

<h1 style="margin: 0;">ACF</h1> <p style="margin: 0;">Administration for Children and Families</p>	<p>U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES</p> <p>Administration for Children, Youth and Families</p>	
	<p>1. Log No: ACYF-PI-89-07</p>	<p>2. Issuance Date: August 18, 1989</p>
	<p>3. Originating Office: Children's Bureau</p>	
	<p>4. Key Words: Use of Affidavits - Title IV-B Section 427 Reviews; Title IV-E Financial Reviews</p>	

PROGRAM INSTRUCTION

TO: State Agencies Administering or Supervising Administration of Titles IV-B and IV-E of the Social Security Act, Indian Tribes and Indian Tribal Organizations

SUBJECT: Allowability of the Use of Affidavits for the Purposes of Section 427 Reviews and Title IV-E Financial Reviews

LEGAL AND RELATED REFERENCES: Sections 427, 472 and 473 of the Social Security Act; ACYF-IM-87-28, dated October 7, 1987 and ACYF-IM-89-08, dated April 17, 1989

BACKGROUND: In the conduct of title IV-B section 427 reviews and title IV-E financial reviews, case records are reviewed to verify that federally mandated activities have occurred. In a section 427 review, there must be documentation to verify the timeliness and content of periodic reviews and dispositional hearings. If such documentation is not in the case record or made available during the on-site review, and the State does not pass the review, 15 calendar days are allowed from the date of the Commissioner's initial denial letter for the State to provide any additional corroborating material.

In a title IV-E financial review, documentation must be available to verify the judicial determinations required in section 472(a)(1) of the Social Security Act. If critical documentation is missing from the case records during the on-site review, States are allowed 15 working days from the date of the exit conference to forward copies of required documentation. In several instances, when such critical documentation does not exist, States have submitted affidavits from judges, case workers and parents for verification that certain activities previously took place.

This instruction restates existing procedures concerning the use of affidavits in title IV-B section 427 reviews and title IV-E financial reviews.

INSTRUCTION: After-the-fact affidavits or depositions from participants in periodic reviews, dispositional hearings, or other statutorily required activities are not appropriate or acceptable as

proof that certain events occurred or considerations were made at some previous point in time. Considering the large number of children for which State agencies are responsible and the large number of cases that go before the courts, affidavits or depositions created months or years after the fact cannot be considered as reliable evidence of prior compliance with Federal requirements.

These limitations are necessary in order to assure children in foster care of the protections to which they are entitled under the Federal programs.

EFFECTIVE DATE: Immediately

INQUIRIES TO: Children's Bureau, ACYF
Program Operations Division
202/245-0821
Joseph Mottola
Acting Commissioner