

<h1>ACF</h1> <p>Administration for Children and Families</p>	<b>U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES</b> <b>Administration on Children, Youth and Families</b>	
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	<b>3. Originating Office:</b> Children's Bureau	
	<b>4. Key Words:</b> Title IV-B, subparts 1 and 2; Tribal Child and Family Services Plan (CFSP)	

### PROGRAM INSTRUCTION

**TO:** Federally Recognized Indian Tribes and State Administrators of Public Child Welfare Agencies

**SUBJECT:** Allotment of Title IV-B, Subparts 1 and 2 Funds to Eligible Indian Tribes and Indian Tribal Organizations for Fiscal Year (FY) 2003

**PURPOSE:** The purpose of this Program Instruction is:

- To announce a revision of the amount of Federal funds available to Indian Tribes for the Child Welfare Services and the Promoting Safe and Stable Families programs (title IV-B, subparts 1 and 2 of the Social Security Act); and
- To provide instructions for applying for grant funds

**LEGAL AND RELATED REFERENCES:** Sections 422(a), 425, 428, 432(b)(2), 433(a), 434(c), and 437 of the Social Security Act (the Act); 45 CFR 1355.30 and 1357; Program Instruction (PI)-ACYF-CB-PI-99-07, ACYF-CB-PI-02-07.

**INFORMATION:**

This Program Instruction announces and disseminates the Tribal allotments of funds under Title IV-B, subparts 1 and 2. As noted in ACYF-CB-PI-02-07, ACF is using the Tribes' child population under age 21 based on the official 2000 population figures supplied by the Census Bureau to determine Tribal allotments, unless the Tribe certifies an alternative child population number. ACF has completed the process of obtaining Indian child population certifications from the Tribes and can now release FY 2003 fund allotments.

States will find these Tribal allotments to be informative because direct title IV-B, subpart 1 grants to Tribes or Indian Tribal Organizations (ITOs) are funded from the title IV-B, subpart 1 allotment of the State or States in which the Tribe or ITO is located. The funds are taken from the State allotments only if the Tribe applies for the funds. If a Tribe or ITO is located in more than one State, funds are paid from the allotment of each State.

States and Tribes are required to make arrangements for the provision of child welfare services and protections required in section 422(b)(10) of the Act.<sup>1</sup> The regulations at 45 CFR 1357.40 require Tribes to provide a description of the arrangements developed with States to provide services to Indian children under both State and Tribal jurisdiction. We encourage States and Tribes to discuss and coordinate services for Tribal children in a meaningful way.

Title IV-B, subpart 2, was amended as a result of the passage of the Promoting Safe and Stable Families (PSSF) Amendments of 2001. The changes included the authorization of additional discretionary funds for the program and the provision for a two percent set-aside of the discretionary funds for Tribes. This is in addition to the one percent set-aside of the original allotment. The total Tribal portion of funds appropriated for subpart 2 for FY 2003 has increased to approximately \$5 million. As a result, in combination with the use of Tribally certified child population numbers, there are twelve Tribes newly eligible for PSSF funds in FY 2003. Allotments to individual Tribes may have either increased or decreased because more Tribes are now eligible for funding. Only those Indian Tribes whose allotment of FY 2003 funds are greater than \$10,000 are eligible to receive funds.

### **INSTRUCTIONS FOR TRIBES:**

**Current grantees:** (Tribes who submitted applications for title IV-B, subparts 1 and/or 2 for FY 2003 by June 30, 2002):

The CFS-101, The Annual Budget Request for Title IV-B, Subpart 1 and 2 Funds, requesting FY 2003 funds should have been submitted to ACF by June 30, 2002 along with the Annual Progress and Services Report (APSR). If a Tribe's estimated allotment has increased, the Tribe must send a revised CFS-101, Part I to the appropriate Regional Office by March 31, 2003, in order to receive additional funds.

If the Tribe is resubmitting, the following apply:

- Title IV-B, subpart 1 recipients must complete lines 1-5 and line 11 of the CFS-101, Part I.
- Title IV-B, subpart 2 recipients must complete lines 1-6 and line 11 of the CFS-101, Part I. It is not necessary to complete lines 6a-6f as Tribes are not required to specify the division of service dollars or the costs for administering the program. Line 7a should be completed if the Tribe will not be requesting its full allotment, or line 7b should be completed if the Tribe is requesting additional funding that may become available from Tribes who do not request their full allotment. Tribes should submit revised CFS-101s (Part I) as necessary, and as soon as possible, so that any funds available for re-allotment to other Tribes can be distributed accordingly.

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<sup>1</sup> The Adoption and Safe Families Act (ASFA) of 1997 renumbered former section 422(b)(9) of the Social Security Act as 422(b)(10). The regulation at 45 CFR 1357.40(c) has not yet been updated to reflect this change in numbering.

## **New Applicants Requirements:**

### **Title IV-B, subpart 1 (Child Welfare Services) for FY 2003:**

Applications for subpart 1 funds must have been received by June 30, 2002 for FY 2003. Applications for FY 2004 must be received no later than June 30, 2003. Additional guidance regarding the application process will be provided in a forthcoming Program Instruction.

### **Title IV-B, subpart 2 (Promoting Safe and Stable Families) for FY 2003 and FY 2004:**

In order to receive funds for FY 2003, new applicant Tribes must submit to the appropriate ACF Regional Office by June 30, 2003:

- a Child and Family Services Plan (CFSP) covering FY 2003 and FY 2004;
- a CFS-101, Part I and Part II (See Attachment B and Attachment C) for both FY 2003 and FY 2004;
- signed Assurances and Certifications (See Attachment E)

Tribes may utilize the 1<sup>st</sup> year funding for both planning and services, but must match any funds claimed under PSSF according to regulations at 45 CFR 1357.50(g).<sup>2</sup>

The CFSP is a plan that combines title IV-B, subparts 1 and 2. If the Tribe currently receives subpart 1, and is applying for subpart 2, it must expand the current CFSP to include subpart 2.

Tribal applicants must adhere to the following regulations in order to receive approval for their CFSP:

- 45 CFR 1357.15(a)--The comprehensive child and family services plan requirements. Within these regulations, there are specific requirements for Tribal plans.
- 45 CFR 1357.40 and 45 CFR 1357.50 -- The regulations regarding direct payments to Tribes for title IV-B, subparts 1 and 2 respectively.

Additional guidance concerning planning and the CFSP is provided in Attachment D. The regional offices must be part of a joint planning effort with the Tribe and are available for technical assistance to Tribes in the development of a timely CFSP.

## **Fiscal and Administrative Information for Current Grantees and New Applicants:**

Reallotment of Funds: The CFS-101, Part I: The Annual Budget Request for Title IV-B, Subpart 1 and 2 Funds, (see Attachment B), has been updated and approved through July 31, 2005. This form offers the opportunity to indicate, at line 7a, the amount of the Tribal allotment that will not be used for the Promoting Safe and Stable Families program. That amount can be reallocated to other Tribes, so that the total set-aside for Tribes remains available for program purposes. Please indicate the amount, if any, the Tribe will not be using, or at line 7b, the additional amount the Tribe is requesting if reallotment funds become available.

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<sup>2</sup> Former section 434(b)(2) of the Act allowed States and Indian Tribes to use 100 percent Federal funds for planning purposes in the first year of the title IV-B, subpart 2 program. The statutory provision has been repealed and is no longer in effect. Regulatory provisions extending that authority for Tribes are now obsolete.

Cost Sharing Requirements: In order to receive the funds potentially available, a Tribe or ITO must provide at least 25 percent of the total funds expended by the Tribe or ITO for title IV-B, subparts 1 and 2 funds or an amount equal to at least one third of the Federal allotment. The Federal share is 75 percent of the total expenditures, up to the amount of the Tribal allotment. The Tribes' or ITOs' total expenditures may be greater than the amount needed to draw down the Federal funds, but the Federal reimbursement is limited to the amount in the allotment. The Tribe must also match any additional funding received through the re-allotment process. Except as follows, the use of other Federal funds as the Indian Tribe's share of expenditures is prohibited. The exceptions are: 1) Indian Child Welfare Act funds; 2) Indian Self-Determination and Education Assistance funds; and 3) Community Development Block Grant funds.

Fiscal Reports: Expenditures under title IV-B are to be reported by the State or Indian Tribe using a Standard Form 269, Financial Status Report (SF-269). Tribes are required to submit an SF-269 at the end of each 12 months (October 1-September 30). The report covering the first 12 months is the interim report and the report covering the entire two-year grant period is the final report. The interim report and the final report are due 90 days after the end of each fiscal year (December 31). 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. Submit the SF-269 directly to the appropriate Regional Office and to 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

Budget Request Submittal: Eligible Tribes or ITOs should submit the Annual Budget Request (Form CFS-101) to the appropriate Regional Office. Upon approval, the Regional Office will forward the approved request to the ACF Office of Administration in Washington, DC.

INQUIRIES TO: ACF Regional Offices

/s/  
Joan E. Ohl  
Commissioner

Attachment A 1- FY 2003 estimated Title IV-B, subpart 1 allotments  
Attachment A 2- FY 2003 estimated Title IV-B, subpart 2 allotments  
Attachment B – CFS-101, Part I, Annual Budget for Title IV-B, subparts 1 & 2  
Attachment C – CFS-101, Part II, Annual Summary of CFS, Form  
Attachment C – CFS-101, Part II, Annual Summary of CFS (new applicants only)  
Attachment D – CFSP guidance (new applicants only)  
Attachment E – Assurances and Certifications (new applicants only)  
Attachment F – ACF Regional Offices