

# ACF

Administration  
for Children  
and Families

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Children, Youth and Families

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**4. Key Words:** Title IV-B Child and Family Services Plan; Chafee Foster Care Independence Program; Educational Training Vouchers Program

## PROGRAM INSTRUCTION

**TO:** Indian Tribes, Indian Tribal Organizations or Indian Tribal Consortia Administering Title IV-B, subparts 1 and 2 of the Social Security Act, Title IV-E of the Social Security Act; Tribal Independent Living and Education and Training Voucher Coordinators.

**SUBJECT:** June 30, 2009 Submission of: (1) the Child and Family Services Plan (CFSP) Final Report for fiscal years (FYs) 2005-2009; (2) the Child and Family Services Plan for FYs 2010-2014 for the Stephanie Tubbs Jones Child Welfare Services and Promoting Safe and Stable Families (PSSF) Programs, and the Chafee Foster Care Independence Program (CFCIP) and the Education and Training Vouchers (ETV) Programs; and (3) the CFS-101, Part I, Annual Budget Request, Part II, Annual Summary of Child and Family Services, and Part III, Annual Expenditure Report—Title IV-B, Subparts 1 and 2.

**LEGAL AND RELATED REFERENCES:** The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law (P.L.) 110-351); Title IV-B, subparts 1 and 2, Sections 421-425, 428, 430-438, and Title IV-E, Section 477 of the Social Security Act; the Indian Child Welfare Act of 1978 (P.L. 95-608); the Indian Self-Determination and Education Assistance Act (P.L. 93-638); and 45 CFR Parts 1355 and 1357.

**PURPOSE:** This Program Instruction (PI) provides guidance to Indian Tribes, Tribal Organizations or Tribal Consortia (Tribes) on actions they are required to take in order to receive their allotments for FY 2010 (subject to the availability of appropriations) authorized under title IV-B, subparts 1 and/or 2, the Chafee Foster Care Independence Program (CFCIP), and the Education and Training Vouchers (ETV) program.

In order to receive funds for FY 2010, Tribes must develop and submit by June 30, 2009:

- A final report for FYs 2005-2009 on services provided under the Child and Family Services Plan (CFSP), that encompasses title IV-B, subparts 1 and 2 (applicable only to Tribes that received title IV-B funds in any of those years);

- A five-year Child and Family Services Plan for FYs 2010-2014 integrating the Tribe's title IV-B, subparts 1 and/or 2, and, if the Tribe is eligible and opts for direct funding, the title IV-E section 477 programs (CFCIP and ETV); and the
- CFS-101, Parts I, II and III, if applicable.

The final allocations for these programs for FY 2009 are attached. (See Attachment A)

**INFORMATION: Organization of the Program Instruction:**

- Section A. Background
- Section B. Overview of the Child and Family Services Plan
- Section C. Final report for CFSP for Fiscal Years 2005-2009
- Section D. Child and Family Services Plan for FYs 2010 - 2014
- Section E. Chafee Foster Care Independence and Education and Training Vouchers Programs Requirements
- Section F. Financial Information

Attachments

**Section A. Background:**

Since the CFSP process began in 1994, there have been three complete five-year plan cycles (FYs 1995-1999, FYs 2000-2004 and FYs 2005-2009). The next CFSP is due June 30, 2009 for FYs 2010-2014.

A primary purpose of the plan is to integrate the programs that serve children and families, including title IV-B, subparts 1 and 2 of the Social Security Act (the Act), into a continuum of services for children and their families. Tribes should plan comprehensively for the full array of child welfare services, from prevention and protection through permanency.

Federal regulations at 45 CFR 1357 outline requirements for the CFSP, including information specific to Tribes. Although these regulations refer to numerous dates and timelines that were useful at the introduction of the integrated plan concept, the dates have since passed. However, the required elements of the comprehensive five-year CFSP, the Annual Progress and Services Reports (APSRs) and the final report on the progress made toward accomplishing the goals and objectives in the CFSP continue to be applicable. The obsolete regulations and other variances in the current law and regulations are listed at Attachment B.

Throughout the past fifteen years, the Children's Bureau (CB) has used PIs to inform and instruct Tribes regarding the CFSP and the requirements of the programs involved. Previous PIs can be found on the internet at: [www.acf.hhs.gov/programs/cb/laws\\_policies/index.htm#policy](http://www.acf.hhs.gov/programs/cb/laws_policies/index.htm#policy)

Since the last PI was issued on May 2, 2008, a number of amendments to the Act affecting the CFSP were enacted as part of P.L. 110-351, the Fostering Connections to Success and Increasing

Adoptions Act of 2008. These amendments (which became effective on October 7, 2008, unless otherwise noted) include:

- re-naming the title IV-B, subpart 1 program as the “Stephanie Tubbs Jones Child Welfare Services Program;”
- requiring the title IV-B agency, in coordination with the State title XIX (Medicaid) agency and other health and child welfare experts, to develop a plan for the ongoing oversight and coordination of health care services for children in foster care;
- adding a new title IV-E plan requirement for States to negotiate in good faith with any Tribe that requests the development of a title IV-E cooperative agreement or contract with the State to administer all or part of the title IV-E on behalf of Indian children and access to title IV-E administration, training and data collection resources;
- adding a provision to allow Tribes that have IV-E cooperative agreements or contracts with States or that are approved to operate the IV-E program directly to receive a direct allotment for CFCIP and ETV effective October 1, 2009;
- adding a State CFCIP certification, effective October 1, 2009, for a State to negotiate in good faith with any Tribe that does not receive a CFCIP or ETV allotment directly and requests to develop an agreement with the State to administer or supervise the CFCIP or ETV program with respect to eligible Indian children and receive an appropriate portion of the State's allotment for such administration or supervision;
- creating a new title IV-E Guardianship Assistance Program (GAP) option for States (effective October 7, 2008) and Tribes effective October 1, 2009;
- adding a provision to permit title IV-E agencies to claim the costs of short-term training of: relative guardians, licensed or approved child welfare agency staff providing services to children receiving title IV-E assistance; child abuse and neglect court personnel; agency, child or parent attorneys; guardians ad litem or court appointed special advocates representing children in proceedings;
- amending the CFCIP to add the purpose of providing services to youth who after age 16 leave foster care for kinship guardianship or adoption.

A draft compilation of the revised Social Security Act can be found at <http://www.acf.hhs.gov/programs/cb/index.htm>. In addition, provisions of P.L. 110-351 are described in greater detail in ACYF-CB-PI-08-05, which may be found at [http://www.acf.hhs.gov/programs/cb/laws\\_policies/policy/pi/2008/pi0805.htm](http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/2008/pi0805.htm).

Please note that Tribes that plan to submit a title IV-E plan to operate a Foster Care, Adoption Assistance and, at Tribal option, Guardianship Assistance Program, **must also have an approved plan for title IV-B, subpart 1**. Both plans can be submitted for the same fiscal year.

**Therefore, a Tribe that wants to submit a plan to operate directly a title IV-E program in FY 2010, must submit a CFSP to apply for title IV-B, subpart 1 by June 30, 2009, as described further below.**

## **Section B. Overview of the Child and Family Services Plan**

The CFSP is a five-year strategic plan that sets forth the vision and the goals to be accomplished to advance the Tribe's overall child welfare system. The goals and objectives of the plan should address the following areas:

- safety of children;
- permanency for children;
- well-being of children and their families; and
- the nature, scope, and adequacy of existing child and family and related social services.

After each five-year period, Tribes must base the development of the next five-year plan on a final review of the accomplishments and identified needs from the previous five-year plan, including any new information (45 CFR 1357.16(f)).

Planning begins with a review of or the development of a vision for the Tribe's child and family services program, and a self-assessment of the Tribe's current capacity to serve children and families. Federal regulations at 45 CFR 1357.15 set forth the requirements for the development, implementation and phase-in of the CFSP. The plan must set forth goals and objectives for achieving a system of coordinated, integrated, culturally relevant, family-focused services. The provision of services under the plan must be coordinated with other Federal and federally-assisted programs serving children, youth and families.

The following suggestions may be useful to the Tribe in developing the CFSP:

Visioning: Visioning means the ability to "see" or envision exactly where one wants to go and why one needs to get there. Visioning enables an agency to review the potential effects of current and projected forces/issues, define and assess core competencies and values, develop desired future scenarios and begin to plot a strategy for achieving its vision for the future.

Visioning and goal setting are important aspects of the CFSP. Tribes should revisit, and, if appropriate, revise their past written vision statements to ensure that they remain valid, practical and timely and that they continue to move the Tribe's child welfare systems forward toward positive, integrated services for Tribal children and their families.

Assessment: An assessment is a product developed by gathering, analyzing, and synthesizing information to identify resources, strengths, motivation, functional components, and other factors at a point in time that can be used to enhance functioning and promote growth.

A basic assessment involves three steps:

1. Gather information on agency operations and performance, including data reports from internal or external sources. As examples, Tribes may wish to compile information on issues such as rates of child abuse and neglect for Tribal children, the number of Tribal children in foster care, the number of foster homes available on or near the reservation or Tribal community, information on lengths of stay in foster care, permanency outcomes for children in foster care, as well as information on service availability and utilization. In addition to child welfare data and service information, Tribes may wish to review reports from other agencies and service providers serving Tribal children and families (e.g., programs addressing substance abuse, domestic violence, behavioral health, schools, developmental disabilities, etc.). Tribes may want to expand upon available information with newer information, as needed (i.e., conduct surveys or convene focus groups, gain feedback from community meetings and forums, etc.).
2. Synthesize and analyze the information (i.e. prepare charts and graphs, write narrative summaries of numerical data, convene broader planning groups in order to determine agency strengths and weaknesses based on the information gathered). Section 45 CFR 1357.16(e) and section 432(a)(2)(C)(ii) require the Tribe to analyze its progress toward accomplishing the goals and objectives of the previous 5-year plan and to submit a final report along with the new CFSP. This process will also help the Tribes to examine their previous goals and utilize that knowledge when determining the goals of the next 5-year plan.
3. Draw conclusions, formulate hypotheses, and develop and articulate assumptions about what steps the agency can take to improve performance in key areas.

If the agency already knows what goals it wants to focus on, the Tribal assessment can be focused on those targeted areas. For example, Tribal child welfare agencies may see a need to work more closely with their Tribal courts, with the State Court Improvement Program, collaborate more with the State child welfare agency, and/or reduce the number of children in out of home placement.

Consultation/Coordination: The CFSP requires consultation and coordination. It must be jointly developed between the CB Regional Office and the Tribal agency. The Tribal agency must also consult with appropriate public and nonprofit private agencies and community-based organizations, including representatives of other Federal or federally-assisted child and family services or related programs such as the Bureau of Indian Affairs. It is important to remember that joint planning, consultation and coordination are part of an ongoing process to inform decisions about the use of Federal funds and the delivery of child and family services, not activities to be engaged in only when CFSPs are due.

There are numerous opportunities for Tribes and States to collaborate when planning for children and families. According to the regulations at 45 CFR 1357.15(q), States must jointly develop with the Tribe, the arrangements made for the provision of the child welfare services and

protections in section 422(b)(8) to Indian children under both State and Tribal jurisdiction. The CFCIP also requires States to consult with Tribes regarding independent living and transition services provided to older youth in foster care. Specifically, section 477(b)(3)(G) of the Act requires States to certify that “each Indian tribe in the State has been consulted about the programs to be carried out under the [CFCIP] plan; that there have been efforts to coordinate the programs with such tribes; and that benefits and services under the programs will be made available to Indian children in the State on the same basis as to other children in the State.” In addition, as previously noted, P.L. 110-351 added a new title IV-E plan requirement for States to negotiate in good faith with any Tribe that requests the development of a title IV-E agreement with the State to administer all or part of the title IV-E program on behalf of Indian children.

The Child and Family Services Review (CFSR) process also provides an opportunity for States and Tribes to consult and coordinate. Tribal representatives should be involved in States' statewide assessments for the CFSR and the planning for services improvement through States' CFSR Program Improvement Plans (PIP).

Finally, it should be noted that Federal regulations at 45 CFR 1357.15(v) require State agencies and Indian Tribal organizations to exchange copies of their CFSPs.

Joint planning: Joint planning means an ongoing partnership process between ACF/CB and a Tribe in the development, review, analysis, and refinement and/or revision of the State's and the Indian Tribe's CFSP. Joint planning involves discussions, consultation, and negotiation between CB Regional Office staff and the Tribe in all areas of CFSP creation such as, but not limited to, identifying the service needs of children, youth, and families; selecting the unmet service needs that will be addressed; developing goals and objectives that will result in improving outcomes for children and families; developing a plan to meet the Federal financial matching requirements; and establishing a more comprehensive, coordinated and effective child and family services delivery system. The expectation of joint planning is that both ACF/CB and the State or Tribe will reach agreement on substantive and procedural matters related to the CFSP. (See 45 CFR 1357.10 - Definitions.)

### **Section C. Final Report for the CFSP for Fiscal Years 2005-2009**

Each Tribe that received funding under title IV-B, subpart 1 (the Stephanie Tubbs Jones Child Welfare Services Program) and/or title IV-B, subpart 2 (Promoting Safe and Stable Families Program) for any of the fiscal years 2005–2009 must conduct a review of the progress made toward accomplishing the goals and objectives in the CFSP. When conducting the final review, the Tribe must involve the agencies, organizations, and individuals that are a part of the ongoing CFSP-related consultation and coordination process. The final report may be submitted in the format of the Tribe's choice.

The final report must include a description of the specific accomplishments and progress made toward meeting each goal and objective in the Tribe's CFSP for FYs 2005-2009, including information on outcomes for children and families, and a more comprehensive, coordinated, effective child and family services continuum. In describing the progress and accomplishments

in the final report, the Tribe should incorporate its baseline data and information and other information gathered through annual reviews. The final report should address barriers or unexpected events that may have had an impact on the accomplishment of the CFSP plan's goals and objectives. 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. The Final Report may also include any other information a Tribe wishes to include relating to the CFSP efforts.

The final report must be made available to the public, as required by 45 CFR 1355.21.

#### **Section D. Five-Year Child and Family Services Plan for FYs 2010-2014**

Development of the new CFSP continues the Tribe's opportunity to implement a system of coordinated, integrated, culturally-relevant, family-focused services. Tribes should review the service principles at 45 CFR 1355.25. The process of coordination and collaboration implemented during the previous plan development, and continued annually for the APSR, should be continued in the development of the CFSP for FYs 2010-2014. The Tribe should use information and data gathered through the previous CFSP and APSRs, if applicable, to inform the development of the Tribe's FY 2010-2014 CFSP vision, goals, objectives, funding, and service decisions.

The CFSP must include information for any or all of the following programs for which the Tribe is applying:

- **Stephanie Tubbs Jones Child Welfare Services Program (title IV-B subpart 1)**  
Funds under this program may be used for:
  1. protecting and promoting the welfare of all children;
  2. preventing the neglect, abuse, or exploitation of children;
  3. supporting at-risk families through services which allow children, where appropriate, to remain safely with their families or return to their families in a timely manner;
  4. promoting the safety, permanence, and well-being of children in foster care and adoptive families; and
  5. providing training, professional development and support to ensure a well-qualified child welfare workforce.
  
- **The Promoting Safe and Stable Families Program (title IV-B subpart 2)**  
Funds under this program may be used to support services in the following four areas:
  1. family preservation;
  2. family support;
  3. time-limited family reunification; and
  4. adoption promotion and support services.

- **The Chafee Foster Care Independence Program (CFCIP); and the Education and Training Vouchers (ETV) Program**

Funds under CFCIP are used to help youth in foster care and former foster youth ages 18-21 make a successful transition from foster care to self-sufficiency by providing educational, vocational and other services and supports. The ETV program provides funds for vouchers for postsecondary education and training. Information on tribal eligibility for these programs and additional information on the use of funds under these programs is discussed in Section F of this PI.

Tribes must provide the following information in the CFSP:

Tribal agency administering the programs: Tribes must identify the Tribal agency that will administer the title IV-B (and, if applicable, CFCIP and ETV) programs under the plan. The CFSP must include a description of the organization, its function, and the organizational unit responsible for operation and administration of the CFSP, an organizational chart of that office, and a description of how that office relates to Tribal and other offices operating or administering service program within the Tribal service area. The same agency is required to administer or supervise the administration of all programs under titles IV-B and IV-E of the Act (45 CFR 1357.15(f)).

Vision Statement: Tribes must include a vision statement which articulates the grantee's philosophy of providing child and family services and developing or improving a coordinated service delivery system. The vision should reflect the service principles at 45 CFR 1355.25 (45 CFR 1357.15(g)).

Goals: The CFSP must specify the goals that will be accomplished during and by the end of the five-year period of the plan. The goals must be expressed in terms of improved outcomes for the safety, permanency and well-being of children and families, and a more comprehensive, coordinated, and effective child and family service delivery system (45 CFR 1357.15(h)).

Objectives: The CFSP must include the realistic, specific, quantifiable and measurable objectives that will be carried out to achieve each goal. Each objective should focus on outcomes for children, youth and/or families or on elements of service delivery (such as quality) that are linked to outcomes in important ways. Each objective should include both interim benchmarks and a long-term timetable, as appropriate, for achieving the objective. The CFSP must include objectives to make progress in reaching additional children in need of services, expanding and strengthening the range of existing services, and developing new types of services (45 CFR 1357.15(i)).

Measures of progress: The CFSP must describe the methods to be used in measuring the results, accomplishments, and annual progress toward meeting the goals and objectives. Processes and procedures assuring valid and reliable data and information must be specified. The data and information must be capable of determining whether or not the interim benchmarks and multi-year timetable for accomplishing CFSP goals and objectives are being met (45 CFR 1357.15(j)).

Consultation and Coordination. The CFSP must discuss the approach to include, and the involvement of, stakeholders including families, youth, States, other Federally-funded programs, e.g. Temporary Assistance for Needy Families (TANF), Medicaid, Child Care, Head Start, Supplemental Nutrition Assistance Program (SNAP) (formerly known as the Food Stamps program), and Community-Based Child Abuse Prevention (CBCAP) programs; and State, local, Tribal and community-based public and private providers for programs such as substance abuse, domestic violence, behavioral health, schools, developmental disability, private child welfare services, etc. Describe how services under the plan will be coordinated over the five-year period with services or benefits under other Federal or Federally-assisted child and family services or programs serving the same populations to achieve the goals and objectives in the plan (45 CFR 1357.15(l) and (m)).

Service Description: Tribes must describe the services they plan to provide under title IV-B, subpart 1 and under each category of title IV-B, subpart 2: family preservation; family support; time-limited family reunification; and adoption promotion and support services. The description must include services currently available to families and children; the extent to which each service is available and being provided in different geographic areas and to different types of families; and important gaps in service, including mismatches between available services and family needs as identified by baseline data and the consultation process (45 CFR 1357.15(n)).

Information on the estimated number of individuals and families to be served; the population to be served; and the geographic areas where the services will be available for each described service must be recorded on the CFS-101 part II.

Estimated expenditures for above services: Tribes must provide the estimated expenditures for the described services on the CFS-101.

Health care services: P.L. 110-351 amended section 422(b)(15) of the Act which previously required a Tribe to describe how it actively involves and consults physicians or other appropriate medical professionals in assessing the health and well-being of foster children and determining appropriate medical treatment. The law now also requires Tribes (and States), in coordination with the State title XIX (Medicaid) agency, and in consultation with pediatricians and other experts in health care, and experts in and recipients of child welfare services to develop a plan for ongoing oversight and coordination of health care services for children in foster care. The plan must ensure a coordinated strategy to identify and respond to the health care needs of children in foster care placements including mental health and dental health needs. Tribes are required to submit a copy of the Health Care Services Plan with their CFSP. The plan shall include an outline of:

- a schedule for initial and follow-up health screenings that meet reasonable standards of medical practice;
- how health needs identified through screenings will be monitored and treated;
- how medical information will be updated and appropriately shared, which may include the development and implementation of an electronic health record;

- steps to ensure continuity of health care services, which may include establishing a medical home for every child in care;
- the oversight of prescription medicines; and
- how the Tribe actively consults with and involves physicians or other appropriate medical or non-medical professionals in assessing the health and well-being of children in foster care and determining appropriate medical treatment.

This requirement was effective October 7, 2008. Tribes must provide an explanation of how pediatricians and other health care experts and experts in and recipients of child welfare services were selected and how they and the Medicaid agency were involved in developing health care oversight and coordination plans for children in foster care. As part of its plan for responding to the mental health needs of children and for providing oversight for prescription medicines, CB encourages Tribes to pay particular attention to the oversight of the use of psychotropic medicines in treating the mental health care needs of children.

Consultation with States: Describe the Tribe's consultations with States relating to delivery of child welfare services and compliance with the Indian Child Welfare Act (ICWA). Some components in ICWA to address in discussions with States and in the CFSP include:

- notification of parents or Indian custodians and the child's Tribes of State proceedings involving an Indian children and of their right to intervene;
- placement preferences for Indian children in foster care, pre-adoptive, and adoptive homes;
- active efforts to prevent the breakup of the Indian family when parties seek to place a child in foster care or for adoption; and
- Tribal right to intervene in State proceedings, or transfer proceedings to the jurisdiction of the Tribe.

Provide a description of the understanding, gathered from State/Tribal consultation, as to who is responsible for providing the child welfare services and protections for Tribal children delineated at Section 422(b)(8) of the Act, whether they are in State or Tribal care and responsibility.

Provide information regarding consultations between the Tribe and the State specifically relating to determining eligibility for benefits and services and ensuring fair and equitable treatment for Indian youth under the CFCIP (Section 477(b)(3)(G) of the Act). This instruction is further delineated in the CFCIP section below.

Also note that effective October 1, 2009, P.L. 110-351 allows Tribes to apply to the Secretary to receive title IV-E funds directly for foster care, adoption assistance and, at Tribal option, kinship guardianship assistance. The title IV-E requirements apply equally to Tribes and States, except as otherwise described in the law (section 479B(b)). The Tribal plan must describe the Tribe's title IV-E service area and population (section 479B(c)(1)(B)).

The opportunity to operate a title IV-E program is not time-limited by the law. The Tribe has the discretion to determine whether or when it wants to develop its own title IV-E program to serve

Indian children. States remain responsible for serving resident Indian children who are not otherwise being served by a Tribe under an agreement with the State or under a direct title IV-E plan (section 301(d)(2) of P.L. 110-351).

The law explicitly permits Tribes to continue existing title IV-E agreements or enter into new agreements with States to administer all or part of the title IV-E program on behalf of Indian children and to access title IV-E administration, training, and data collection resources (section 479B(e) of the Act). Finally, the law adds a title IV-E State plan provision for States to negotiate in good faith with Tribes seeking title IV-E agreements (section 471(a)(32)).

Disaster plans: Section 422(b)(16) requires that the Tribe shall have in place procedures providing for how the Tribal programs assisted under title IV-B or IV-E of the Act would respond to a disaster, in accordance with criteria established by the Secretary which should include how a Tribe would:

- identify, locate, and continue availability of services for children under Tribal care or supervision who are displaced or adversely affected by a disaster;
- respond, as appropriate, to new child welfare cases in areas adversely affected by a disaster, and provide services to 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.

Tribes are required to review their previously submitted disaster plan, make any needed changes, and submit the disaster plan with the CFSP, regardless of whether changes were made to the plan.

Program Support: Discuss any child and family program's research or evaluation activities that the Tribe is conducting or planning to conduct. Describe any management information systems and quality assurance systems to be implemented or updated.

Training: For all Tribes submitting a CFSP, discuss the Tribe's child welfare services staff development and training plan in support of the goals and objectives of the CFSP which addresses the title IV-B programs covered by the plan.

Tribes that intend to submit a title IV-E plan to operate directly a foster care, adoption assistance and, at the Tribe's option, guardianship assistance program, are advised that in the future a title IV-E training plan will need to be combined with the training plan under title IV-B, as required by 45 CFR 1356.60(b)(2). Information is included in Attachment F that describes the more detailed information that will need to be included in a combined title IV-B/IV-E Training Plan. This information is provided to assist Tribes in making plans for the operation of a title IV-E program only. **Tribes are not required to submit the title IV-E training plan with the CFSP due on June 30, 2009**, but if approved to operate a title IV-E program will be required to submit

such information prior to submitting claims under title IV-E for reimbursement of allowable training costs.

Technical Assistance: Discuss any technical assistance that the Tribe anticipates requesting from the CB's Training and Technical Assistance network as it implements current or new Federal requirements.

Plan Availability: The Tribe must make the CFSP available to interested parties. The plan must describe how the CFSP will be made available. States and Tribes are to share their plans with each other.

Assurances: Tribes are to submit the assurances and certifications necessary for plan approval for each program for which the Tribe is applying for funds. Tribes are to submit with the CFSP the pages of Attachment C, signed by the appropriate Tribal official, for each applicable program.

Certification of Population Count: Title IV-B funds are allotted to Tribes based on the number of children under the age of 21 as reflected in Census Bureau data, unless a Tribe has certified an alternative number that has been approved by the CB Regional Office. Tribes have the opportunity to update their certification numbers to reflect the number of children under age 21 in their populations. Tribes must send a statement certifying the revised number of children who have not yet reached their 21st birthday and provide a justification for the revision to their Regional Office. This certification must be signed by the Tribal enrollment officer and the Tribal president/chairperson and is due with the June 30<sup>th</sup> plan submittal. 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 the Census or previous data. (See Attachment G)

## **Section E. Chafee Foster Care Independence and Education and Training Vouchers Programs**

In the past, only States have been eligible to receive grants under the CFCIP and the ETV Program. When submitting their plans for these program, however, States are required to certify that each Indian Tribe in the State has been consulted about the programs to be carried out; that there have been efforts to coordinate the programs with such Tribes; and that benefits and services under the program will be available to Indian children in the State on the same basis as to other children in the State (section 477(b)(3)(G)).

P.L. 110-351 added new provisions at Section 477(j) of the Act that give certain Tribes -- those with either an approved title IV-E plan or those receiving funding to provide foster care through a title IV-E cooperative agreement or contract with a State -- the option to receive directly a portion of the CFCIP and/or ETV funds allotted to the State in which the Tribe is located. This option becomes effective on October 1, 2009. In addition, P.L. 110-351 expanded the consultation requirements for States at section 477(b)(3)(G) by adding statutory language requiring a State to negotiate in good faith with any Tribe that does not receive a CFCIP or ETV allotment directly from the Secretary for a fiscal year, but requests to develop an agreement with

the State to administer or supervise the CFCIP or ETV program with respect to eligible Indian children and receive an appropriate portion of the State's allotment for such administration or supervision. That provision also becomes effective October 1, 2009.

At this time, because the law does not yet permit Tribes to operate a title IV-E program directly, the option to apply to receive FY 2010 CFCIP and/or ETV funds directly from the Secretary is limited to Tribes that have a title IV-E Tribal/State cooperative agreement or contract. Tribes with such agreements or contracts who are interested in receiving CFCIP or ETV funds directly should contact their CB Regional Office as soon as possible to express their interest and to provide information that will be needed to determine the approximate amount of the allotment to which the Tribe would be entitled. The statutory formula for determining allocations under the CFCIP and ETV programs is based on the number of children in foster care and Tribal allocations will come from the funds allocated to the State in which the Tribe is located. Therefore, in order to calculate an allocation for a Tribe, it will be necessary for the Tribe to provide to the CB Regional Office information on the number of children in foster care who are under the responsibility of the Tribe (either directly or under the supervision of the State). (See sections 477(j)(4) and (5) of the Act.)

Tribes receiving direct funding under CFCIP and/or ETV will also be required to provide a 20 percent match.

Requirements for Tribes applying to receive direct funding:

Tribes that wish to receive funds directly must include in the CFSP a description of the CFCIP and/or ETV services to be provided in the upcoming FY 2010. In order to fulfill the intent of the Act, which is in keeping with positive youth development, Tribes are strongly encouraged to include youth, presently in care as well as former foster youth, as critical stakeholders in the development of the plan.

Plans must meet the requirements of the Act at 477(a) and (b), as determined appropriate by the Secretary of HHS. Tribes applying to receive funds for CFCIP and/or ETV are required to sign the certifications for these programs found in Attachment C of this PI.

At this time, it has been determined that one CFCIP certification, found at section 477(b)(3)(D) is not yet applicable to Tribes, since Tribes are not yet authorized to operate title IV-E programs directly. (This certification relates to use of title IV-E training funds to help foster parents, adoptive parents, workers in group homes, and case managers understand and address the issues confronting adolescents preparing for independent living.) In addition, the certification found at section 477(b)(3)(G) of the Act relating to consultation and good faith negotiations with Tribes around CFCIP services is specifically directed toward States rather than Tribes.

In addition to signing the certifications, the Tribe must submit as part of the CFSP a plan that identifies the Tribal agency or agencies that will administer, supervise or oversee the programs and provide a statement that indicates that the Tribal agency will cooperate in national evaluations of the effects of the programs in achieving the purposes of CFCIP and address the other plan requirements described below.

Description of Program Design and Delivery: In the CFSP, Tribes must address how they will design and conduct their CFCIP and ETV programs to achieve the purposes of section 477(b)(2)(A) and section 477(a)(1-7) of the Act to:

- help youth transition to self-sufficiency;
- help youth receive the education, training and services necessary to obtain employment;
- help youth prepare for and enter postsecondary training and educational institutions;
- provide personal and emotional support to youth through mentors and the promotion of interactions with dedicated adults;
- provide financial, housing, counseling, employment, education and other appropriate support and services to former foster care recipients between 18 and 21 years of age; and
- make available vouchers for education and training, including postsecondary education, to youth who have aged out of foster care; and
- provide services to youth who, after attaining 16 years of age, have left foster care for kinship guardianship or adoption.

Note that if a Tribe wishes to receive direct funding under the ETV program only, it need only address its plans for achieving that purpose of the Chafee program.

Serving Youth of Various Ages and States of Achieving Independence: In developing their CFCIP plans, Tribes are required to describe how youth of various ages and at various stages of achieving independence are to be served (Section 477(b)(2)(C)). In their plans, Tribes must describe how they are serving: (1) youth under 16; (2) youth between the ages of 16-18; (3) youth ages 18 through 20; and (4) youth who, after attaining 16 years of age, have left foster care for kinship guardianship or adoption. (This information is not required for Tribes applying for ETV funding only.)

The description should include the identification of Tribal statutory and/or administrative barriers, if any, which, in order to facilitate the Tribe serving a broader range of eligible youth, need to be eliminated or amended. Tribes should also discuss how they are developing services for those individuals "likely to remain in foster care until age 18." Some identifiers of individuals "likely to remain in foster care until 18" include, but are not limited to, age, ethnicity, presenting problems, case histories, and individual case goals and objectives.

Tribes should also note the following requirement specific to youth ages 18-20:

Room and Board: Tribes are required to certify (by signing the Certification form in Attachment C) in their Tribal plans that no more than 30 percent of their allotment of Federal funds will be expended for room and board for youth who left foster care because they attained 18 years of age, but have not yet attained 21 years of age (section 477(b)(3)(B)). The Tribe must have developed a reasonable definition of "room and board" and provide the definition in the CFSP. The CFSP must include a description of

the approach(es) being used to make room and board available to youth ages 18 through 20.

Education and Training Vouchers Program. Tribes should note that purpose 6 of section 477(a) is to make available vouchers of up to \$5000 per youth per year for postsecondary education and training to youths who have aged out of foster care. Eligible Tribes that opt to receive direct funding for the ETV program must describe how the Tribe will establish its postsecondary educational assistance program to achieve the purpose of the ETV program (section 477(a)(6) of the Act) and to accomplish the purposes of the Act. Tribes must describe the methods they use to operate the program efficiently and assure that they will comply with the conditions specified in subsection 477(i). (See Attachment C) Tribes must also describe the methods they will use to: (1) ensure that the total amount of educational assistance to a youth under this and any other Federal assistance program does not exceed the total cost of attendance; and (2) to avoid duplication of benefits under this and any other Federal assistance program.

Consultation and Collaboration: Tribes must describe the consultation process regarding the CFCIP and ETV programs with each State for which a portion of an allotment would be redirected to the Tribe. Describe the results of that consultation, particularly with respect to:

- Determining the eligibility for benefits and services of Indian children to be served under the CFCIP and/or ETV programs that the Tribe has opted to operate directly; and
- The process for consulting with the State in order to ensure the continuity of benefits and services for such children who will transition from receiving benefits and services under the State's CFCIP and ETV programs to receiving such benefits and services under programs carried out directly by the Tribe.

In addition, we are clarifying, consistent with the Senate Appropriations Committee's Senate Report 110-410, that States and Tribes may not deny eligibility for independent living services to a youth who otherwise meets the eligibility criteria but who is temporarily residing out of State, and that States/Tribes may not terminate ongoing independent living assistance solely due to the fact that a youth is temporarily residing out of State.

## **Section F. Financial Information**

### **1. Payment Limitations - Title IV-B, subpart 1:**

As required by section 422(b)(14) of the Act, Tribes may spend no more than 10 percent of title IV-B, subpart 1 funds for administrative costs. As defined at section 422(c)(1) of the Act, administrative expenditures are 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 caseworkers), 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). Because of the limitation on administrative expenditures, Tribes may have to limit the application of their indirect cost rate. If the application of the indirect cost rate results in the administrative cost limit being exceeded, the Tribe must reduce direct and/or indirect costs assigned to the program to assure that total administrative costs are limited to no more than 10 percent of total program expenditures.

## **2. FY 2009 Funding-Revised Budget Request**

Unneeded portions of Tribal allocations of title IV-B, CFCIP, and ETV funds will be re-allocated by ACF in accordance with prescribed formulas (Sections 423(e), 433(d) and 477(d)(4) of the Act).

- If the Tribe has received an allotment for FY 2009 and wishes to receive more funds than its previously submitted CFS-101 for FY 2009 indicated, it must submit a revised FY 2009 budget form (CFS-101, Part I). Note: The revised total request for each program must be equal to or less than the sum of the reallocation request(s) and the amount the Tribe is eligible to receive in FY 2009 under title IV-B, subparts 1 or 2. (See Attachment A).
- If the Tribe intends to release or apply for funds for reallocation for the title IV-B, subpart 1 or 2 programs, please note the amounts the Tribe is releasing or requesting on the appropriate lines of the FY 2009 CFS-101 (see form instructions for more detail). ACF will re-allocate the funds in accordance with the prescribed formulas. Funds will be re-allocated prior to the end of the fiscal year.

## **3. FY 2010 Budget Request-CFS 101, Parts I and II (See Attachment D)**

- Complete Part I of the CFS 101 form to request title IV-B, subparts 1 and 2, CFCIP and ETV funds, as applicable.
- Complete Part II to include the estimated amount of funds to be spent in each program area by source, the estimated number of individuals and families to be served, and the geographic service area within which the services are to be provided.
- Use the FY 2009 allocation tables as the basis for budget requests for title IV-B, subparts 1 and 2. If interested in applying directly to receive CFCIP and/or ETV funds, please contact your CB Regional Office to obtain an estimate of the amount of funds that will be available to the Tribe under these programs.

## **4. FY 2007 Title IV-B Expenditure Report-CFS-101, Part III**

Complete the CFS-101, Part III to include the actual amount of funds expended in each program area of title IV-B funding by source, the number of individuals and 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 must report the actual title IV-B expenditures of FY 2007 funds and submit this with your FY 2009 submission.

## **5. Financial Status Reports (Standard Form (SF)-269)**

All grantees must report expenditures under title IV-B, subparts 1 and 2, CFCIP and ETV on the Financial Status Report, SF-269. Submission requirements for each program are listed below under the appropriate heading. A negative grant award will recoup unobligated and/or unliquidated funds reported on the final SF-269 for the title IV-B programs, CFCIP and ETV programs.

Tribes are encouraged to submit an electronic SF-269 for the above listed programs through the ACF Online Data Collection (OLDC) system. If reports are submitted electronically through OLDC, paper copies do not need to be submitted. For more information on gaining access to and using the OLDC submission process, please see <https://extranet.acf.hhs.gov/oldcdocs/materials.html> or contact your ACF Regional Office Grants Officer or specialist. (See ACF Grants Management Action Transmittal OA-ACF-AT-01-05.)

If unable to submit reports electronically, Tribes may submit the original SF-269 for each program to the following address with a copy to your ACF Regional Office:

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

### *Title IV-B, subparts 1 and 2*

Funds under title IV-B, subparts 1 and 2 must be expended within two years. Tribes are required to submit the SF-269 fiscal report for expenditures under both title IV-B, subpart 1 and title IV-B, subpart 2 at the end of each 12 months (October 1 through September 30) of the two-year expenditure period. Reports are due 90 days after the end of the fiscal year (45 CFR 92.41). The SF-269 fiscal report covering the first 12-month budget period is the interim report and the report covering the entire grant period is the final report. The required 25 percent Tribal match must be reported on the final fiscal report. (Note that the match is based on 25 percent of the total program costs, including the combined Federal and non-Federal share, which equals one-third of the Federal amount awarded.) For both programs, funds must be expended by September 30 of the fiscal year following the fiscal year in which the funds were awarded (e.g., for FY 2009, funds must be obligated by September 30, 2010 and liquidated (i.e., paid out) by December 29, 2010.)

The title IV-B, subpart 2 grant is comprised of both discretionary and mandatory funds. Since the discretionary funds under title IV-B, subpart 2 (PSSF) are to be expended for the same purposes as the mandatory funds, no separate reporting is required to distinguish between the expenditure of the two amounts. Grantees are to report the cumulative amount on the financial

status report (SF-269). Funds reported as unobligated on the final financial status report will be recouped from the discretionary amount first.

### *CFCIP and ETV*

Funds under CFCIP and ETV must be expended within two fiscal years. Tribes are required to submit separate SF-269 fiscal reports for the CFCIP and ETV programs, if they directly receive grants under both programs. Reports capturing the October 1 - September 30 expenditure period are due December 29 (90 days after the end the 12 month period). The SF-269 fiscal report covering the first 12-month budget period is the interim report and the report covering the entire grant period is the final report. The required 20 percent Tribal match must be reported on the final reports. (Note that the match is based on 20 percent of total program costs, including the combined Federal and non-Federal share, which equals 25 percent of the Federal amount awarded.) CFCIP and ETV funds must be expended by September 30 of the fiscal year following the fiscal year in which the funds were awarded (e.g., for FY 2010, funds must be obligated by September 30, 2011 and liquidated (i.e., paid out) by December 29, 2011.)

### **Submittals:**

In summary, by June 30, 2009, Tribes must submit to their CB Regional Office via e-mail or on a compact disc:

- a final report for the FY 2005-2009 CFSP (in Microsoft Word);
- the CFSP for FY 2010-2014 (in Microsoft Word);
- the CFS-101, Parts I and II for FY 2009, applicable if the Tribe has been allotted and requests more than its previously submitted request for funds indicates;
- the CFS-101, Parts I and II for FY 2010;
- the CFS-101 Part III for FY 2007; and
- Certifications and Assurances as applicable (See Attachment C).

Tribes must submit the documents electronically to the CB Regional Office. The signed CFS-101s should be submitted in .pdf format as a separate attachment. It is preferred that attachments to the final report and the CFSP be in Microsoft Word although other formats will be accepted. The Regional Office will review the application and contact the Tribe if they have any questions or if revisions are needed. Once the Regional Office has completed the review, it will forward a copy of the approved CFS-101 to the Children's Bureau's Central Office.

**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. The Control Number for this OMB approved information collection is 0980-0047.

**Inquiries To:** Children's Bureau Regional Program Managers

/s/

Maiso L. Bryant  
Acting Commissioner

Attachment A:

Fiscal Year 2009 Allotment Title IV-B Subpart 1 - Stephanie Tubbs Jones Child Welfare Services

Fiscal Year 2009 Allotment Title IV-E Subpart 2 - Promoting Safe and Stable Families

Attachment B:

Current variances in the Title IV-B Provisions of Law and Regulations

Attachment C:

Stephanie Tubbs Jones Child Welfare Services Program (title IV-B Subpart 1) Assurances

Promoting Safe and Stable Families (title IV-B Subpart 2) Assurances

Certifications for the Chafee Foster Care Independence Program

Tribal Leader's Certification for the Education and Training Voucher Program/Chafee Foster Care Independence Program

Attachment D:

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

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 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

CFS-101, Part III: Annual Expenditures for Title IV-B, Subparts 1 and 2, CAPTA, Chafee Foster Care Independence (CFCIP) and Education and Training Voucher (ETV) Instructions

CFS-101, Part III: Annual Expenditures for Title IV-B, Subparts 1 and 2, CAPTA, Chafee Foster Care Independence (CFCIP) and Education and Training Voucher (ETV) Form

Attachment E:

Children's Bureau Regional Program Managers

Attachment F:  
Information for Tribes on Title IV-E Training Plans

Attachment G:  
Certification of Tribal Population Under Age 21