g., age, sex, race/ethnicity, current living arrangement, special needs status, marital and parental status, and duration of foster care;
 - b. a statement of results achieved 90 days after participants completed the program, e.g., number of youth who are employed; who have completed high school or GED program; who have obtained housing and other community services; and who are living independent of agency maintenance programs; and
 - c. recommendations for program modifications and other recommendations.

EFFECTIVE DATE: Effective upon issuance.

INQUIRIES TO: Regional Administrators, OHDS
Regions I - X
Children's Bureau, ACYF
Program Operations Division
(202) 755-7447

Dodie Livingston
Commissioner

Attachments:

- [Attachment A](#)- Statute
- [Attachment B](#)- Table of Tentative State Allotments
- [Attachment C](#)- List of HDS Regional Administrators and Addresses

Attachment A

Sec. 677. Independent living initiatives

- a. INDEPENDENT LIVING INITIATIVES. - Part E of title IV of the Social Security Act is amended by adding at the end thereof the following were section:
 - a. "Sec. 677. Payments shall be made in accordance with this section for the purpose of assisting States and localities in establishing and carrying out programs designed to assist children with respect to whom foster care maintenance payments are being made by the state under this part and whom have who have attained age 16 in making the transition from foster care to independent living. Any State which provides for the establishment and carrying out of one or more such programs in accordance with this section for a fiscal year shall be entitled to receive payments under this section for such fiscal year, in an amount determined

under subsection (e) of this section. Such payments shall be made only for the fiscal years 1987 through 1992.

- b. "The State agency administering or supervising the administration of the State's programs under this part shall be responsible for administering or supervising the administration of the State's programs described in subsection (a) . Payment under this section shall be made to the State, and shall be used for the purpose of conducting and providing in accordance with this section (directly or under contracts with local governmental entities or private nonprofit organizations) the activities and services required to carry out the program or programs involved.
- c. In order for a State to receive payments under this section for any fiscal year, the State agency must submit to the Secretary, in such manner and form as the Secretary may prescribe, a description of the program together with satisfactory assurances that the program will be operated in an effective and efficient manner and will otherwise meet the requirements of this section. In the case of payments for fiscal year 1987, such description and assurances must be submitted within 90 days after the Secretary promulgates regulations as required under subsection (i) of this section, and in the case of payments for any of the fiscal years 1988 , such description and assurances must be submitted prior to January 1 , 1988
- d. In carrying out the purpose described in subsection (a) it shall be the objective of each program established under this section to help the individuals participating in such program to prepare to live independently upon leaving foster care. Such programs may include (subject to the availability of funds) programs to -
 1. "enable participants to seek a high school diploma or its equivalent or to take part in appropriate vocational training;"
 2. "provide training in daily living skills, budgeting, locating and maintaining housing, and career planning;"
 3. "provide for individual and group counseling;"
 4. "integrate and coordinate services otherwise available to participants;"
 5. "provide for the establishment of outreach programs designed to attract individuals who are eligible to participate in the program;"
 6. "provide each participant a written transitional independent living plan which shall be based on an assessment of his needs, and which shall be incorporated into his case plan, as described in section 675(1) of this title; and"
 7. "provide participants with other services and assistance designed to improve their transition to independent living."
- e.
 1. (A) The amount to which a State shall be entitled under section 674(a)(4) for each of the fiscal years 1987 through 1992 shall be an amount which bears the same ratio to the \$45,000 as such State's average number of children receiving foster care maintenance payments under this part in fiscal year 1984 bears to the total of the average number of children receiving such payments under this part for all States for fiscal year 1984.

2. If any State does not apply for funds under this section for any fiscal year within the time provided in subsection (c) of this section, the funds to which such State would have been entitled for such fiscal year shall be reallocated to one or more other States on the basis of their relative need for additional payments under this section (as determined by the Secretary).
3. Any amounts payable to States under this section shall be in addition to amounts payable to States under subsections (a)(1), (a)(2), and (a)(3) of section 674 of this title, and shall supplement and not replace any other funds which may be available for the same general purposes in the localities involved. Amounts payable under this section may not be used for the provision of room or board.

- f. Payments made to a State under this section for any fiscal year -
- g. shall be used only for the specific purposes described in this section;
- h. may be made on an estimated basis in advance of the determination of the exact amount, with appropriate subsequent adjustments to take account of any error in the estimates; and
- i. shall be expended by such State in such fiscal year or in the succeeding fiscal year.

b.

1. (1) Not later than March 1, 1988, each State shall submit to the Secretary a report on the programs carried out during such fiscal year with the amounts received under this section. Such report -
 - A. shall be in such form and contain such information as may be necessary to provide an accurate description of such activities, to provide a complete record of the purposes for which the funds were spent, and to indicate the extent to which the expenditure of such funds succeeded in accomplishing the purpose described in subsection (a) of this section; and
 - B. shall specifically contain such information as the Secretary may require in order to carry out the evaluation under paragraph (2).
2. (2) Not later than July 1, 1988, the Secretary, on the basis of the reports submitted by States under paragraph (1) for the fiscal years 1987, and on the basis of such additional information as the Secretary may obtain or develop, shall evaluate the use by States of the payments made available under this section for such fiscal year with respect to the purpose of this section, with the objective of appraising the achievements of the programs for which such payments were made available, and developing comprehensive information and data on the basis of

which decisions can be made with respect to the improvement of such programs and the necessity for providing further payments in subsequent years. The Secretary shall report such evaluation to the Congress. As a part of such evaluation, the Secretary shall include, at a minimum, a detailed overall description of the number and characteristics of the individuals served by the programs, the various kinds of activities conducted and services provided and the results achieved, and shall set forth in detail findings and comments with respect to the various State programs and a statement of plans and recommendations for the future.

- c. "Notwithstanding any other provision of this title, payments made and services provided to participants in a program under this section, as a direct consequence of their participation in such program, shall not be considered as income or resources for purposes of determining eligibility (or the eligibility of any other persons) for aid under the State's plan approved under section 602 or 671 of this title, or for purposes of determining the level of such aid.
- d. The Secretary shall promulgate final regulations for implementing this section within 60 days after the date of the enactment of this section."
- e. CASE PLANS - Section 475(1) of such Act is amended by adding at the end thereof the following; "Where appropriate, for a child are 16 or more, the case plan must also include a written description of the programs and services which will help such child prepare for
- f. PAYMENT TO STATE - Section 471(a) of such Act is amended -
 - 0. by striking out the period at the end of paragraph (3) and inserting in lieu thereof ;"plus"; and
 - 1. by adding at the end thereof the following new paragraph " (A) an amount for transitional independent living programs as provided in section 477"
- g. CONFORMING AMENDMENT.- Section 470 of such Act is amended by striking out "foster care and adoption assistance" and inserting in lieu thereof "foster care adoption assistance and transitional independent living programs".

Attachment B

**Independent Living Initiative
FY 1987 Allotments**

Name of State	Proportion of \$45 M
Alabama	\$667,601
Alaska	\$8,378
Arizona	\$223,562
Arkansas	\$174,176
California	\$8,023,999
Colorado	\$530,906

Connecticut	\$485,047
Delaware	\$130,522
Dist of Col	\$701,995
Florida	\$634,529
Georgia	\$706,405
Hawaii	\$11,465
Idaho	\$68,788
Illinois	\$1,810,989
Indiana	\$655,695
Iowa	\$289,264
Kansas	\$461,235
Kentucky	\$508,858
Louisiana	\$873,084
Maine	\$363,785
Maryland	\$795,918
Massachusetts	\$408,762
Michigan	\$2,681,869
Minnesota	\$734,185
Mississippi	\$330,714
Missouri	\$832,517
Montana	\$156,979
Nebraska	\$280,004
Nevada	\$98,773
New Hampshire	\$205,924
New Jersey	\$1,477,188
New Mexico	\$133,167
New York	\$7,448,116
North Carolina	\$672,010
North Dakota	\$123,466
Ohio	\$1,839,209
Oklahoma	\$398,620
Oregon	\$598,371

Pennsylvania	\$2,981,716
Rhode Island	\$202,397
South Carolina	\$372,604
South Dakota	\$124,348
Tennessee	\$500,039
Texas	\$1,183,955
Utah	\$130,081
Vermont	\$190,050
Virginia	\$875,289
Washington	\$530,465
West Virginia	\$335,123
Wisconsin	\$999,196
Wyoming	\$28,662
TOTALS	\$45,000,000

Attachment C

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