

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
	1. Log No: ACYF-CB-PI-07-04	2. Issuance Date: February 21, 2007
	3. Originating Office: Children's Bureau	
	4. Key Words: Title IV-E State Plan Amendments; The Tax Relief and Health Care Act of 2006 (Public Law 109-432); Child and Family Services Reviews (CFSR); Foster Care; Verification of Citizenship or Immigration Status.	

PROGRAM INSTRUCTION

- TO:** State and Territorial Agencies Administering or Supervising the Administration of Title IV-B or IV-E of the Social Security Act.
- SUBJECT:** Title IV-E State Plan Amendment - The Tax Relief and Health Care Act of 2006 (Public Law (P.L.) 109- 432)
- REFERENCES:** Division B, Title IV of The Tax Relief and Health Care Act of 2006 (P.L. 109-432); Section 471 of Title IV-E of the Social Security Act (the Act); Section 1123A(b)(2) of Title XI of the Act.
- PURPOSE:** The purpose of this Program Instruction (PI) is to provide instruction on a new Title IV-E State plan requirement mandated by P.L. 109-432, to transmit an amendment to the Title IV-E State Plan Pre-Print which incorporates the new statutory provision, and to provide information on a statutory change to the Child and Family Service Reviews (CFSRs).
- INFORMATION:** The President signed The Tax Relief and Health Care Act of 2006 (P.L. 109-432) into law on December 20, 2006. The law amends sections 471 and 1123A of the Act as follows:
- State Plan Amendment.* The law amends the State plan requirements of section 471(a) of the Act by adding paragraph (27) that requires the State agency to have procedures to verify the citizenship or immigration status of any child in foster care under the responsibility of the State under Title IV-E or IV-B. This requirement applies to all children in foster care, regardless

of whether title IV-E foster care maintenance payments are made on their behalf.

Inclusion in the Child and Family Services Review (CFSR). The law also amends section 1123A(b)(2) of Title XI of the Act to require the Administration for Children and Families (ACF) to issue regulations for ACF to determine through the CFSR process whether the State is in conformity with section 471(a)(27).

INSTRUCTIONS: *Amendment to Pre-Print.* Each State must submit to ACF section 4, page 8 and the applicable Certification from the Title IV-E State Plan Pre-Print that reflects the new Title IV-E statutory requirement. In completing the amendment to the Pre-Print, States must record the applicable State statutory, regulatory or policy references and citations for the affected Federal requirement. The attached page 8 of section 4 of the Pre-Print reflects the new statutory provision for verification of the child's citizenship or immigration status.

States must submit the completed section 4, page 8 and applicable Certification of the State Plan Pre-Print to the appropriate ACF Regional Child Welfare Program Manager by June 20, 2007 for approval. State compliance with all statutory and regulatory provisions continues to be mandatory, regardless of the approval status of the State Plan amendment. Please note that the State must submit the Plan electronically or on a compact disk. If a State is unable to submit the Certification form with electronic signatures, it may submit a hard copy of this form with original signatures. In addition, States must submit copies of referenced material to document compliance for any cited statute, regulation, policy and procedure that purports to implement section 471(a)(27) of the Act. A revised page 2 of the Table of Contents has been attached to insert into the State Plan Pre-Print.

EFFECTIVE DATE: The effective date for States to implement section 471(a)(27) of the Act is June 20, 2007. There is no delayed effective date.

The effective date for ACF to review for State compliance with section 471(a)(27) of the Act through the CFSR process will be determined after we revise regulations at 45 CFR 1355.

INQUIRIES: Direct inquiries to ACF Regional Child Welfare Program Managers, ACF Regions I-X

/s/

Joan E. Ohl
Commissioner
Administration on Children,
Youth and Families

Attachment A: The Tax Relief and Health Care Act of 2006 (P.L. 109-432),
Pages 75-79.

Attachment B: Title IV-E State Plan Pre-Print (Page 2 of the Table of Contents,
Page 8 of Section 4, and Certification)