

<b>ACF</b>  Administration  for Children  and Families	<b>U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families</b>	
	<b>1. Log No:</b> ACYF-CB-PI-05-05	<b>2. Issuance Date:</b> April 29, 2005
	<b>3. Originating Office:</b> Children's Bureau	
	<b>4. Key Words:</b> Tribal Title IV-B Child and Family Services Plan; Annual Progress and Services Report	

### PROGRAM INSTRUCTION

**TO:** Tribes and Tribal Agencies administering or supervising the administration of title IV-B, subparts 1 and/or 2, of the Social Security Act and Administration for Children and Families (ACF) Regional Administrators.

**SUBJECT:** June 30, 2005 submission of the Annual Progress and Services Report (APSR) required under title IV-B of the Social Security Act (the Act), and the CFS-101, Parts I and II, Annual Budget Request and Annual Summary of Child and Family Services.

**LEGAL AND RELATED REFERENCES:** Title IV-B, subparts 1 and 2, Sections 420-425, 428, 430-437 of the Act; the Indian Child Welfare Act of 1978 (Public Law 95-608); the Indian Self-Determination and Education Assistance Act (Public Law 93-638); 45 CFR Part 1355; 45 CFR Part 1357; ACYF-CB-PI-04-02, issued to Tribes for Fiscal Years 2005 - 2009, Child and Family Services Plan.

**PURPOSE:** This Program Instruction (PI) summarizes the actions required under title IV-B, subparts 1 and 2, and Federal regulations at 45 CFR Part 1357 in order for Tribes to receive their allotments of Federal funds for fiscal year (FY) 2006 (subject to the availability of appropriations). This PI provides guidance to current grantees regarding the submission of their Annual Progress and Services Report (APSR) and announces the FY 2005 final allotments for Tribes for the above programs.

#### **BACKGROUND:**

Since the Child and Family Services Plan (CFSP) process began in 1994, there have been two complete 5-year plan cycles (FYs 1995 through 1999 and FYs 2000-2004). CFSPs for the next 5 years (FYs 2005-2009) were due June 30, 2004. This PI requests the 1<sup>st</sup> APSR due under the 3<sup>rd</sup> 5-year plan.

In December 2004, Congress appropriated funds for States, Tribes and Territories under title IV-B of the Act for FY 2005. After adjustments to many discretionary programs, taken as cost savings

measures, total title IV-B, subpart 1 (Child Welfare Services (CWS)) funding increased \$330,000 and title IV-B, subpart 2 (Promoting Safe and Stable Families (PSSF)) decreased by \$797,207. Tribes were affected proportionately by Congressional appropriations as well as by increases in child population submitted through Tribal certifications.

In order to receive title IV-B funds for fiscal year 2006, the APSR must be submitted to ACF by June 30, 2005. This PI references items in Federal regulation (45 CFR 1357.16) that must be addressed in the APSR, as well as additional requirements that have not been codified in Federal regulations, but are required by statute.

The Tribe must submit an original, signed copy of the CFS-101 with the APSR. The CFS-101 has two parts. Part I is the budget request form that Tribes must complete and submit to request their title IV-B funds. Part II is the Annual Summary of Child and Family Services form in which Tribes are to include the estimated amount of funds to be spent in each program area by source, the estimated number of individuals or families to be served, and the geographic service area within which the services are to be provided. The CFS-101, parts I and II, is located in Attachment C.

### **Child and Family Services Plan**

The Federal regulation at 45 CFR 1357 applies to Tribes receiving funds under title IV-B, subparts 1 and/or 2. It includes the requirements for a 5-year comprehensive Child and Family Services Plan (CFSP) and annual updates on the progress made toward accomplishing the goals and objectives in the CFSP. The annual updates are to be presented through the APSR. The plans are based on extensive consultation with a wide array of representatives of Tribal, State and local, Federal, public and private community-based agencies and organizations (this may also include faith-based organizations), with experience in administering programs for infants, children, youth, adolescents, and families. Tribes collect and analyze information on gaps in service, including mismatches between available services and family needs as identified through baseline data and the consultation process (45 CFR 1357.15(k)). Other services that impact the ability to preserve and support families can be included in the assessment.

The APSR must include progress made by the Tribe in accomplishing the goals and objectives cited in the CFSP, and include any new and updated information on service needs and organizational capacities. The process for developing the APSR should be a part of an ongoing self-evaluation and integrated into quality assurance efforts.

### **Consultation with States regarding Indian Child Welfare Act**

Under title IV-B, section 422 (b)(11), States are required to consult with Tribes regarding the Indian Child Welfare Act (ICWA). Each State, in its APSR, must provide a description, developed in consultation with Indian Tribes in the State, of the specific measures taken by the State to comply with the Indian Child Welfare Act. States are to provide an update to the goals and activities that have been undertaken to improve, or maintain, compliance with ICWA.

In discussions with your State around ICWA, the State's compliance with each of the 5 major components of ICWA should be discussed. They are:

- 1) Identification of Indian children by the State Child Welfare services agency;

- 2) Notification of Indian parents and Tribes of State proceedings involving Indian children and their right to intervene;
- 3) Special placement preferences for placement of Indian children;
- 4) Active efforts to prevent the breakup of the Indian family; and
- 5) Use of Tribal courts in child welfare matters; Tribal right to intervene in State proceedings or transfer proceedings to the jurisdiction of the Tribe.

In addition, we require States to report on the activities undertaken and progress achieved to fulfill the statutory requirement at section 477(b)(3)(G) of the Chafee Foster Care Independence Act (CFCIP)(P.L. 106-169). States must describe how each Indian Tribe in the State has been consulted about the programs to be carried out under the Chafee Program; describe the efforts to coordinate the programs with such Tribes; and discuss how the State ensures that benefits and services under the programs are made available to Indian children in the State on the same basis as to other children in the State. Tribes must be responsive to State requests for consultation in order to achieve the benefits and services for children desired by the Tribe.

Recently, the Department issued a new Health and Human Service's (HHS) Tribal consultation policy. The policy lays out the expectation for consultation and the method of consultation that should take place. States that operate Federal programs for which Indian children are eligible are encouraged to become familiar with this document. ACF will be offering technical assistance and other help where needed in consultation efforts. A copy of the policy can be found at: <http://www.hhs.gov/ofta/docs/FnlCnsltPlyw1.pdf>.

## **CURRENT EXECUTIVE INITIATIVES**

The current Administration has developed several major initiatives in areas that it feels will benefit children, adults, and society. The Department's Healthy Marriages, Responsible Fatherhood, Youth Development, Rural, and Faith-based and Community initiatives can be promoted among the populations that ACF serves and are an appropriate use of title IV-B funding and fit within the overall goals of the safety, permanency and well-being of children. In addition, efforts are being made to incorporate the Healthy Marriage vision and the Faith-based and Community initiatives in states and communities through a series of discretionary grants and contracts for research and demonstration purposes. Tribes are encouraged to propose creative approaches to achieving the goals of these initiatives in the context of the child welfare system with title IV-B funding and should discuss this with their ACF regional office liaison.

### **A. Instructions**

In accordance with 45 CFR 1357.16, each Tribe must conduct an interim review of the progress made in the previous year toward accomplishing the goals and objectives in the CFSP, based on updated information. The Tribe must involve the agencies, organizations (which may include faith-based and community organizations), and individuals that are part of the ongoing CFSP-related consultation and coordination process. On the basis of the integrated review, each Tribe must prepare and submit an APSR to their ACF Regional Office. When conducting this review, Tribes should assess and evaluate their progress based on the effectiveness of their efforts in achieving the

desired results. The completed APSR must meet the requirements of 45 CFR 1357 and title IV-B, subparts 1 and/or 2. These programs provide a critical source of funding for supporting the service array necessary to meet the needs of children and families and to address gaps in services, such as a lack of available services to support the reunification of children in foster care with their parents.

Each Tribe must submit an Annual Progress and Services Report which includes:

(a) A report on the specific accomplishments and progress made in the past fiscal year toward meeting each goal and objective in their CFSP, including improved outcomes for children and families, and a more comprehensive, coordinated, effective child and family services continuum. The Tribe should update the goals and objectives to incorporate areas needing improvement that were identified during the consultation process or any recent program assessment carried out by the Tribe. If the current CFSP does not have a goal or objective that covers the area needing improvement, then the new goal/objective must be addressed into the APSR. The APSR should also incorporate strategies for improvement and the method to be used to measure progress toward improvement;

(b) Any revisions in the statement of goals and objectives, to reflect changed circumstances. Changes should reflect, as appropriate, findings or suggestions based on any reviews conducted by ACF or by the Tribal agencies as needing improvement;

(c) A description of the services to be provided in the upcoming fiscal year, highlighting any additions or changes in services or program design and including the information required in 45 CFR 1357.15(n);

(d) Updated information regarding training, research, evaluation, or management information systems that will be carried out in the upcoming fiscal year in support of the goals and objectives in the plan. In particular, we are interested in any additions or changes in services or program design due to the Tribe's own evaluation of programs that it particularly finds effective or ineffective;

(e) If applicable, describe services and activities that the Tribe currently provides or plans to provide in FY 2006 that support the strengthening of parental relationships and promotion of healthy marriages (section 431(a)(2) of the Act);

(f) Tribes are also required to report in their APSRs a description of the arrangements, gathered from State/Tribal consultation, as to who is responsible for the protections for Tribal children delineated at section 422(b)(10) of the Act, whether the children are in State or Tribal custody. Section 422(b)(10) of the Act requires assurances that the State is operating to the satisfaction of the Secretary--

- a statewide information system with the status, demographic characteristics, location, and goals for the placement of every child who is (or, within the immediately preceding 12 months, has been) in foster care;
- a case review system (as defined in section 475(5)) for each child receiving foster care under the supervision of the State;

- a service program designed to help children, where safe and appropriate, return to families from which they have been removed or permanent placement; and
- a preplacement preventive services program designed to help children at risk of foster care placement remain safely with their families.

(g) Any other information the Tribe wishes to include;

(h) A request for FY 2006 funds in the CFS-101 at Attachment C;

(i) Certification of Tribal Population Count at Attachment B (optional).

### **B. FY 2005 Funding—Revised Request**

Tribes submitted requests for FY 2005 funding with their FY 2005-2009 CFSP. If the request was less than the FY 2005 amount they are eligible to receive under title IV-B, subparts 1 and/or 2, then a revised FY 2005 budget form (CFS-101, Part I) must be submitted in order to receive the full share of FY 2005 funds allotted.

In addition, unneeded portions of Tribal allocations of title IV-B funds may be reallocated to other Tribes, so that the total appropriation remains available for program purposes. Indicate on line 7a or 7b on the CFS-101, Part I (Annual Budget Request), if the Tribe intends to apply for, or release, respectively, FY 2005 funds for reallocation. This form should be submitted as soon as possible and no later than June 30, 2005.

### **C. FY 2006 Budget Request**

For FY 2006 planning purposes, use the FY 2005 allotments for title IV-B, subparts 1 and/or 2 (Attachment A). If a Tribe does not anticipate using all of its title IV-B subpart 2 funds, or if the Tribe requests (and can match) some of the requested reallocated funds, indicate such on the CFS-101, Part I (Annual Budget Request), that is due June 30, 2005.

### **D. Certification of Tribal Population Count (ACF-CB-PI-02-07)**

Tribes may submit a new “Certification of Tribal Population Count” (Attachment B) if their population has significantly increased or decreased in the past year. Since title IV-B allotments are based on population count, we want to ensure that we have the most recent data. This statement must be received in the ACF Regional Office by June 30, 2005. The deadline must be strictly adhered to. Because grant amounts for both States and Tribes will be affected by the revisions, the Regional Office may ask for additional verification documentation if the numbers vary significantly from previous data. Regional Offices must forward the approved certifications to the ACF Division of Mandatory Grants (see address below) before September 15. Numbers received after this deadline will only be considered for subsequent year fund allotment purposes.

## **E. Certifications and Assurances**

Certifications and assurances are submitted on a one-time-only basis with the submission of the CFSP (45 CFR 1357.15(c)). Certifications and assurances that were submitted with the FY 2005 to 2009 CFSP do not need to be re-submitted unless there has been a change that would affect the certification or assurance.

### **SUBMITTALS:**

In summary of the above instructions, **by June 30, 2005**, Indian Tribes must submit to their ACF Regional Office (See Attachment D for addresses):

- their Annual Progress and Services Report, on disk or via email;
- a signed, original CFS-101, Parts I and II (hard copy only);
- if applicable, certifications and assurances;
- Certification of Tribal Population Count (optional).

### **Financial Status Reports (SF-269)**

Indian Tribes are required to submit the SF-269 financial report for expenditures under each subpart of title IV-B at the end of each 12 months (October 1-September 30) of the two-year expenditure period. The SF-269 financial report covering the first 12-month budget period is the interim report and the report covering the entire grant period is the final report. Both reports are due 90 days after the end of the fiscal year (December 31). The required 25 percent Tribal match must be reported on the final financial report.

### **The Tribe must submit two copies of this report:**

- 1) Submit the original SF-269 to your ACF Regional Office; and
- 2) Submit a copy to ACF Central Office at the following address:

Division of Mandatory Grants  
Office of Administration  
Administration for Children and Families  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

Funds under title IV-B must be expended by September 30 of the fiscal year following the fiscal year in which the funds were awarded. Grantees are to report the cumulative amount of expenditures on the financial status report (SF-269). Funds reported as unobligated and/or unliquidated on the final financial status report will be recouped through a negative grant award.

**PAPERWORK REDUCTION ACT:**

Under the Paperwork Reduction Act of 1995 (Public Law 104-13), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. Reporting burden for the APSR and the CFS-101 is estimated to average 175 hours per response.

**INQUIRIES TO:** ACF Regional Offices

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

**ATTACHMENTS**

Attachment A: Promoting Safe and Stable Families (PSSF) FY 2005 Tribal Allocations  
Child Welfare Services (CWS) FY 2005 Tribal Allocations

Attachment B: Certification of Tribal Population Under Age 21

Attachment C: CFS-101, Part I: Annual Budget Request for Title IV-B, Subparts 1 and 2,  
CAPTA, Chafee Foster Care Independence (CFCIP) and Education and  
Training Voucher (ETV) Program Instructions and Form

CFS-101, Part II: Annual Summary of Child and Family Services  
Instructions

CFS-101, Part II: Annual Summary of Child and Family Services Form

Attachment D: Regional Administrators