ACF Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
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	3. Originating Office: Children's Bureau	
	4. Key Words: Preventing Sex Trafficking and Strengthening Families Act, Title IV-E Plan, sex trafficking, APPLA, case plan, permanency hearing, reasonably prudent parent standard	

PROGRAM INSTRUCTION

TO: State, Tribal and Territorial Agencies Administering or Supervising the Administration of Titles IV-B and IV-E of the Social Security Act

SUBJECT: NEW LEGISLATION- Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act

LEGAL AND RELATED REFERENCES: Titles IV-B and IV-E of the Social Security Act, as amended by Public Law 113-183, enacted September 29, 2014

PURPOSE: To provide instruction on the changes to the title IV-E plan requirements as a result of the Preventing Sex Trafficking and Strengthening Families Act that are effective as of September 29, 2015 and later.

INFORMATION: On September 29, 2014, the President signed into law the Preventing Sex Trafficking and Strengthening Families Act, Public Law (P.L.) 113-183, which amended titles IV-B and IV-E of the Social Security Act (the Act). A summary of the new law is provided in ACYF-CB-IM-14-03. On November 21, 2014, we issued ACYF-CB-PI-14-06 which required all title IV-E agencies to submit a title IV-E plan amendment incorporating provisions of the law that became effective September 29, 2014, unless a delayed effective date was approved. We are now issuing this Program Instruction (PI) to require all title IV-E agencies to implement provisions of the law that become effective September 29, 2015 and later, unless the Children's Bureau (CB) approves a delayed effective date as provided for in the instruction below. We are providing a new comprehensive title IV-E pre-print due to the scope of the changes from P.L. 113-183, and because title IV-E agencies may find it helpful to have all program information in one place. Title IV-E agencies may complete the new comprehensive pre-print in its entirety, so that references for all requirements, including those unchanged by P.L. 113-183 are listed in one document. Alternatively, title IV-E agencies may choose to complete and submit documentation for only the highlighted portions of the pre-print plan reflecting provisions added or amended by the new law. In either case, the focus of the CB's review at this time will be to review the new provisions.

The following title IV-E plan requirements and plan amendments become effective September 29, 2015, unless a delayed effective date is approved:

- The title IV-E plan amendments to sections 471(a)(10) and (24) of the Act to include requirements related to the reasonable and prudent parent standard and developmentally appropriate activities for children in foster care [see Attachment B/C to this PI, Sections 2.L; 4.A; 4.L.2; 4.O];
- The title IV-E plan amendment at section 471(a)(16) of the Act for a revised a case review system based on changes to definitions in 475(1), and 475(5) of the Act. New provisions were added for case plan and case review system requirements for youth with a plan of another planned permanent living arrangement (APPLA) and children age 14 and older [see Attachment B/C to this PI, Sections 1.F.4; 2. D.1; 2.D.1.i and k; 2.D.2; 2.D.2.d; 2.D.2.f; 2.D.6 and 7; 2.N; and 2.P];
- The title IV-E plan amendments to section 475(5)(C) of the Act that limits APPLA as a permanency plan for youth age 16 and older. For tribal title IV-E agencies, this provision is effective no later than September 29, 2017 [See Attachment B/C to this PI, Section 2.D.3.d.i];
- A new title IV-E plan requirement at section 471(a)(35) of the Act to develop and implement protocols related to children missing from care and children and youth who may be victims of sex trafficking [see Attachment B/C to this PI, Sections 2.O; 4.O; and 5.B.1.f];
- A new title IV-E plan requirement at section 471(a)(9) of the Act to consult with other specified agencies having experience with at risk youth and develop policies and procedures (including caseworker training) to identify, document, and determine appropriate services for certain children [see Attachment B/C to this PI, Sections 4.O and 5.B.1.f]; and
- New requirements for calculating the savings (if any) resulting from the application of paragraph 473(a)(2)(A)(ii) [see Attachment B/C to this PI, at Attachment III].

The following title IV-E Plan requirements and plan amendments become effective no later than September 29, 2016:

- A new requirement that the title IV-E agency report information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center database of the Federal Bureau of Investigation, and to the National Center for Missing and Exploited Children immediately, and in no case later than 24 hours after receiving the information (section 471(a)(35)(B) of the Act).
- A new requirement that the title IV-E agency report information on children or youth who have been identified as being a sex trafficking victim to local law enforcement immediately, and in no case later than 24 hours after receiving the information (section 471(a)(34)(A) of the Act).

We are including these requirements that become effective in 2016 in this comprehensive title IV-E plan pre-print to maintain the 'comprehensive' nature of the pre-print. As discussed in the instructions below, title IV-E agencies may submit documentation of these provisions at any time, but no later than September 29, 2016, by submitting the relevant pages of the pre-print as described in the instructions below. There is no delayed effective date permitted for these provisions.

Delayed effective dates:

A limited period of delay is permitted when the Secretary of the U.S. Department of Health and Human Services determines that state/tribal legislation (other than legislation appropriating funds) is required for a title IV-E agency to comply with certain new requirements in the Act.

The "delayed effective date" is defined as the 1st day of the 1st calendar quarter after the 1st regular session of the state legislature or tribal governing body after enactment. This means, for example, that ACF may approve a delayed effective date of 10/1/2015 when the 1st regular legislative session that is held after September 29, 2014 closes between July 1, 2015 and September 30, 2015. Similarly, ACF may approve a delayed effective date of 1/1/2016 when the 1st regular legislative session that is held after September 29, 2014 closes between October 1, 2015 and December 31, 2015. If the state/tribe has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the legislature.

INSTRUCTION: Below we provide instructions: (1) for all title IV-E agencies to submit a title IV-E plan amendment for provisions that are effective September 29, 2015; (2) for requesting a delayed effective date for applicable plan requirements that are effective September 29, 2015 only; (3) for all title IV-E agencies to submit a title IV-E plan amendment for plan requirements that are effective September 29, 2016; and (4) for tribal title IV-E agencies to submit a title IV-E plan amendment for the provision that is effective September 29, 2017.

Attached is a comprehensive pre-print that incorporates all requirements that are effective through September 29, 2017. Title IV-E agencies must submit the highlighted portions of the comprehensive pre-print for review by the CB Regional Offices. Title IV-E agencies are not required to fill out sections that have already been approved by CB, however, it may be useful for title IV-E agencies to complete a comprehensive pre-print and to have it on file with the CB Regional Office.

Title IV-E agencies <u>not</u> requesting a delayed effective date (for applicable provisions effective September 29, 2015 only) must submit to the appropriate Children's Bureau Regional Program Manager (Attachment A) for approval:

1) Attachment D to this PI, "CERTIFICATION OF REQUIRED LEGISLATION" signed by the official with authority to submit the title IV-E plan on behalf of the agency <u>no later than 30 days from the issuance date of this PI (July 26, 2015),</u> indicating that state/tribal legislation is not necessary and that a "delayed effective date" is not applicable.

2) Attachment C to this PI, the highlighted provisions in the comprehensive "AGENCY PLAN" <u>no later than September 29, 2015</u>. The title IV-E agency must also submit the appropriate plan certifications and assurances (Attachments I – IV of the pre-print), as outlined below. Note that the CB has made some changes and updates in the plan certifications and assurances to more closely reflect current regulatory and statutory authority:

- Attachment I "PLAN SUBMISSION CERTIFICATION"- All title IV-E agencies must submit Attachment I. This plan submission certification must be signed by the official authorized to submit title IV-E plans and amendments on behalf of the agency.
- Attachment II "STATE ATTORNEY GENERAL OR APPROPRIATE TRIBAL OFFICIAL'S CERTIFICATION" - A title IV-E agency must submit Attachment II only if, since the last title IV-E plan submission, there has been a change in the agency designated as the state's or tribe's title IV-E agency or in the law or other legal authority designating the title IV-E agency. Whenever there is such a change, this certification must be signed by the state attorney general or the appropriate tribal official, providing the name of the agency and the legal citation designating it as the single title IV-E agency.

- Attachment III "TITLE IV-E ADOPTION ASSISTANCE PROGRAM SAVINGS REPORTING ASSURANCES" – All title IV-E agencies must submit Attachment III, which replaces previous assurances regarding statutory requirements for calculating, reporting and using any savings in the title IV-E Adoption Assistance program attributable to the "applicable child" provisions that gradually de-link the title IV-E Adoption Assistance program from the eligibility requirements of the Aid to Families with Dependent Children (AFDC) program.

Title IV-E agencies requesting a delayed effective date because state/tribal legislation is required for provisions effective September 29, 2015 must submit to the appropriate Children's Bureau Regional Program Manager (Attachment A) for approval:

1) Attachment D to this PI, "CERTIFICATION OF REQUIRED LEGISLATION" signed by the official with authority to submit the title IV-E plan on behalf of the agency no later than 30 days from the issuance date of this PI (July 26, 2015) indicating:

- which plan requirements will necessitate state/tribal legislation; and
- the "delayed effective date" in accordance with the above definition of such date.

2) Attachment C to this PI, the highlighted provisions in the comprehensive "AGENCY PLAN" including any plan changes that do not require a delayed effective date, no later than September 29, 2015. The submission should also include the Attachments to the pre-print as described above.

3) No later than 30 days after the approved delayed effective date, Attachment C to this PI, the highlighted provisions in the comprehensive "AGENCY PLAN" that includes revised sections which required state/tribal legislation, accompanied by Attachment I to the pre-print "PLAN SUBMISSION CERTIFICATION" signed by the official with authority to submit the title IV-E plan on behalf of the agency, and if necessary, Attachment II.

Title IV-E plan provisions effective 2016: title IV-E agencies must submit to the appropriate Children's Bureau Regional Program Manager (Attachment A) for approval no later than September 29, 2016:

(1) Attachment C to this PI, revised sections 4.P. 2 and 3 of the comprehensive "AGENCY PLAN"; and

(2) Attachment I "PLAN SUBMISSION CERTIFICATION" signed by the official with authority to submit the title IV-E plan on behalf of the agency, and if necessary, Attachment II.

Tribal title IV-E plan provisions effective 2017: tribal title IV-E agencies must submit to the appropriate Children's Bureau Regional Program Manager (Attachment A) for approval no later than September 29, 2017:

(1) Attachment C to this PI, revised sections of the comprehensive "AGENCY PLAN" regarding the APPLA provisions that apply to 16 year olds in accordance with 475A(a); and

(2) Attachment I to the pre-print "PLAN SUBMISSION CERTIFICATION" signed by the official with authority to submit the title IV-E plan on behalf of the agency, and if necessary, Attachment II.

Tribal agencies submitting a new title IV-E plan for approval:

Tribes may submit a title IV-E plan at any time. We recommend that tribes use this comprehensive pre-print to apply to operate a title IV-E program pursuant to section 479B of the Act because it contains title IV-E requirements through 2016. The tribe must submit documentation of title IV-E statutory requirements described in the title IV-E plan pre-print (see Attachment C) to the appropriate CB Regional Program Manager electronically via the internet or on a compact disk or USB flash drive:

(1) Sections 1-5 and 7 of the attached title IV-E plan pre-print;

(2) Section 6 of the title IV-E plan pre-print only if a tribe elects to operate the optional Guardianship Assistance Program; and

(3) Attachments I through VII of the attached title IV-E plan pre-print.

Note: The new requirements and modified language in the preprint amendment are highlighted in yellow. To complete the comprehensive agency amendment, the title IV-E agency must: 1) record the applicable statutory, regulatory and/or policy references and citations for the affected federal requirement or, alternatively, submit the same information as described here in its own format; 2) submit copies of referenced material noting e the specific section of the material with page numbers, highlighting or other means, to document compliance for any cited statute, regulation, policy and/or procedure; and 3) submit the plan and accompanying documentation electronically or on a compact disk or USB flash drive. A title IV-E agency may not substitute a hyperlink instead of providing paper or electronic documents for its pre-print submission. If the title IV-E agency is unable to submit electronic signatures for purposes of the certification, it may submit the appropriate pages with original signatures.

INQUIRIES TO: Children's Bureau Regional Program Managers

/s/

Mark Greenberg
Acting Commissioner, ACYF

Attachments:
A – CB Regional Office Program Managers
B – Comprehensive Title IV-E Agency Plan – Tracked Changes
C – Comprehensive Title IV-E Agency Plan – Clean
D – Certificate of Required Legislation