

<h1 style="font-size: 48px; margin: 0;">ACF</h1> <p style="font-size: 24px; margin: 0;">Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration for Children and Families	
	1. Log No: ACYF-CB-PI-07-07	2. Issuance Date: March 16, 2007
	3. Originating Office: Children’s Bureau	
	4. Key Words: Annual Progress and Services Report: Tribal Title IV-B Child and Family Services Plan	

PROGRAM INSTRUCTION

TO: Tribal Agencies administering or supervising the administration of Title IV-B, Subparts 1 and/or 2 of the Social Security Act (the Act), the Administration for Children and Families (ACF) Children's Bureau Regional Child Welfare Program Managers.

SUBJECT: The June 30, 2007 submission of the Annual Progress and Services Report (APSR) required under Title IV-B of the Act, including the submission of the CFS-101, Part I - Annual Budget Request, Part II-Annual Summary of Child and Family Services, and Part III-Annual Expenditures for Title IV-B.

REFERENCES: Title IV-B, Subparts 1 and 2, Sections 420-425, 428, 430-438, and Title IV-E, Section 477 of the Act including The Child and Family Services Improvement Act of 2006 (Public Law (P.L.) 109-288); the Indian Child Welfare Act of 1978 – (P.L. 95-608); the Indian Self-Determination and Education Assistance Act (P.L. 93-638); 45 CFR Parts 1355 and 1357 and ACYF-CB-PI-04-05, issued February 2, 2004 (Fiscal Year 2004-2009, Child and Family Services Plan (CFSP)).

PURPOSE: This Program Instruction (PI) summarizes the actions required under Title IV-B, Subparts 1 and 2 of the Act, and Federal regulations at 45 CFR Part 1357 so that Tribes may receive their allotments of Federal funds for Fiscal Year (FY) 2008 (subject to the availability of appropriations). This PI also announces the final FY 2007 allotments, provides guidance regarding the reporting of FY 2007 activities and accomplishments, and provides instructions regarding application for FY 2008 funds for Tribes for the above programs.

It is important that the Tribal grantee responds to all requirements outlined in this PI as missing or incomplete information will result in the withholding of funds for the program(s) affected until such time as approval can be granted by ACF. If the Tribe has additional questions in preparing the APSR, please contact the Tribe’s ACF Regional Office Program Specialist.

Section A. Overview

The **Child and Family Services Plan (CFSP)** is a five-year plan which lays out the strategy for administering the Tribe's child welfare system, in particular for the title IV-B, subparts 1 and 2 programs. Federal regulations at 45 CFR 1357.15 and 1357.16 provide the requirements for a five-year comprehensive CFSP and annual updates on the progress made toward accomplishing the goals and objectives in the CFSP. The **Annual Progress and Services Report (APSR)** is the annual update report that the Tribe submits which must consist of review of the progress the Tribe has made toward accomplishing the goals and objectives of the CFSP. Completion of the APSR satisfies the requirements in Federal regulations by providing updates on a Tribe's annual progress for the past fiscal year and planned activities for the upcoming fiscal year. The third cycle of CFSPs (FY 2005-2009) was due June 30, 2004. If a Tribe becomes eligible during the 5-year plan cycle, it must submit a plan for approval that may be less than 5 years with the expectation that a new plan will be submitted for the FY 2010-2014 cycle.

The Child and Family Services Improvement Act of 2006 amended title IV-B to allow Tribal consortia to apply for funding for FY 2008. Additional funding is available for all eligible Tribes and Tribal consortia under title IV-B, subpart 2, the Promoting Safe and Stable Families (PSSF) program. The list of Tribal Allocations (Attachment B) reflects the new three percent set-aside for the Tribes called for in the PSSF reauthorization. This resulted in more Tribes made eligible and larger grants for many Tribes.

For FY 2007 (Title IV-B subpart 2 only): ACF Regional Office (RO) representatives contacted many of the newly eligible Tribes and Tribes who have been eligible but never applied for PSSF funds and invited them to apply for FY 2007 title IV-B, subpart 2 program funds. Tribal officials were given the information and technical assistance needed in order to write a Child and Family Services Plan.

- Tribes who expect PSSF funds for FY 2007, but will receive more in FY 2007 than they received in FY 2006, must update their APSRs to detail the activities and services they plan to provide with the additional funds, as well as request the new amount of funds in updated CFS-101, Parts I and II. Updates to these plans from current grantees must be submitted to ACF by March 30, 2007.
- Newly-eligible Tribes and Tribes who were eligible but did not apply for Title IV-B subpart 2 for FY 2007 must have a complete CFSP for the period FY 2007-2009 approved by ACF by June 8, 2007 in order to receive funding for FY 2007.

Through the joint planning process, the ROs will continue to work with Tribes to ensure that the information provided adequately addresses the CFSP/APSR requirements, and will request additional information if needed for approval. The ACF ROs must have all FY 2007 updated CFSPs /APSRs and the correspondent CFS-101s mailed to Central Office by June 8, 2007.

For FY 2008, in order to receive Title IV-B, Subparts 1 and 2 funds, Tribes must submit the APSR electronically to the ACF Regional Offices (RO) by June 30, 2007. An original, signed CFS-101, Annual Budget Request for Title IV-B, Subparts 1 and 2 must be mailed to the RO (or a .pdf file of the signed CFS-101 must be e-mailed) as well. (See addresses at Attachment E.) The CFS-101, Part II and the CFS-101, Part III, if applicable, must also be submitted. The ROs will be working with Tribes to ensure that the information provided adequately addresses the information required. If the APSR is approvable by the deadline, the RO will forward the Tribe's request for funding to Central Office. The RO will not sign and forward the CFS-101 to the ACF Grants Management Office for funding until all requirements for the APSR are met. The CFS-101, Parts I, II and III are located in Attachment C.

In preparing the APSR, each Tribe must conduct an interim review of the progress made since the last APSR, to date, toward accomplishing the goals and objectives in the CFSP, based on updated information and current data. The Tribe must include the agencies, organizations (e.g., the State's Court Improvement Project, State and county social service programs and Temporary Assistance to Needy Families (TANF) and other human service agencies and individuals in the ongoing CFSP-related consultation and coordination process when conducting this review, and include a description of the collaboration process in the APSR.

Plans and activities included in the APSR must meet the provisions of 45 CFR 1355.35, 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.

The Child and Family Services Improvement Act of 2006--P.L. 109-288

P.L. 109-288 was signed into law on September 28, 2006. The new law makes changes to Title IV-B, subparts 1 and 2, of the Act which affect Tribes. Information Memorandum (IM) ACYF-CB-IM-06-05, issued December 7, 2006 discusses the changes in the Act. This PI highlights major provisions below and details the various requirements that affect Tribes that receive funds under the title IV-B, subpart 1, Child Welfare Services program and/or subpart 2, the PSSF program.

Title IV-B, subpart 1:

The new law changes the title IV-B, subpart 1 program from a permanent authorization to a five-year authorization. It authorizes \$325 million for each of the Federal fiscal years (FY) 2007 through 2011. Tribes are eligible for the funds allotted to States based on the Tribal child population in the respective state where the reservation (and other legal configurations of land ownership) resides. Tribes must spend funds according to a newly established program purpose. The new program purpose is to: protect and promote the welfare of all children; prevent the neglect, abuse or exploitation of children; support at-risk families through services which allow

children to remain with their families or return to their families in a timely manner; promote the safety, permanence and well-being of children in foster care and adoptive families; and provide training, professional development and support to ensure a well-qualified workforce. (See Section 421 of the Act.)

The new law revises and updates the language in several plan requirements, including:

- provisions requiring a description of services and activities carried out under title IV-B, subpart 1 and a discussion of how the services and activities will achieve the purposes of the Child Welfare Services Program (Section 422 (b)(3)),
- additional provisions requiring a description of the steps taken to expand and strengthen the range of existing services and develop and implement services to improve child outcomes (Section 422 (b)(4)(A)),
- a description of the Tribe's child welfare services staff development and training plans (Section 422 (b)(4)(B)), and
- that Tribes must have policies and procedures that are applicable to children abandoned at or shortly after birth (Section 422 (b)(8)(B)).

Other changes relevant to Tribes are:

➤ **Payment limitations:**

The Tribe must provide an assurance that it will not spend more than 10 percent of each fiscal year's title IV-B, subpart 1 funds on administrative costs beginning October 1, 2007, and for each fiscal year thereafter (Section 422 (b)(14). This limitation applies to FY 2007 funds expended in FY 2008 and for each fiscal year thereafter, as no more than 10% of a fiscal year's allotment may be expended for administrative costs during the 2-year expenditure period. Administrative expenditures are defined as costs for the following activities to the extent they are incurred in administering the title IV-B State plan: procurement, payroll management, personnel functions (other than the portion of the salaries of supervisors attributable to time spent directly supervising the provision of services by case-workers), management, maintenance and operation of space and property, data processing and computer services, accounting, budgeting, auditing, and travel expenses (except those related to the provision of services by caseworkers or the oversight of programs funded under title IV-B, subpart 1) Sections 422(b)(14) and 422(c)(1) of the Act). This has the effect that, beginning in FY 2007, Tribes must limit their "indirect" cost allocation from this grant to 10% and may no longer apply their full indirect cost rate to their Federal grant award.

➤ **New descriptions and plans required:**

Tribes must:

- Describe how physicians or other appropriate medical professionals are consulted and involved in assessing the health and well-being of foster children and for determining appropriate medical treatment (Section 422(b)(15));

- Have in place written procedures for providing how programs funded by title IV-B would respond to a disaster (effective September 28, 2007) (Section 422(b)(16)); and
- Describe standards for the content and frequency of caseworker visits for children in foster care, which at a minimum must be monthly and focus on case planning and service delivery (effective October 1, 2007) (Section 422(b)(17)).

Title IV-B, subpart 2:

Eligible Applicants: The law amends the PSSF program to allow Tribal consortia to apply for and receive Title IV-B, subpart 2, funds if the consortia's combined child population is substantial enough to reach the \$10,000 base threshold required for the receipt of the funds (Sections 432(b)(2), 433(a), 434(c), 436(b)(3), 437(b)(3) and (c)(1)).

New Funding:

- The law increases the set-asides for Indian Tribes (including Tribal consortia) under the mandatory and discretionary funds to three percent each, from one and two percent respectively (Sections 436(b) (3) and 437(b) (3) of the Act).
- In FY 2007, \$40 million is set aside to be used for competitive grants to regional partnerships. The partnerships are to provide, through interagency collaboration and integration of programs and services, activities that are designed to increase the well-being of, improve permanency outcomes for, and enhance the safety of children who are in an out-of-home placement as a result of a parent's or caretaker's methamphetamine or other substance abuse. More information will be forthcoming separately from this PI because the regional partnerships will be funded as competitive grants. Tribes should read the law and prepare now to assess the need for the grants, form or enhance the partnerships that will address the need, and begin planning for the application process. (See Section 436 for funding authorization and Section 437 for discretionary and targeted grants.)
- The law limits the HHS Secretary's authority to exempt Indian Tribes (including Tribal consortia) from requirements under the PSSF program to the exemption of the 10 percent limit on administrative costs and the requirement to spend a significant portion of PSSF funds on each of the four service categories (Section 432(b) (2) (A)).
- Tribes are now required to assure that PSSF funds will not be used to supplant Federal or non-Federal funds provided under this subpart for existing services and activities which promote the purposes of this subpart (Section 432(a) (7) (A)).
- The law includes additional funding for caseworker visits for States and Territories which must be used to support monthly caseworker visits with children who are in foster care under the responsibility of the State with a primary emphasis on activities designed to improve caseworker retention, recruitment, training and ability to access the benefits of

technology. Tribes are not included in either the funding or the additional requirements at Section 424(e)(1) or (2).

Title IV-B, subparts 1 and 2 Reports:

Tribes must submit to ACF annually:

- child and family services expenditures planned by the agency for the next fiscal year (Form CFS-101, Part II).
- actual expenditures for the most recent fiscal year along with numbers of families and children served, the population served and the geographic areas served by the agency for title IV-B, subparts 1 and 2 funds (Form CFS-101, Part III).

Reports are due beginning June 30, 2007.

Section B. APSR Submission Requirements for FY 2008

Tribes must submit their APSR to the RO by June 30, 2007. The submission must include:

- an APSR (Only e-mail or compact disk transmission of the APSR will be accepted);
- the CFS-101, Parts I and II for FY 2008 with signature (fax and mail a hard copy or e-mail the signed .pdf file);
- Include relinquishment of, or requests for, FY 2008 Title IV-B funds available for reallocation; and

If appropriate, a revised and signed CFS-101 for FY 2007.

- Certifications and assurances. The new assurance regarding the ten percent administrative cost expenditures must be submitted (Attachment D). If certifications for these programs have been submitted previously, Tribes do not need to resubmit.

Note: APSRs must now be submitted electronically. Hard copies only will not be accepted by ACF RO staff.

The APSR must address each of the following programs for which Tribes have received, or are applying for, funds:

- Child Welfare Services (including child abuse and neglect prevention, intervention, and treatment services and foster care, kinship care or other permanent living arrangements); and
- Promoting Safe and Stable Families programs.

1. Service Description for Each of the Programs Listed Above

- Report on the specific accomplishments and progress achieved in the past fiscal year toward meeting each goal and objective in the CFSP including improved outcomes for children and families, and a more comprehensive, coordinated, effective child and family services continuum;
- Describe the steps taken to expand and strengthen the range of existing services and develop and implement services to improve child outcomes. Explain planned activities, new strategies for improvement, and the method(s) to measure progress in the upcoming fiscal year (October 1, 2007 to September 30, 2008);
- Explain any revisions to the existing goals and objectives and, if appropriate, update the goals and objectives to incorporate any new goals or objectives under the new purpose of title IV-B, subpart 1;
- Describe the services to be provided in FY 2008 under Title IV-B subpart 1 and/or title IV-B, subpart 2 (as applicable), highlighting any changes or additions in services or program design and how the services will achieve program purposes;
- For each service described above, report the population(s) to be served, the geographic areas where the services will be available, and the estimated number of individuals and/or families (or to be) served (CFS-101, Part II at Attachment C); and
- Indicate if there are no planned changes to the program.
- The current administration has identified major initiatives in areas that it feels will benefit children, adults, and society. The initiatives include the Department's Healthy Marriages, Responsible Fatherhood, Youth Development, Rural, and Faith-based and Community Initiatives. Describe the services that the Tribe provided, using only title IV-B funds, during the past year that support the above initiatives; identify who is providing the service, such as a contractor or county; and describe services that the Tribe plans to provide, using only title IV-B funds, in FY 2008.

2. Collaboration

- Describe activities in the ongoing process of coordination and collaboration efforts conducted across the entire spectrum of the child and family service delivery system. This should include stakeholder or partner involvement in the review of progress made and updates for the coming year (Section 422(b)).
- Update the Tribe's demonstration of substantial, ongoing and meaningful collaboration between the child welfare agency and the State or Tribal courts, as appropriate, with regard to the development of the APSR. (Section 422(b)(13))

3. Program Support

- The Tribe must address its child welfare services staff development and training plans. Discuss planned updates to the training plan, technical assistance, research, evaluation, or management information systems and quality assurance systems that will be updated or implemented in the upcoming fiscal year. Specify any additions or changes in services or program design due to the Tribe's own evaluation of programs that the Tribe has found particularly effective or ineffective (45 CFR 1357.16 (a)(5)).

4. Consultation with States

Tribes and their respective States are required to respond to the bullets below regarding Tribal consultation, and States and Tribes are required to exchange their CFSPs and APSRs.

- Provide an update regarding Tribal consultation with the State regarding ICWA concerns (Section 422(b)(9)).
- Provide a description of the understanding, gathered from State/Tribal consultation, as to who is responsible for providing the protections for Tribal children delineated at Section 422(b)(8) of the Act, whether they are in State or Tribal care and responsibility. This includes:
 - a. provisions requiring policies and procedures for children abandoned at or shortly after birth (Section 422(b)(8)(B)).
 - b. procedural safeguards that must be in place to ensure that courts conducting permanency hearings consult with youth, in an age-appropriate manner, regarding his/her permanency plan. The requirement applies to title IV-B, subpart 1 (Section 475(5)(C)).
- Describe how the Tribe has been consulted about the programs to be carried out under the CFCIP and explain the results of the consultation (specifically as it relates to determining eligibility for benefits and services and ensuring fair and equitable treatment for Indian youth in care under the Chafee Foster Care Independence Program (CFCIP) (Section 477(b)(3)(G)).

5. Consultations with Physicians and Other Medical Professionals

Describe how the Tribal agency actively consults with and involves physicians or other appropriate medical professionals in assessing the health and well-being of foster children and determining appropriate medical treatment (Section 422(b)(15)).

6. Disaster Plans

The Tribe must submit their procedures describing how the Tribe would respond to a disaster in accordance with the following criteria for programs funded under either title IV-B, subparts 1 and 2:

- identify, locate and continue availability of services for children under Tribal care or supervision who are displaced or adversely affected by a disaster;
- respond to new child welfare cases in areas adversely affected by a disaster, and provide services in those cases;
- remain in communication with caseworkers and other essential child welfare personnel who are displaced because of a disaster;
- preserve essential program records; and
- coordinate services and share information with States and other Tribes (Section 422(b)(16) of the Act).

Technical assistance is available through the Children's Bureau's National Resource Centers should the Tribe require additional information to comply with the statutory requirement at Section 422(b)(16) of the Act. Also, a document, "*Coping with Disasters and Strengthening Systems: A Framework for Child Welfare Agencies*" has been recently published which will aid Tribes in developing their plans.

Section C. Financial Information

The Tribe must submit for programs funded under title IV-B, subparts 1 and 2:

1. FY 2007 Funding—Revised Budget Request

- Submit a revised FY 2007 budget form (CFS-101, Part I) in order to receive the full share of FY 2007 funds allotted, only if the previously submitted request was less than the FY 2007 amount the Tribe is eligible to receive under Title IV-B, Subparts 1 or 2 (See Attachments A and B), plus any reallocation requests,
- Indicate on Line 7a or 7b on the FY 2007 CFS-101, Part I (Annual Budget Request) if the Tribe intends to apply for, or release, respectively, FY 2007 funds for reallocation. Funds will be re-allotted prior to the end of the fiscal year. If the Tribe determines that it will not obligate all of its FY 2007 allotment by September 30, 2008, show the estimated unobligated balance and ACF will re-allot the funds in accordance with the prescribed formulas.
- Submit this form as soon as possible and no later than March 30, 2007.

2. FY 2008 Budget Request—CFS-101, Parts I and II (See Attachment C.)

- Complete Part I of the CFS-101 form to request Title IV-B funds,
- Complete Part II to include the estimated amount of funds to be spent in title IV-B, subparts 1 and 2, the estimated number of individuals or families to be served, and the geographic service area within which the services are to be provided; and

- Use the FY 2007 allotments as the basis for your budget request for Title IV-B, Subparts 1 and 2 for FY 2008.

3. FY 2005 Title IV-B Expenditure Report—CFS-101, Part III (See Attachment C.)

Complete the CFS-101, Part III to include the actual amount of title IV-B funds expended in FY 2005, the estimated number of individuals or families served, and the geographic service area within which the services were provided. The Tribe must track and report annually its actual title IV-B expenditures, including administrative costs for the most recent preceding fiscal year. Tribes should report the actual title IV-B expenditures of FY 2005 funds in the APSR due June 30, 2007.

4. Financial Status Reports—SF 269

Submission requirements for expenditures of title IV-B must be met by all grantees on the Financial Status Report SF-269. The SF-269 covering the first 12-month budget period is the interim report and the report covering the entire grant period is the final report. Each report is due within 90 days of the fiscal year (December 31). A negative grant award will recoup unobligated and/or unliquidated funds reported on the final SF-269 for the title IV-B programs.

- Submit a separate SF-269 (by December 31) for expenditures made under each subpart of Title IV-B at the end of each 12 months (October 1-September 30) of the two-year expenditure period.
- Report the cumulative amount of funds expended and the required 25 percent Tribal match on the final SF-269.
- Expend Title IV-B funds by September 30 of the fiscal year following the fiscal year in which the funds were awarded (i.e., for FY 2007, funds must be expended by September 30, 2008).

Submit the original SF-269 for each program to your ACF RO and a copy to the following address:

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

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (P.L. 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 Office of Management and Budget (OMB) control number. The OMB control

number is # 0980-0047, approved through October 31, 2008. Reporting burden for the APSR and the CFS-101 is estimated to average 264 hours per response.

Inquiries To: Children's Bureau Regional Program Managers

/s/

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

Attachments:

Attachment A: FY 2007 Title IV-B Subpart 1, Child Welfare Services Tribal Allocations

Attachment B: FY 2007 Title IV-B Subpart 2, Promoting Safe and Stable Families Tribal Allocations

Attachment C: CFS-101, Parts I, II and Part III

Attachment D: Assurances

Attachment E: Children's Bureau Regional Program Managers