

ATTACHMENT B

Appendix “1” Title IV-B Requirements in Statute but not Regulations*

1. Title IVB, subpart 2 Program Name Changed to Promoting Safe and Stable Families.

This change occurred when the original Family Preservation and Family Support program was expanded by the Adoption and Safe Families Act (ASFA) of 1997. Funding was also increased at that time and also with the program reauthorization in 2001. [Section 430 (a) in Title IV-B of the Social Security Act (the Act)]

2. Addition of Title IVB, subpart 2 Service Categories of Time-Limited Reunification Services and Adoption Promotion and Support.

The 1997 reauthorization of the title IV-B, subpart 2 program affirmed the use of Federal funds for community-based family support services and family preservation services, and additionally required States to spend a portion of funds for time-limited family reunification services and adoption support services. The two latter categories allow States to fund services that facilitate the reunification of children in foster care with their families in a timely and safe manner, and encourage more adoptions out of the foster care system, expedite the adoption process, and support adoptive families as necessary to allow them to make a lifetime commitment to their children. [Sections 431 (a)(7) and (8)] In general, requirements in the regulations related to family preservation and support only should be taken to mean all four allowable service categories.

3. Expanded Title IVB, subpart 2 Definition of Non-Federal Funds for Non-Supplantation Provision.

ASFA added a definition of non-Federal funds for purposes of the title IVB, subpart 2 non-supplantation requirement at 432(a)(7)(A) of the Act. Non-federal funds are defined as State funds, or at State option, State and local funds. This means that a State may consider the amount of both local and State funds spent on Promoting Safe and Stable Families Program services in determining which funds may not be supplanted by Federal funds. This statutory definition of non-Federal funds supersedes the regulatory definition in 45 CFR 1357.32(f). [Section 431(a)(9)]

4. Title IVB, subpart 1 Assurance Regarding Use of Cross-Jurisdictional Resources.

ASFA added section 422 (b)(12) to the Act, which requires that State plans for child welfare services contain assurances that the State shall develop plans for the effective use and sharing of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for children.

5. Description of State Activities for Children Adopted from Overseas in title IVB, subpart 1.

Public Law 106-279 added section 422(b)(13) to title IV-B, which states that the plan for Child Welfare Services must contain a description of activities that the State has undertaken for

* This appendix describes new requirements in title IV-B of the Social Security Act that are relevant to the Child and Family Services Plan and the Annual Progress and Services Report. This appendix may not include all amendments to title IV-B requirements.

children adopted from other countries, including the provision of adoption and post-adoption services.

6. Title IVB, subpart 1 Assurance Regarding Information on Children Adopted from Other Countries Who Enter State Care.

The Intercountry Adoption Act of 2000 (Public Law 106-279) added section 422 (b)(14) to title IV-B. This provision requires that the State plans for child welfare services provide that the State will collect and report information on children who are adopted from other countries and who enter State custody as a result of the disruption of an adoptive placement, or the dissolution of a finalized adoption. Such information must include the reasons for disruption or dissolution, the agencies who handled the placement or adoption, the plans for the child, and the number of children to whom this pertains.

7. Re-allotments of Title IV-B, subpart 2 Funds.

Public Law 107-133 amended Section 433 (d) of the Act to allow the Secretary to reallocate unneeded portions of title IVB, subpart 2 State allocations to other States, so that the total appropriation remains available for program purposes. The State must certify that grant funds are not needed before they can be reallocated.

8. Addition of Language to Title IVB, subpart 2 Definitions of the Service Categories re: Infant Safe-Haven Programs, Strengthening Parental Relationships, and Promotion of Healthy Marriages.

The Promoting Safe and Stable Families Amendments of 2001 (Public Law 107-133) amended the definition of Family Preservation Services to allow States to support infant safe haven programs to allow a parent to safely relinquish a newborn infant. [Section 431 (a)(1)(F)] The amendments also add to the definition of Family Support Services. Specifically, States may now support services to strengthen parental relationships and promote healthy marriages. [Section 431 (a)(2)] The definitions for family preservation and family support services in the regulations at 45 CFR 1357.10 should be read in conjunction with these statutory definitions.

9. Other Federal Program Name Changes.

Since the regulations were issued, a number of Federal programs referenced in the regulations have undergone significant changes, including name changes. States should note the following name changes in meeting the consultation requirements in 45 CFR 1357.15(l)(viii):

- “Part H programs” are now programs under Part C of the Individuals with Disabilities Education Assistance (IDEA) Act
- “Title IV-A” is also known as the Temporary Assistance for Needy Families program
- “child care and development block grant (CCDBG)” is also known as the Child Care Development Fund (CCDF)
- “Community-Based Family Resource Programs” are now known as either Title II programs under the Child Abuse Prevention and Treatment Act (CAPTA) or Community-Based Grants for the Prevention of Child Abuse.

ATTACHMENT B

Appendix “2”—Obsolete Title IV-B Provisions Still in Regulation*

1. References to Dates and Submission Timeframes that Have Passed.

The regulations at 45 CFR 1357.15 refer to numerous timelines that have passed. This is because the regulation was based on the initial Family Preservation and Family Support legislation. With the exception of the obsolete requirements listed below, the required elements of the APSRs and CFSPs apply on an annual or five-year cycle as applicable, regardless of the dates listed.

Specific obsolete references:

- At 45 CFR 1357.15 (a)(4), there is reference to the phase-in of the requirements for a consolidated CFSP by June 30, 1997. The phase-in period has expired and consolidation of the CFSP is now required.
- See also similar out-of-date references for phasing in consolidation of the CFSP in 45 CFR 1357.15 (b)(2) and (3), 1357.16 (a)(7), and 1357.16 (b)(4).

2. References to Title IV-B, subpart 1 Assurances in Section 422 (b)(9).

The regulation at 45 CFR 1357.15 (q) requires the CFSP to explain how services will help meet permanency provisions for children and families at 422 (b)(9) of the Act, but the actual section of the Act that addresses this issue is now located at 422 (b)(10).

3. CFSP Requirement that a Significant Portion of Funds are Used for Family Support and Family Preservation Services.

At 45 CFR 1357.15(s), the regulation requires that a significant portion of funds be used for family preservation and family support services. The requirement for significant portion previously required States to provide a strong rationale if they planned to expend less than 25% of their title IV-B, subpart 2 funds for either family preservation or family support. As a result of the expansion of title IV-B, subpart 2 to include two new services, that definition no longer applies. The significant portion requirement applies to all 4 services including time-limited family reunification services and adoption support services. Program Instructions on the APSR (beginning with ACYF-CB-PI-98-03) provide guidance to States on how to determine the significant portion requirement.

4. Authority for Requirements and Funding Formerly under Section 427 of the Act.

The Social Security Act Amendments of 1994 (Public Law 103-432) amended the Act as follows:

* This appendix describes obsolete requirements in the regulations at 45 CFR 1357 that are relevant to the Child and Family Services Plan and the Annual Progress and Services Report. This appendix may not include all obsolete requirements.

Public Law 103-432 repealed section 427 in title IV-B of the Act, effective for fiscal years beginning after April 1, 1996. Section 427 had been added to title IV-B by Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980, which offered incentive funds to States and Indian Tribes if they provided certain protections for children in foster care.

Public Law 103-432 added section 422(b) in title IV-B of the Act to include, as State Plan assurances, the foster care protections formerly required in section 427 of the Act. It also added two new assurances with respect to review of State policies on abandoned children.