

<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-92-03	2. Issuance Date: April 30, 1992
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	4. Key Words: Quinquennial 427 Reviews	

PROGRAM INSTRUCTION

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

SUBJECT: Section 427 Quinquennial Compliance Reviews

LEGAL AND RELATED REFERENCES: Section 427 of the Social Security Act, ACYF-PI-85-2, Dated January 29, 1985 and ACYF-PI-86-03, Dated August 19, 1986

BACKGROUND: Section 427 of the Social Security Act (the Act) provides that a State is eligible for certain title IV-B incentive funds if, among other things, it "has implemented and is operating to the satisfaction of the Secretary" certain systems and programs providing protections for children in foster care. States are permitted to certify themselves as eligible for these incentive payments. To verify compliance with section 427 requirements, the Administration on Children, Youth and Families conducts a two-stage review, as prescribed by Program Instruction ACYF-PI-85-2 (01/29/85). The first stage is the Administrative Procedures Review which determines whether States have developed the policy and procedural systems necessary to implement the section 427 requirements. The second stage of the compliance review is the Case Record Survey, which confirms whether these policies are being implemented throughout the State.

An Initial Review is conducted for the fiscal year in which the State first certifies its eligibility. If a State meets the Initial Review requirements, a Subsequent Review is conducted for the following fiscal year. States that meet the requirements of the Subsequent Review then go to a Triennial Review and are reviewed for the third fiscal year following the fiscal year for which the previously successful review was conducted. These reviews are conducted more frequently when the integrity of the system or the best interests of the children in a State may be in question. For the Initial Review, the Case Record Survey must confirm that section 427 foster care

protections are being provided for at least 66 percent of the children whose case records in the State file meet the criteria for inclusion. This percentage rises to 80 percent in the Subsequent Review, and 90 percent in the Triennial Review.

The purpose of the Case Record Survey is to determine whether, for each child in foster care:

- there is a written case plan;
- periodic reviews of the status of each child are held at least once every six months either by a court or by administrative review;
- a dispositional hearing is held by a court or court-appointed body no later than 18 months after the placement of the child, and periodically thereafter, which shall determine the future status of the child; and
- at least 13 of the 18 remaining section 427 protections have been provided and documented in the Initial and Subsequent Reviews, and at least 15 of 18 are provided and documented for the Triennial Reviews.

INSTRUCTION: A State which has passed two successive section 427 Triennial Reviews will now be on a five-year review cycle (Quinquennial Review). States that fall into this category will be reviewed every fifth fiscal year following the fiscal year of the last successfully completed review. If a State fails a Quinquennial Review, a review will be conducted each succeeding year (unless the State withdraws its certification) until eligibility is re-established. For purposes of determining a State's eligibility for Quinquennial Reviews, a withdrawal will be treated as a failure, and any State which had been at the quinquennial level and fails or withdraws for any year, will return to the triennial level. The review criteria will be the same for the Quinquennial Review as for the Triennial Review and all other aspects of ACYF-PI-85-02 (as modified by ACYF-PI-86-03) will also continue in effect. The Administration on Children, Youth and Families will continue its practice of conducting section 427 reviews more frequently when the integrity of the system or the best interests of the children in a State may be in question.

EFFECTIVE DATE: Upon issuance.

INQUIRIES TO: Regional Administrators, ACF
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