

<h1 style="margin: 0;">ACF</h1> <p style="margin: 0;">Administration for Children and Families</p>	<b>U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES</b> <b>Administration for Children and Families</b>	
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	<b>3. Originating Office:</b> Children's Bureau	
	<b>4. Key Words:</b> 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 and the Administration for Children and Families (ACF) Regional Administrators.

**SUBJECT:** The June 30, 2006 submission of the Annual Progress and Services Report (APSR) as required under Title IV-B of the Social Security Act, including the submission of the CFS-101, Parts I and II, Annual Budget Request and Annual Summary of Child and Family Services.

**REFERENCES:** Title IV-B, Subparts 1 and 2, Sections 420-425, 428, 430-438, and Title IV-E, Section 477 of the Social Security Act (the Act); the Indian Child Welfare Act of 1978 (Public Law (P.L.) 95-608); the Indian Self-Determination and Education Assistance Act (P.L. 93-638); 45 CFR Parts 1355 and 1357; ACYF-PI-CB-95-23, October 11, 1995, 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) 2007 (subject to the availability of appropriations). This PI also announces the final FY 2006 allotments, provides guidance regarding the

reporting of FY 2006 activities and accomplishments, and provides instructions regarding application for FY 2007 funds for Tribes for the above programs.

Please note the new structure of the APSR PI for this fiscal year. ACF hopes that the program will find that these instructions clearly communicate the requested information in a user-friendly format. It is important that the program responds to this PI in its entirety 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 program has additional questions in preparing the APSR, please contact the ACF Regional Office Tribal Liaison.

Since the CFSP began in 1994, there have been two complete five-year plan cycles (FY 1995-1999 and FY 2000-2004). The FY 2005-2009 CFSPs were submitted June 30, 2004. Federal regulations at 45 CFR 1357 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. Completion of the APSR satisfies the Federal regulations by providing updates on a Tribe's annual progress for the past fiscal year and planned activities for the upcoming fiscal year.

In order for Tribes to receive Title IV-B, Subparts 1 and 2, FY 2007 funds, the APSR must be submitted to the ACF Regional Offices (RO) by June 30, 2006. An original, signed CFS-101, Annual Budget Request for Title IV-B, Subparts 1 and 2, CAPTA, Chafee Foster Care Independence (CFCIP) and Education and Training Voucher (ETV) programs must be mailed to the RO as well. (See addresses at Attachment D.) The ROs will be working with Tribes to ensure that the information provided adequately addresses the information required. Upon approval, 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 and II, is 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 and individuals in the ongoing CFSP related consultation and coordination process when conducting this review.

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.

### **Deficit Reduction Act Amendments to the Title IV-B Programs**

The Deficit Reduction Act (DRA) of 2005, P.L. 109-171, includes several amendments to programs administered by the Children's Bureau. A thorough review of the new provisions will be issued by the Children's Bureau through an Information Memorandum. The provisions that affect Title IV-B requirements are as follows:

#### **Court Improvement:**

This section authorizes and appropriates grant funds for each of two new purposes under the Court Improvement Program (CIP).

- To ensure that the needs of children are met in a timely and complete manner through improved case tracking and analysis of child welfare cases.
- To train judges, attorneys and other legal personnel in child welfare cases and to cross-train with child welfare agency staff and contractors.
- The new grants are authorized and funded through FY 2010.

#### **Collaboration:**

The law adds a Title IV-B plan requirement to section 422 of the Act for the State or Tribe to demonstrate substantial, ongoing and meaningful collaboration with State courts in the development and implementation of its Title IV-B and Title IV-E plans. The DRA added a similar requirement on collaboration to those State courts that will be applying for CIP funds available under Section 438 of the Act. ACF anticipates that guidance to State courts on the CIP application process will be disseminated in late spring. In order to foster maximum coordination between Tribal agencies and the courts in responding to their new respective requirements on collaboration, ACF is deferring a Tribal agency response to them until both parties have been able to begin or continue their enhanced collaboration activities during the summer.

Accordingly, by August 1, 2006, Tribal agencies must submit an addendum to their APSR to the ACF RO that will provide a description and evidence of collaboration between them and the State and/or Tribal courts, as appropriate, in developing and/or implementing their Tribal plans, as well as a plan for future activities between the parties.

#### **Funding:**

On December 30, 2005, President George W. Bush signed the Appropriations Bill for the Departments of Labor, Health and Human Services, and Education and related agencies providing FY 2006 funding for the programs included in the CFSP. Included in the appropriation for the Department of Defense, signed the same day, was a one percent reduction for all programs categorized as “discretionary” in the budget, including the Department of Health and Human Services (HHS) programs under Title IV-B, Subparts 1 and 2. The “mandatory” portion of funding for Title IV-B, Subpart 2, was not affected by this reduction. The DRA of 2005, which was signed by the President on February 8, 2006, increased the authorized level for the mandatory Title IV-B, Subpart 2, program to \$345 million. However, as of this writing, only \$305 million has been appropriated in mandatory funding for Title IV-B, Subpart 2. A table showing the FY 2006 appropriations for each program can be found at <http://www.acf.hhs.gov/programs/olab/budget/2006/fy2006apt.htm>.

### **Current Executive Initiatives:**

The Administration has identified major initiatives in areas that it feels will benefit children, adults, and society. The initiatives include HHS’ Healthy Marriages, Responsible Fatherhood, Youth Development, Rural Development, and Faith-Based and Community Initiatives, which can be promoted among the populations that ACF serves and are an appropriate use of Title IV-B funding. More detailed instructions are included on pages 5 – 6 of this document.

### **APSR Submission:**

Tribes must submit their APSR to the RO by June 30, 2006:

- Original APSR (via e-mail or compact disk);
- Original CFS-101, Parts I and II for FY 2007 with signature (electronic and hard copy);
- Include relinquishment of, or requests for, FY 2007 Title IV-B funds available for reallocation; and
- If appropriate, a revised and signed CFS-101 for FY 2006 indicating:
  - The additional amount of funding the Tribe should receive should its allotment for FY 2006 be larger than previously estimated and requested;

- The amount of funds that the Tribe does not expect to use from its FY 2006 allotment during the upcoming year to carry out the Title IV-B program activities; and/or
- The amount of funds the Tribe is requesting if additional funds become available for the Title IV-B programs.
- If applicable, certifications and assurances. Note that these need to be re-submitted only if a change is warranted from the most recent CFSP submission.

Note that 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:

- 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 (if applicable).

### **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 including improved outcomes for children and families, and a more comprehensive, coordinated, effective child and family services continuum;
- Explain planned activities, new strategies for improvement, and the method(s) to measure progress in the upcoming fiscal year;
- Explain any revisions to the goals and objectives;
- Describe the services to be provided in FY 2007, highlighting any changes or additions in services or program design;
- 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; and

- Indicate if there are no planned changes to the program.

## **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 shareholder or partner involvement in the review of progress made and updates for the coming year.
- As noted on previous pages, the DRA Tribal plan requirement for Tribal child welfare agencies to demonstrate substantial, ongoing and meaningful collaboration with the courts is delayed for a short time. This information must be submitted to the ACF RO by August 1, 2006.

## **3. Program Support**

- 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.

## **4. Tribal Consultation**

Although ACF has not requested information regarding Tribal consultation in the past, it may be helpful to the Tribe to put in writing its understanding of the State/Tribal consultation conducted as part of State requirements regarding the Indian Child Welfare Act (ICWA), the protections provided to Tribal children, and the Chafee Foster Care Independence Act (CFCIP). The State is 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.
- 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)(10) of the Act, whether they are in State or Tribal custody.

- Explain the results of the Indian Tribe consultation (Section 477(b)(3)(G) of the Act) specifically as it relates to determining eligibility for benefits and services and ensuring fair and equitable treatment for Indian youth in care under the CFCIP:
- Describe how the Tribe has been consulted about the programs to be carried out under the Chafee Program. This description may include the efforts to coordinate the programs, how the State will ensure 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, and what Chafee benefits and services are currently available and provided for Indian children and youth in fulfillment of this section and the purposes of the law.

**Current Executive Initiatives: Healthy Marriage, Fatherhood, Rural Development, Positive Youth Development and Faith-Based and Community Initiatives**

- Explain the services that the Tribe provided, using only Title IV-B funds, during the past year that support the above initiatives;
- Describe services that the Tribe plans to provide, using only Title IV-B funds, in FY 2007;
- Tribes may, but are not required to, describe services provided through sources of funding other than Title IV-B. In doing so, identify the source of funding for the service(s) provided.

**1. FY 2006 Funding—Revised Budget Request**

- Submit a revised FY 2006 budget form (CFS-101, Part I) in order to receive the full share of FY 2006 funds allotted, if the previously submitted request was less than the FY 2006 amount the Tribe is eligible to receive under Title IV-B, Subparts 1 or 2,
- Indicate on Line 7a or 7b on the FY 2006 CFS-101, Part I (Annual Budget Request) if the Tribe intends to apply for, or release, respectively, FY 2006 funds for reallocation. Submit this form as soon as possible and no later than June 30, 2006.

**2. FY 2007 Budget Request—CFS-101 (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 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; and
- Use the FY 2006 allotments as the basis for your budget request for Title IV-B, Subparts 1 and 2.

### **3. Financial Status Reports—SF-269**

Submission requirements for expenditures of Title IV-B funds must be met by all grantees on the Financial Status Report Standard Form (SF) 269 and are listed below. 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 90 days after the end of the fiscal year (Dec. 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 and the required 25 percent Tribe 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:** ACF Regional Offices

/s/

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

**Attachments:**

Attachment A: FY 2006 Title IV-B Subpart 1, Child Welfare Services Tribal Allocations

Attachment B: FY 2006 Title IV-B Subpart 2, Promoting Safe and Stable Families Tribal Allocations

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

Attachment D: ACF Regional Administrators