Attachment B

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AGENCY PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT FOSTER CARE AND ADOPTION ASSISTANCE STATE/TRIBE OF _____

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES
CHILDREN'S BUREAU
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PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT

FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE

STATE/TRIBE OF _____

As a condition of the receipt of Federal funds under title IV-E of the Social Security Act (hereinafter, the Act), the

_____

(Name of State/Tribal Agency)

submits here a plan for the programs to provide, in appropriate cases, foster care and adoption assistance, and if the State/Tribal agency elects, guardianship assistance, under title IV-E of the Act and hereby agrees to administer the programs in accordance with the provisions of this plan, title IV-E of the Act, and all applicable Federal regulations and other official issuances of the Department.

The official text of laws, regulations and official issuances governs, and the State/Tribal agency acknowledges its responsibility to adhere to them regardless of the fact that, for purposes of simplicity, the specific provisions printed herein are sometimes paraphrases of, or excerpts and incomplete quotations from, the full text. Statutory citations refer to provisions in title IV-E of the Social Security Act. Regulatory citations refer to provisions in 45 CFR Parts 1355 and 1356.

The State/Tribal agency understands that if and when title IV-E is amended or regulations are revised, a new or amended plan for title IV-E that conforms to the revisions must be submitted.

Federal Regulatory/ Statutory References[1]	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	SECTION 1. ORGANIZATION	
471(a)(2)	A. DESIGNATION AND AUTHORITY OF STATE/TRIBAL AGENCY The State/Tribal agency has been designated to administer or supervise the administration of the programs under this plan. (See Attachment II.) It is also the agency that administers or supervises the administration of the Child Welfare Services Plan under subpart 1 of title IV-B of the Act.	
	B. STATE/TRIBAL AGENCY STRUCTURE AND FUNCTION The State/Tribal agency has available upon request an organizational chart of the agency and a description of the functions of each of its organizational units as they relate to the administration or supervising the administration of the title IV-E foster care maintenance, adoption assistance, and (at IV-E agency option) guardianship assistance program**s**.	

[1] Statutory references refer to the Social Security Act. Regulatory references refer to Title 45 of the Code of Federal Regulations (CFR).

Federal Regulatory/ Statutory References[1]	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
471(a)(3)	C. STATE OR TRIBAL SERVICE AREA WIDE OPERATIONS The title IV-E plan for foster care, adoption assistance, and guardianship assistance if elected by the State/ Tribal agency, is in effect in all political subdivisions and Tribal service areas. (Tribes, see also section 7)	
471(a)(4)	D. COORDINATION WITH TITLES IV-A AND IV-B PROGRAMS The title IV-E program is coordinated at the local level with the programs at the State/Tribal or local level assisted under titles IV-A, IV-B and XX of the Act and under all appropriate provisions of Federal law.	
471(a)(17)	E. CHILD SUPPORT ENFORCEMENT FOR CERTAIN CHILDREN IN FOSTER CARE The State/Tribal agency takes all appropriate steps, including cooperative efforts with the State/Tribal agencies administering the plans approved under titles IV-A and -D, to secure an assignment to the State/ Tribe of any rights to support on behalf of each child receiving	

Federal Regulatory/ Statutory References[1]	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	foster care maintenance payments under title IV-E.	
1356.67	F. TRANSFER OF A CHILD TO A TRIBAL AGENCY (Not applicable to Tribes) The State agency has established and maintains procedures for the transfer of responsibility for the placement and care of a child under a State title IV-E plan to a Tribal title IV-E agency or an Indian Tribe with a title IV-E agreement. At a minimum, the State agency transfer procedures: 1. Are established and maintained in consultation with Indian Tribes; 2. Do not affect a child's eligibility, receipt of services, or payment under title IV-E or the medical assistance program operated under title XIX; 3. Establish eligibility for title IV-E at the time of transfer, if an eligibility determination is not already completed; and	

Federal Regulatory/ Statutory References[1]	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	4. Provide for essential documents and information necessary to continue a child's eligibility under title IV-E and Medicaid programs under title XIX to the Tribal title IV-E agency or an Indian Tribe with a title IV-E agreement, including but not limited to the following: a) All judicial determinations to the effect that continuation in the home from which the child was removed would be contrary to the welfare of the child and that reasonable efforts described in section 471(a)(15) of the Act have been made; b) Other documentation the State agency has that relates to the child's title IV–E eligibility under sections 472 and 473 of the Act; c) Information and documentation available to the agency regarding the child's eligibility or potential eligibility for other Federal benefits; d) The case plan developed pursuant to section 475(1) and 475A of the Act, including health and education records of the child pursuant to section 475(1)(C) of the Act; and e) Information and documentation of the child's placement settings, including a copy of the most recent provider's license or approval.	

Federal Regulatory/ Statutory References[1]	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	SECTION 2. FOSTER CARE MAINTENANCE PAYMENTS	
471(a)(1)	A. ELIGIBILITY (Tribes, also see section 7 of this pre-print) 1. Payments are provided for each child:	
472(a)(1)&(2)	a. who meets the requirements of section 406(a) of the Act (as in effect 7/16/96), is removed from the home of a relative specified in section 406(a), and is placed in foster care if: i. the removal and foster care placement met, and	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	continues to meet the requirements of paragraph (2) in section 472(a) of the Act; and ii. the child, while in the home, would have met the Aid to Families with Dependent Children (AFDC) program eligibility requirement of paragraph (3) in section 472(a) of the Act;	
472(a)(2)(A) 1356.21(c)	b. whose removal and foster care placement are in accordance with: i. a voluntary placement agreement entered into by the child's parent or legal guardian, who is the relative referred to in paragraph (1) of section 472(a) of the Act; or ii. a judicial determination to the effect that continuation of residence in the home from which removed would be contrary to the welfare, or that the placement would be in the best interest, of the child and that reasonable efforts of the type described in section 471(a)(15) for a child were made. The contrary to the welfare determination will be made in the first court ruling that sanctions	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	(even temporarily) the removal of a child from home. If the determination regarding contrary to the welfare is not made in the first court ruling pertaining to removal from the home, the child will not be eligible for title IV-E foster care maintenance payments for the duration of that stay in foster care;	
472(a)(2)(B)&(C) 472(a)(2)(B)(i) 472(a)(2)(B)(ii)	c. whose placement and care in a foster family home or child care institution (as defined in section 472(c) of the Act) is the responsibility of either: i. the State agency administering the approved title IV-E plan; ii. any other public agency with whom the State/Tribal agency administering or supervising the administration of the approved title IV-E plan has made an agreement which is still in effect; or iii. a Tribe that has a plan approved under section 471 in accordance with 479B; and	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
472(a)(3)(A)(i) 472(a)(3)(A)(ii)(I) 472(a)(3)(A)(ii)(II) 472(a)(3)(B)	d. who: i. Either: A. received AFDC, in the home referred to in section 472(a)(1), under the State plan approved under section 402 of the Act (as in effect 7/16/96) in or for the month in which either a voluntary placement agreement was entered into or court proceedings leading to the judicial determination, referred to in section 472(a)(2)(A) of the Act, were initiated; B. would have received AFDC, in the home, in or for such month referred to in the above clause if application for such aid had been made; or C. had been living with a relative specified in section 406(a) of the Act (as in effect 7/16/96) within six months prior to the month in which a voluntary placement agreement was entered into or court proceedings leading to the judicial determination, referred to in section 472(a)(2)(A) of the Act, were initiated, and would have received AFDC in or for such month if the child had been living in the home with such relative and an application had been made for	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	AFDC under title IV-A of the Act; and ii. had resources (determined under section 402(a)(7)(B) of the Act as in effect 7/16/96) that had a combined value of not more than $10,000 consistent with section 472(a)(3)(B) of the Act. (Tribes, see section 7 for related requirements in section 479B(c)(1)(C)(ii)(II) of the Act.)	
1356.21(k)	2. Removal. a. For the purposes of meeting the requirements of section 472(a)(2)(A)(1) of the Act, a removal from the home must occur pursuant to: i. a voluntary placement agreement entered into by a parent or relative which leads to a physical or constructive removal (i.e., a non-physical or paper removal of custody) of the child from the home; or ii. a judicial order for a physical or constructive removal of the child from a parent or specified relative.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
1356.21(k)	b. A removal has not occurred in situations where legal custody is removed from the parent or relative and the child remains with the same relative in that home under supervision by the State/Tribal agency.	
1356.21(k)	c. A child is considered constructively removed on the date of the first judicial order removing custody, even temporarily, from the appropriate specified relative or the date that the voluntary placement agreement is signed by all relevant parties.	
1356.21(l)	3. Living with a specified relative. For purposes of meeting the requirements for living with a specified relative prior to removal from the home under section 472(a)(2)(A) of the Act and all of the conditions under section 472(a)(3)(A), one of the two following situations will apply:	
1356.21(l)	a. the child was living with the parent or specified relative, and was AFDC eligible in that home in the month of the voluntary placement agreement or initiation of court proceedings; or	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
1356.21(l)	b. the child had been living with the parent or specified relative within six months of the month of the voluntary placement agreement or the initiation of court proceedings, and the child would have been AFDC eligible in that month if s/he had still been living in that home.	
472(f)	B. VOLUNTARY PLACEMENT AGREEMENTS (To be completed if the agency uses VPAs with parents or with youth over age 18) 1. Foster care maintenance payments are made in the voluntary placement of a child out of the home by or with the participation of the State/Tribal agency only if:	
1356.22(a) 472(d)	a. the State/Tribe has fulfilled all of the requirements of section 472 of the Act; sections 422(b)(8) and 475(5) of the Act; and 45 CFR 1356.21(e),(f),(g),(h) and (i) of the Act; and	
472(f)(1)	b. the assistance of the State/Tribal agency has been requested by the child's parent(s) or legal guardian(s); and	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
472(f)(2)	c. there is a written voluntary placement agreement, binding on all parties to the agreement, which specifies at a minimum the legal status of the child and the rights and obligations of the parents or guardians, the child and the State/Tribal agency while the child is in placement.	
1356.22(b) 472(e)	2. Federal financial participation is claimed only for voluntary foster care maintenance expenditures made within the first 180 days of the child's placement in foster care unless there has been a judicial determination by a court of competent jurisdiction, within the first 180 days of the date of such placement, to the effect that the continued voluntary placement is in the best interests of the child.	
1356.22(c) 472(g)(1)&(2)	3. The State/Tribal agency has established a uniform procedure or system, consistent with State/Tribal law, for revocation by the parent(s) of a voluntary placement agreement and return of the child.	
1355.20(a) 475(4)(A)	C. PAYMENTS 1. Foster care maintenance payments for a child in foster care may cover the cost of (and the cost of providing)	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to the child, and reasonable travel to the child's home for visitation with family, or other caretakers and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement. Local travel associated with providing the items listed above is also an allowable expense. In the case of child care institutions, such term must include the reasonable costs of administration and operation of such institutions as are necessarily required to provide the items described in the preceding sentences.	
472(b)(1)&(2)	2. Foster care maintenance payments are made only on behalf of an eligible child who is: a. in the foster family home of an individual, whether the payments are made to such individual or to a public or private child placement or child care agency; or b. in a child care institution, whether the payments are made to such institution or to a public or private child placement or child-care agency. Such payments are limited to include only those items that are included in	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	the term "foster care maintenance payments" (defined in section 475(4) of the Act).	
472(i)(1)	3. Administrative costs associated with an otherwise eligible child who is in an unallowable facility or an unapproved or unlicensed relative home, and who is removed in accordance with section 472(a) from the home of a relative specified in section 406(a)(as in effect on July 16, 1996), shall be considered only for expenditures:	
472(i)(1)(A)	a. for a period of not more than the lesser of 12 months or the average length of time it takes to license or approve a home as a foster home, in which the child is in the home of a relative and an application is pending for licensing or approval of the home as a foster family home; or	
472(i)(1)(B)	b. for a period of not more than 1 calendar month when a child moves from a facility not eligible for payments under this part into a foster family home or child care institution licensed or approved by the State/Tribe.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
472(i)(2)	4. Administrative costs associated with a child who is potentially eligible for benefits under the approved title IV-E plan and at imminent risk of removal from the home, shall be considered for expenditures only if:	
472(i)(2)(A)	a. reasonable efforts are being made in accordance with section 471(a)(15) to prevent the need for, or if necessary to pursue, removal of the child from the home; and	
472(i)(2)(B)	b. the State/Tribal agency has made, not less often than every 6 months, a determination (or redetermination) as to whether the child remains at imminent risk of removal from the home.	
1356.21(j) 475(4)(B)	5. Child of a minor parent in foster care. Foster care maintenance payments made on behalf of a child placed in a foster family home or child care institution, who is the parent of a son or daughter in the same home or institution, must include amounts which are necessary to cover costs incurred on behalf of the child's son or daughter. Said costs must be limited to funds expended on those items described in the definition of foster care maintenance payments.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
471(a)(16) 475(1) 475(5)(A), (D) and (H) 475A 1356.21(g)	D. CASE REVIEW SYSTEM 1. Case Plan To meet the case plan requirements of sections 471(a)(16), 475(1), ~~and~~ 475(5)(A), (D) and (H), and 475A of the Act, the State/Tribal agency has promulgated policy materials and instructions for use by State/Tribe and local agency staff to determine the appropriateness of and necessity for the foster care placement of the child. The case plan for each child:	
1356.21(g)(1)	a. is a written document which is a discrete part of the case record, in a format determined by the State/Tribe agency, which is developed jointly with the parent(s) or guardian(s) of the child in foster care;	
1356.21(g)(2)	b. is developed within a reasonable period, to be established by the State/Tribe agency, but in no event later than 60 days from the child's removal from the home;	
1356.21(g)(4)	c. includes a description of the services offered and provided to prevent removal of the child from the home	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	and to reunify the family;	
475(1)(A)	d. includes a description of the type of home or institution in which the child is placed;	
475(1)(A)	e. includes a discussion of the safety and appropriateness of the placement and how the responsible agency plans to carry out the judicial determination made with respect to the child in accordance with section 472(a)(2)(A) of the Act;	
475(1)(B)	f. includes a plan for assuring that the child receives safe and proper care, and services are provided to the parent(s), child and foster parents in order to improve the conditions in the parents' home to facilitate the child's return to his/her own safe home or the permanent placement of the child;	
475(1)(B)	g. includes a plan for assuring that services are provided to the child and foster parents in order to address the needs of the child while in foster care;	
475(1)(B)	h. includes a discussion of the appropriateness of the services that have been provided to the child under the	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	plan;	
475(1)(D) 475(1)(B)	i. where appropriate for a child 146 or over:, includes a written description of the programs and services which will help such child prepare for the transition from foster care to ~~independent living~~successful adulthood. With respect to a child who has attained 14 years of age, any revision or addition to the plan must be; developed in consultation with the child and, at the option of the child, with up to 2 members of the case planning team who are chosen by the child and who are not a foster parent of, or caseworker for, the child. A State/Tribal agency may reject an individual selected by a child to be a member of the case planning team at any time if the agency has good cause to believe that the individual would not act in the best interests of the child. One individual selected by a child to be a member of the child's case planning team may be designated to be the child's advisor and as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child;	
475(5)(H)	j. during the 90-day period immediately prior to the date on which the child will attain 18 years of age, or such greater age as the State/Tribal agency may elect under	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	section 475(8)(B)(iii), whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under section 477, a caseworker on the staff of the State/Tribal agency, and, as appropriate, other representatives of the child provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, includes information about the importance of designating another individual to make health care treatment decisions on behalf of the child if the child becomes unable to participate in such decisions and the child does not have, or does not want, a relative who would otherwise be authorized under State/Tribal law to make such decisions, and provides the child with the option to execute a health care power of attorney, health care proxy, or other similar document recognized under State/Tribal law, and is as detailed as the child may elect;	
1356.21(g)(5)	k. documents the steps to finalize a placement when the	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475(1)(E) 475(5)(E) 475A	case plan goal is or becomes adoption or placement in another permanent home in accordance with sections 475(1)(E), ~~and~~ (5)(E), and 475A(a)(1) of the Act. When the case plan goal is adoption, at a minimum such documentation shall include child-specific recruitment efforts such as the use of Tribal, State, regional, and national adoption exchanges including electronic exchange systems to facilitate orderly and timely in-State/Tribal service area and inter-State/Tribal service area placements;	
475(1)(F)	l. For a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardian assistance payments, the State/Tribal agency shall include in the case plan a description of: i. the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted; ii. the reasons for any separation of siblings during placement; iii. the reasons why a permanent placement with a fit and willing relative through a kinship guardianship	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	assistance arrangement is in the child's best interests; iv. the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment; v. the efforts the State/Tribal agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons; and vi. the efforts made by the State/Tribal agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made. (See also Section 6 Guardianship Assistance Program Case Plan Requirements.)	
1356.21(g)(3) 475(5)(A)	m. includes a discussion of how the case plan is designed to achieve a safe placement for the child in the least restrictive (most family-like) setting available and in close proximity to the home of the parent(s) when the case plan goal is reunification and a discussion of how the placement is consistent with the best interests and	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	special needs of the child;	
475(5)(A)(i)	n. if the child has been placed in a foster family home or child-care institution a substantial distance from the home of the parent(s), in a different State, or outside of the Tribal service area, sets forth the reasons why such a placement is in the best interests of the child;	
475(5)(A)(ii)	o. if the child has been placed in foster care in a State or Tribal service area outside the State or Tribal service area in which the child's parent(s) are located, assures that an agency caseworker on the staff of the State or Tribal agency of the State or Tribal service area in which the home of the parents of the child is located, of the State or Tribal service area in which the child has been placed, or of a private agency under contract with either such State/Tribal agency, visits the child in such foster home or institution no less frequently than every 6 months and submits a report on the visit to the State or Tribal agency of the State or Tribal service area where the home of the child's parent(s) is located;	
475(1)(G)	p. a plan for ensuring the educational stability of the child	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	while in foster care, including-- i. assurances that each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and ii. an assurance that the State/Tribal agency has coordinated with appropriate local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of each placement; or iii. if remaining in such school is not in the best interests of the child, assurances by the State/Tribal agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school; and	
475(1)(C)	q. incorporates the health and education records of the child including the most recent information available regarding:	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	i. the names and addresses of the child's health and educational providers; ii. the child's grade level performance; iii. the child's school record; iv. a record of the child's immunizations; v. the child's known medical problems; vi. the child's medications; and vii. any other relevant health and education information concerning the child determined to be appropriate by the State/Tribal agency.	
1356.21(f)	2. Case Review The State/Tribal agency has a case review system which meets the requirements of sections 475(5) ~~and~~, 475(6) and 475A of the Act and assures that:	
475(5)(B)	a. a review of each child's status is made no less frequently than once every six months either by a court or by an administrative review to: i. determine the safety of the child, the continuing need for and appropriateness of the placement;	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	ii. determine the extent of compliance with the case plan; iii. determine the extent of progress made toward alleviating or mitigating the causes necessitating the placement; and iv. project a likely date by which the child may be returned and safely maintained at home or placed for adoption or legal guardianship; and ~~v.~~v. for a child for whom another planned permanent living arrangement has been determined as the permanency plan, determine the steps the state/tribal agency is taking to ensure the child's foster family home or child care institution is following the reasonable and prudent parent standard and to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities; and	
475(6)	b. if an administrative review is conducted, the following requirements will be met: i. the review will be open to the participation of the parents of the child; and ii. the review will be conducted by a panel of	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	appropriate persons, at least one of whom is not responsible for the case management of, or delivery of services to either the child or the parents who are the subject of the review.	
1356.21(h) 475(5)(C)	3. Permanency Hearing a. To meet the requirements of the permanency hearing, the State/Tribe holds permanency hearings for all children under the responsibility for placement and care of the title IV-E/IV-B agency, including children for whom the State/Tribal agency claims Federal reimbursement for the costs of voluntary foster care maintenance payments.	
1356.21(h) 475(5)(C)	b. The permanency hearing takes place within 12 months of the date the child is considered to have entered foster care (as defined within the meaning of 475(5)(F)) and not less frequently than every 12 months thereafter during the continuation of foster care.	
1356.21(h)(2) 471(a)(15)(E)(i)	c. When a court determines that reasonable efforts to return the child home are not required, a permanency hearing is held within 30 days of that determination,	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	unless the requirements of the permanency hearing are fulfilled at the hearing in which the court determines that reasonable efforts to reunify the child and family are not required.	
1356.21(b)(3) 475(5)(C) 471(a)(15)(E)(i)	d. For the purposes of this requirement, a permanency hearing shall determine: i. the permanency plan for the child that includes whether, and if applicable when, the child will be returned to the parent, or placed for adoption and the State/Tribe will file a petition for termination of parental rights, or referred to legal guardianship, or only in the case of a child who has attained 16 years of age (in cases where the State/Tribal agency has documented to the court a compelling reason for determining, as of the date of the hearing, that it would not be in the best interest of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian) placed in another planned permanent living arrangement subject to section 475A(a) of the Act;	For Tribal IV-E agencies, the requirement that APPLA only be available as a permanency plan for a child age 16 years or older is not required until September 29, 2017.

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	ii. in the case of a child who will not be returned to the parent, the hearing shall consider in-State/Tribal service area and out-of-State/Tribal service area placement options; iii. in the case of a child placed out of the State/Tribal service area in which the home of the parent(s) of the child is located, the hearing shall determine whether the out-of-State/Tribal service area placement continues to be appropriate and in the best interests of the child; iv. in the case of a child who has attained age 14~~6~~, the services needed to assist the child to make the transition from foster care to successful adulthood~~independent living~~; ~~and~~ v. in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to ~~independent living~~ successful adulthood, procedural safeguards shall be applied to assure the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child; and vi. if a child has attained 14 years of age, the	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	permanency plan developed for the child, and any revision or addition to the plan, shall be developed in consultation with the child and, at the option of the child, with not more than 2 members of the permanency planning team who are selected by the child and who are not a foster parent of, or caseworker for, the child, except that the state or tribal agency may reject an individual so selected by the child if the agency has good cause to believe that the individual would not act in the best interests of the child, and 1 individual so selected by the child may be designated to be the child's advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent standard to the child. .	
475(5)(C)	e. Procedural safeguards are also to be applied with respect to parental rights pertaining to the removal of the child from the home of his/her parents, to a change in the child's placement, and to any determination affecting visitation privileges of parents.	
1356.21(h)(3)	f. If the State/Tribal agency concludes, after considering reunification, adoption, legal guardianship, or permanent	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	placement with a fit and willing relative, that the most appropriate permanency plan for a child is placement in another planned permanent living arrangement, the State/Tribal agency will document to the court the compelling reason for the alternate plan in accordance with 475A.	
1356.21(h)(4)	g. When an administrative body, appointed or approved by the court, conducts the permanency hearing, the procedural safeguards set forth in the definition of permanency hearing will be extended by the administrative body.	
475(5)(D)	4. Health and Education Records a. A child's health and education records are reviewed and updated, and a copy of the record is supplied to the foster parent or foster care provider with whom the child is placed, at the time of each placement of the child in foster care. b. The child's health and education records are supplied to the child at no cost at the time the child leaves foster care if the child is leaving foster care by reason of having	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	attained the age of majority under State/Tribe law.	
1356.21(o) 475(5)(G)	5. Notice The State/Tribe provides the foster parent(s) of a child and any pre-adoptive parent or relative providing care for the child with timely notice of and a right to be heard in any proceeding to be held with respect to the child during the time the child is in the care of such foster parent, pre-adoptive parent, or relative caregiver. Notice of and a right to be heard does not require the State/Tribe to make the caregiver a party to the proceeding.	
475(5)(I)	6. Annual Credit Reports Each child in foster care under the responsibility of the State/Tribal agency who has attained 14~~6~~ years of age receives without cost a copy of any consumer report (as defined in section 603(d) of the Fair Credit Reporting Act) pertaining to the child each year until the child is discharged from care, and receives assistance (including, when feasible, from any court-appointed advocate for the child) in interpreting and resolving any inaccuracies in the report.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475(5)(I)	7. Official Documents. Each child leaving foster care by reason of having attained 18 years of age or such greater age as the State has elected under 475(8), unless the child has been in foster care for less than 6 months, must be discharged from care with an official or certified copy of the United States birth certificate of the child, a social security card issued by the Commissioner of Social Security, health insurance information, a copy of the child's medical records and a driver's license or identification card issued in accordance with the requirements of section 202 of the REAL ID Act of 2005.	
472(h)(1) 473(b)(1) & (b)(2)	E. MEDICAL AND SOCIAL SERVICES 1. For purposes of titles XIX and XX, any child with respect to whom foster care maintenance payments are made under this section will be deemed a dependent child as defined in section 406 of the Act (as so in effect 7/16/1996) and shall be deemed to be a recipient of aid to families with dependent children under Part A of this title (as so in effect 7/16/1996). Title XIX and XX services will be available to such child in the State in which the	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	child resides. 2. For the purposes of titles XIX and XX, any eligible child for whom there is a kinship guardianship assistance payment being made under section 473(d) is deemed to be a dependent child as defined in 406 of the Act and is deemed to be a recipient of AFDC under part A of title IV of the Act (as in effect 7/16/96) in the State in which such child resides.	
471(a)(14)	F. SPECIFIC GOALS IN STATE/TRIBAL LAW 1. The State/Tribal agency formulates for each fiscal year, a specific goal as to the maximum number of children (in absolute numbers or as a percentage of all children in foster care receiving assistance under a title IV-E program) who at any given time during the fiscal year will have been in foster care for over 24 months. The specific foster care goals required under section 471(a)(14) of the Act are incorporated into State or Tribal law by statute or administrative regulation with the force of law. 2. The State/Tribal agency will describe the steps that	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	will be taken to achieve the specific goal established.	
1356.21(b) 471(a)(15)(A)&(B)	G. PREVENTIVE AND REUNIFICATION SERVICES 1. Reasonable efforts. The State/Tribal agency makes reasonable efforts to maintain the family unit and prevent the unnecessary removal of a child from his/her home, as long as the child's safety is assured; to effect the safe reunification of the child and family (if temporary out-of-home placement is necessary to ensure the immediate safety of the child); and to make and finalize alternate permanency plans in a timely manner when reunification is not appropriate or possible. In determining reasonable efforts to be made with respect to a child and in making such reasonable efforts, the child's health and safety is the State/Tribal agency's paramount concern.	
471(a)(15)(C)	2. If continuation of reasonable efforts as described in section 471(a)(15)(B) of the Act is determined to be inconsistent with the permanency plan for the child, reasonable efforts are made to place the child in a timely manner in accordance with the permanency plan including, if appropriate, through an interstate placement, and to complete whatever steps are	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	necessary to finalize the permanent placement of the child.	
1356.21(b)(1)(i)&(ii)	3. Judicial determination of reasonable efforts to prevent a child's removal from the home. a. When a child is removed from his/her home, the judicial determination, as to whether reasonable efforts were made or were not required to prevent the removal, is made no later than 60 days from the date the child is removed from the home. b. If the determination concerning reasonable efforts to prevent the removal is not made as specified above, the child is not eligible under the title IV-E foster care maintenance payments program for the duration of that stay in foster care. (Tribes, see also section 7 for use of nunc pro tunc orders.)	
1356.21(b)(2)(i)	4. Judicial determination of reasonable efforts to finalize a permanency plan.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	a. The State/Tribal agency obtains a judicial determination that it has made reasonable efforts to finalize the permanency plan that is in effect (whether the plan is reunification, adoption, legal guardianship, placement with a fit and willing relative, or placement in another planned permanent living arrangement) within 12 months of the date the child is considered to have entered foster care in accordance with the definition at section 1355.20 of the regulations, and at least once every 12 months thereafter while the child is in foster care. (Tribes, see also section 7 for use of nunc pro tunc orders.)	
1356.21(b)(2)(ii)	b. If such a judicial determination regarding reasonable efforts to finalize a permanency plan is not made, the child becomes ineligible under title IV-E from the end of the 12th month following the date the child is considered to have entered foster care or the end of the 12th month following the month in which the most recent judicial determination of reasonable efforts to finalize a permanency plan was made, and remains ineligible until	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	such a judicial determination is made. (Tribes, see also section 7 for use of nunc pro tunc orders.)	
1356.21(b)(3) 471(a)(15)(D)	5. Reasonable efforts are not required to prevent a child's removal from home or to reunify the child and family if the State/Tribal agency obtains a judicial determination that such efforts are not required because:	
1356.21(b)(3)(i) 471(a)(15)(D)	a. a court of competent jurisdiction has determined that the parent has subjected the child to aggravated circumstances (as defined in State/Tribal law, which definition may include but need not be limited to abandonment, torture, chronic abuse, and sexual abuse);	
1356.21(b)(3)(ii) 471(a)(15)(D)	b. a court of competent jurisdiction has determined that the parent has been convicted of: i. murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	ii. voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent; iii. aiding or abetting, attempting, conspiring, or soliciting to commit such a murder or such a voluntary manslaughter; or iv. a felony assault that results in serious bodily injury to the child or another child of the parent; or	
1356.21(b)(3)(iii) 471(a)(15)(D)	c. the parental rights of the parent with respect to a sibling have been terminated involuntarily.	
1356.21(b)(4) 471(a)(15)(F)	6. Concurrent planning. a. Reasonable efforts to finalize an alternate permanency plan may be made concurrently with reasonable efforts to reunify the child and family. b. Reasonable efforts to place a child for adoption or with a legal guardian, including identifying appropriate in-State/Tribal service area and out-of-State/Tribal service area placements, may be made concurrently with	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	reasonable efforts to reunify the child and family.	
1356.21(b)(5)	7. Use of the Federal Parent Locator Service. The State/Tribal agency may seek the services of the Federal Parent Locator Service to search for absent parents at any point in order to facilitate a permanency plan.	
1356.21(i)(1) 475(5)(E)	H. TERMINATION OF PARENTAL RIGHTS 1. The State/Tribe will file a petition (or, if such a petition has been filed by another party, seek to be joined as a party to the petition) to terminate the parental rights of a parent(s):	
1356.21(i)(1)(i)	a. whose child has been in foster care under the responsibility of the State/Tribal agency for 15 of the most recent 22 months. The petition must be filed by the end of the child's 15th month in foster care. In calculating when to file a petition for termination of parental rights, the State/Tribe:	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	i. will calculate the 15 out of the most recent 22 month period from the date the child entered foster care as defined at section 475(5)(F) of the Act; ii. will use a cumulative method of calculation when a child experiences multiple exits from and entries into foster care during the 22 month period; iii. will not include trial home visits or runaway episodes in calculating 15 months in foster care; and iv. only applies section 475(5)(E) of the Act to a child once if the State/Tribe does not file a petition because one of the exceptions applies;	
1356.21(i)(1)(ii)	b. whose child has been determined by a court of competent jurisdiction to be an abandoned infant (as defined under State/Tribal law). The petition to terminate parental rights is made within 60 days of the judicial determination that the child is an abandoned infant; or	
1356.21(i)(1)(iii)	c. who has been convicted of one of the felonies listed above. Under such circumstances, the petition to terminate parental rights is to be made within 60 days of a judicial determination that reasonable efforts to reunify	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	the child and parent are not required.	
1356.21(i)(2)	2. The State/Tribe may elect not to file or join a petition to terminate the parental rights of a parent of this section if: a. at the option of the State/Tribal agency, the child is being cared for by a relative; b. the State/Tribal agency has documented in the case plan (which must be available for court review) a compelling reason for determining that filing such a petition would not be in the best interests of the individual child; or c. the State/Tribal agency has not provided to the family, consistent with the time period in the case plan, services that the State/Tribal agency deems necessary for the safe return of the child to the home, when reasonable efforts to reunify the family are required.	
1356.21(i)(3)	3. When the State/Tribe files or joins a petition to terminate parental rights, it concurrently begins to identify, recruit, process, and approve a qualified	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	adoptive family for the child.	
1355.20(a) 475(5)(F)	I. DATE CHILD CONSIDERED TO HAVE ENTERED FOSTER CARE A child will be considered to have entered foster care on the earlier of: 1. the date of the first judicial finding that the child has been subjected to child abuse or neglect; or 2. the date that is 60 days after the date on which the child is removed from the home.	
1356.21(d) 472(a)(1)	J. DOCUMENTATION OF JUDICIAL DETERMINATION The judicial determinations regarding contrary to the welfare, reasonable efforts to prevent removal, and reasonable efforts to finalize the permanency plan in effect, including judicial determinations that reasonable efforts are not required, are explicitly documented and made on a case-by-case basis and so stated in the court order.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	1. If the reasonable efforts and contrary to the welfare judicial determinations are not included as required in the court orders, a transcript of the court proceedings is the only other documentation accepted to verify that these required determinations have been made. 2. Neither affidavits nor nunc pro tunc orders will be accepted as verification documentation in support of reasonable efforts and contrary to the welfare judicial determinations, except as provided in 479B(c)(ii) of the Act and for Tribes. (See section 7.C. of this plan.) 3. Court orders that reference State/Tribal law to substantiate judicial determinations are not acceptable, even if the law provides that a removal must be based on a judicial determination that remaining in the home would be contrary to the child's welfare or that removal can only be ordered after reasonable efforts have been made, except as applied to Tribes in section 7 of this plan regarding use of nunc pro tunc orders. (Tribes see section 7 for nunc pro tunc orders.)	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
1356.21(e)	K. TRIAL HOME VISITS A trial home visit may not exceed six months in duration, unless the court orders a longer trial home visit. If a trial home visit extends beyond six months and has not been authorized by the court, or exceeds the time period the court has deemed appropriate, and the child is subsequently returned to foster care, that placement must then be considered a new placement and title IV-E eligibility must be newly established. Under these circumstances, the judicial determinations regarding contrary to the welfare and reasonable efforts to prevent removal are required.	
471(a)(24)	L. TRAINING Before a child in foster care is placed with prospective foster parents, the prospective foster parents are adequately prepared with the appropriate knowledge and skills to provide for the needs of the child. As necessary, such preparation is continued after placement of the child, and includes knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities, including knowledge and skills	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and ~~.~~applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural and social activities, including sports, field trips and overnight activities lasting one or more days and involving the signing of permission slips and arranging transportation for the child to and from extracurricular enrichment and social activities.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475(8)	M. DEFINITION OF 'CHILD' For the purposes of the title IV-E foster care program under section 472, the term 'child' means: 1. an individual who has not attained 18 years of age; or 2. at the option of the state/Tribal agency an individual— a. who is in foster care under the responsibility of the title IV-E agency b. who has attained 18 years of age but who has not attained 19, 20, or 21 years of age (as elected and indicated by the title IV-E agency), and c. who meets any of the following conditions: i. the child is completing secondary education or a program leading to an equivalent credential; ii. the child is enrolled in an institution which provides post-secondary or vocational education; iii. the child is participating in a program or activity designed to promote, or remove barriers to, employment; iv. the child is employed for at least 80 hours per month; or v. the child is incapable of doing any of the above described activities due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475A(a)	N. ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT In the case of any child for whom another planned permanent living arrangement is the permanency plan determined for the child under section 475(5)(C), State/Tribal agency follows case plan and case system review procedures that include: 1. At each permanency hearing held with respect to the child, the State/Tribal agency documents the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made by the agency to return the child home or secure a placement for the child with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including through efforts that utilize search technology (including social media) to find biological family members for the children. 2. At each permanency hearing held with respect to the child, the court or administrative body appointed or approved by the court conducting the hearing on the permanency plan for the child must: a. Ask the child about the desired permanency outcome for the child.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	b. Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and provide compelling reasons why it continues to not be in the best interests of the child to— i. return home; ii. be placed for adoption; iii. be placed with a legal guardian; or iv. be placed with a fit and willing relative. 3. At each permanency hearing held with respect to the child, the State/Tribal agency shall document the steps the agency is taking to ensure that— a. the child's foster family home or child care institution is following the reasonable and prudent parent standard; and b. the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities).	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
471(a)(35)(A)	O. ABSENCES FROM CARE The State/Tribal agency has protocols for: 1. Expeditiously locating any child missing from foster care, 2. Determining the primary factors that contributed to the child's running away or otherwise being absent from care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements, 3. Determining the child's experiences while absent from care, including screening the child to determine if the child is a possible sex trafficking victim, and 4. Reporting such related information as required by the Secretary.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475A(b)	P. RIGHTS The State/Tribe must include in the case plan for any child in foster care who has attained 14 years of age: 1. A document that describes the rights of the child with respect to education, health visitation, and court participation, the right to be provided with the documents specified in section 475(5)(I) in accordance with that section, and the right to stay safe and avoid exploitation; and 2. a signed acknowledgement by the child that the child has been provided with a copy of the documentation and that the rights contained in the document have been explained to the child in an age-appropriate way.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	SECTION 3. ADOPTION ASSISTANCE PAYMENTS	
	A. I. ELIGIBILITY – Applicable Child (Effective October 1, 2009)	
473(e)	1. Beginning in fiscal year 2010, an applicable child is: a. a child for whom an adoption assistance agreement is entered into under section 473 during any fiscal year described in 473(e)(1)(B) if the child attained the applicable age pursuant to that paragraph for that fiscal year before the end of that fiscal year; or b. a child of any age on the date on which an adoption assistance agreement is entered into on behalf of the child under section 473 if the child has been in foster care under the responsibility of the State/Tribal agency for at least 60 consecutive months and meets the requirements of paragraph 473(a)(2)(A)(ii); or c. a child of any age on the date on which an adoption assistance agreement is entered into on behalf of the child under this section without regard to whether the	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	child is described in 473(e)(2)(A) if the child: i. is a sibling of a child who is an applicable child for the fiscal year under paragraphs 473(e)(1) or (2); and ii. is to be placed in the same adoption placement as their sibling who is an applicable child for the fiscal year; and iii. meets the requirements of 473 (a)(2)(A)(ii).	
473(c)(2)	2. Adoption assistance payments may be made to parents to adopt a child with special needs. In the case of a child who is an applicable child for a fiscal year as defined in 473(e), the child shall not be considered a child with special needs unless:	
473(c)(2)(A)	a. the State/Tribal agency has determined, pursuant to established criteria, that the child cannot or should not be returned to the home of his parents; and	
473(c)(2)(B)	b. either:	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	i. the State/Tribal agency has determined that there exists with respect to the child a specific factor or condition (such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance under this section and medical assistance under title XIX; or ii. the child meets all medical or disability requirements of title XVI with respect to eligibility for supplemental security income benefits; and	
473(c)(2)(C)	c. the State/Tribal agency has determined that, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of the parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance under this section or medical	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	assistance under title XIX.	
473(a)(1)(A) 473(a)(2)(A)(ii)	3. In the case of a child who is an applicable child for the fiscal year as defined in 473(e), adoption assistance payments may be made if the child has been determined by the State/Tribal agency pursuant to section 473(c) to be a child with special needs and: a. the time of initiation of adoption proceedings the child was in the care of a public or licensed private child placement agency or Indian Tribal Organization pursuant to— i. an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or ii. a voluntary placement agreement or voluntary relinquishment; or b. meets all medical or disability requirements of title XVI with respect to eligibility for supplemental security	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	income benefits; or c. was residing in a foster family home or child care institution with the child's minor parent, and the child's minor parent was in such foster family home or child care institution pursuant to— i. an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or ii. a voluntary placement agreement or voluntary relinquishment; and d. has been determined by the State/Tribal agency, pursuant to subsection 473(c)(2), to be a child with special needs.	
473(a)(2)(C)(ii)	4. In the case of a child who is an applicable child for the fiscal year as so defined in 473(e), the child will be treated as meeting the requirements to receive adoption	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	assistance payments if the child: a. meets the requirements of 473(a)(2)(A)(ii)(II); and b. is determined eligible for adoption assistance payments under this part with respect to a prior adoption (or who would have been determined eligible for such payments had the Adoption and Safe Families Act of 1997 been in effect at the time that such determination would have been made); and c. is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died.	
	A. II. ELIGIBILITY – Non-applicable Child (Currently effective, but beginning October 1, 2009, decreases based on the criteria in 473(e) until October 1, 2017, at which time this authority ends)	
473(a)(1)(A) 473(c)(1)	1. Adoption assistance payments may be made to parents who adopt a child with special needs. In the case of a child who is not an applicable child, as defined in	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	473(e), for a fiscal year, the child shall not be considered a child with special needs unless:	
473(c)(1)(A)	a. the State/Tribal agency has determined the child cannot or should not be returned to the home of his or her parents; and	
473(c)(1)(B)	b. the State/Tribal agency has first determined that a specific factor or condition exists with respect to the child (such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental or emotional disabilities) because of which it is reasonable to conclude that such child cannot be placed for adoption without providing adoption assistance or medical assistance under title XIX; and	
473(c)(1)(B)	c. a reasonable, but unsuccessful, effort has been made to place the child without providing assistance except where it would be against the best interests of the child due to such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
473(a)(2)(A) 473(a)(2)(A)(i) 473(a)(2)(A)(i)(II)	2. In the case of a child who is not an applicable child for the fiscal year as defined in 473(e), adoption assistance payments may be made if the child has been determined by the State/Tribal agency pursuant to section 473(c) to be a child with special needs and:	
473(a)(2)(A)(i)(I)(aa)	a. was removed from the home of a relative specified in section 406(a) of the Act (as in effect on July 16, 1996) and placed in foster care in accordance with a voluntary placement agreement with respect to which Federal payments are provided under section 474 (or section 403, as in effect on July 16, 1996), or in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and i. received AFDC, in that relative's home, under the State plan approved under section 402 of the Act (as in effect 7/16/96), or would have received AFDC under such plan had application been made, in or for the month the voluntary placement agreement was entered into or court proceedings leading to the judicial determination referred to in section 473(a)(2)(A)(i) were initiated; or	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	ii. had been living with a relative specified in section 406(a) of the Act within six months before the month in which a voluntary placement agreement was entered into or court proceedings leading to the judicial determination referred to in section 473(a)(2)(A)(i), were initiated and would have received AFDC in that relative's home under the State plan approved under section 402 of the Act for that month, if in that month the child had been living with such relative and application had been made; (Tribes, see also section 7 (AFDC))	
473(a)(2)(A)(i)(I)(bb)	b. meets all the requirements of title XVI of the Act with respect to eligibility for supplemental security income benefits; or	
473(a)(2)(A)(i)(I)(cc)	c. is a child whose costs in a foster family home or child-care institution are covered by the foster care maintenance payments being made with respect to the minor parent of the child as provided in section 475(4)(B).	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
473(a)(2)(C)(i)	3. In the case of a child who is not an applicable child for the fiscal year as defined in 473(e), the child will be treated as meeting the requirements to receive adoption assistance payments if the child: a. meets the requirements of section 473(a)(2)(A)(i)(II); and b. is determined eligible for adoption assistance payments under 473 of the Act with respect to a prior adoption; and c. is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died; and d. fails to meet the requirements of section 473(a)(2)(A)(i) but will meet such requirements if the child is treated as if the child is in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under section 473 of the Act and the prior adoption is treated as never having occurred.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	A. III. ELIGIBILITY – General	
473(a)(1)(B)	1. Adoption assistance payments are made to adoptive parents who have entered into an adoption assistance agreement (see subsection C of this plan) with the title IV-E agency.	
473(a)(2)(D)	2. In determining the eligibility for adoption assistance payments of a child in a legal guardianship arrangement described in section 471(a)(28), the placement of the child with the relative guardian involved and any kinship guardianship assistance payments made on behalf of the child shall be considered never to have been made.	
473(a)(1)(B)(i)	B. PAYMENTS – AMOUNTS AND CONDITIONS 1. Payments will be made for non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a child with special needs, directly through the State/Tribal agency or through another public or nonprofit private agency, in amounts determined through an agreement with the adoptive parents; and	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
473(a)(1)(B)(ii)	2. In any case where the child meets the requirements of section 473(a)(2) of the Act, the State/Tribal agency may make adoption assistance payments to adoptive parents, directly through the State/Tribal agency or through another public or nonprofit private agency, in amounts so determined through an adoption assistance agreement (see Section 3, item C of this plan).	
473(a)(3)	3. The amount of such payment: a. will take into consideration the circumstances of the adopting parents and the needs of the child being adopted; b. may be adjusted periodically with the concurrence of the adoptive parents to reflect changing circumstances; and c. may not exceed the foster care maintenance payment which would have been paid during the period if the child with respect to whom the adoption assistance payment is made had been in a foster family home.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
1356.40(c)	4. In determining eligibility for adoption assistance payments, there is no income eligibility requirement (means test) for the adoptive parents.	
473(a)(4)	5. Payments are terminated when the State/Tribal agency determines that: a. the child has attained the age of 18, or such greater age as the State/Tribal agency may elect under section 475(8)(B)(iii); or b. the child has attained 21 years of age, if the state/Tribal agency determines that the child has a mental or physical disability which warrants the continuation of assistance to age 21; or c. the parents are no longer legally responsible for the support of the child who has not yet attained 18 years of age; or d. the adoptive parents are no longer providing any support to the child.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
473(a)(4)	6. The adoptive parents are required to inform the State/Tribal agency of circumstances that would make them ineligible for adoption assistance payments or eligible for adoption assistance payments in a different amount.	
473(a)(7)	7. No payment may be made to parents with respect to any applicable child for a fiscal year that: a. would be considered a child with special needs under 473(c)(2); b. is not a citizen or resident of the United States; and c. was adopted outside of the United States or was brought into the United States for the purpose of being adopted. 8. A child that is not a citizen or resident of the US and was adopted outside of the US or brought into the US for the purpose of being adopted may be eligible for adoption assistance payments if the initial adoption of the child by parents is a failure and the child is subsequently placed into foster care.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475(3)	C. ADOPTION ASSISTANCE AGREEMENT 1. An adoption assistance agreement is a written agreement, binding on all parties, between the State/Tribal agency, other relevant agencies, and the prospective adoptive parents.	
1356.40(b)	2. The adoption assistance agreement meets the requirements of section 475(3) of the Act as stated below:	
1356.40(b)(1)	a. is signed by the adoptive parents and a representative of the State/Tribal agency and is in effect before adoption assistance payments are made under title IV-E, but no later than the finalization of the adoption;	
1356.40(b)(2) 475(3)	b. specifies the duration of the agreement;	
1356.40(b)(3)	c. specifies the amount of the adoption assistance payments (if any) and the nature and amount of any other payments, services and assistance to be provided	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	(including non-recurring adoption expenses in agreements for expenditures incurred by the parents);	
473(b)	d. specifies the child's eligibility for title XIX and title XX;	
475(3)(B)	e. specifies that the agreement remains in effect regardless of the State or Tribal service area of residence of the adoptive parents;	
475(3)	f. contains provisions for the protection of the interests of the child in case the adoptive parents and child should move to another State or out of the Tribal service area while the agreement is in effect; and	
1356.40(d)	g. if a needed service specified in the agreement is not available in the new State or Tribal service area of residence, the State/Tribal agency making the original adoption assistance payment remains financially responsible for providing the specified service(s).	
473(b)(1-4)	D. MEDICAID AND SOCIAL SERVICES 1. For the purposes of titles XIX and XX, any eligible child for whom there is an adoption assistance agreement	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	in effect under section 473(a)(2) (whether or not adoption assistance payments are being made) is deemed to be a dependent child as defined in 406 of the Act and is deemed to be a recipient of AFDC under part A of title IV of the Act (as in effect 7/16/96) in the State in which such child resides.	
471(a)(21)(A)&(B)	2. The State/Tribe will provide health insurance coverage (through one or more State/Tribal medical assistance programs), with the same type and kind of benefits as those which would be provided for children under title XIX, or a comparable medical plan, for any child who has been determined to be a child with special needs, for whom there is in effect an adoption assistance agreement between the State/Tribal agency and an adoptive parent or parents, and who the State/Tribal agency has determined cannot be placed with an adoptive parent or parents without medical assistance due to special needs for medical, mental health or rehabilitative care.	
471(a)(21)(C)&(D)	3. In the event that the State/Tribe provides such coverage through a State/Tribe medical assistance program other than the program under title XIX, and the	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	State/Tribe exceeds its funding for services under such other program, any such child is deemed to be receiving aid or assistance under the State/Tribal agency plan under this part for purposes of section 1902(a)(10)(a)(i)(1); and in determining cost-sharing requirements, the State/Tribal agency will take into consideration the circumstances of the adopting parent or parents and the needs of the child being adopted to the extent coverage is provided through a State/Tribal medical assistance program, consistent with the rules under such program.	
473A(b)(3)	E. ELIGIBILITY FOR ADOPTION INCENTIVE FUNDING (Not applicable to Tribes.) States that are eligible for adoption incentive funds must ~~in FY's 2008 through 2012, if:~~ ~~1.a. the number of foster child adoptions in the State during the fiscal year exceeds the number of foster child adoptions for the State in fiscal year 2007; or~~ ~~b. the number of older child adoptions in the State during the fiscal year exceeds the base number of older~~	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	~~child adoptions for the State for the fiscal year; or~~ ~~c. the State's foster child adoption rate for the fiscal year exceeds the highest ever foster child adoption rate determined for the State; and~~ ~~2. the State is~~ Be in compliance with the data requirements in section ~~473A(c)~~ 473A(b)(2) of the Act; and ~~3. the State~~ 2. P~~p~~rovide health insurance coverage to any child with special needs (as determined under section 473(c)) for whom there is in effect an adoption assistance agreement.	
471(a)(33)	F. ADOPTION TAX CREDIT The State/Tribal agency informs every individual who is adopting or whom the State/Tribal agency is made aware is considering adopting, a child who is in foster care under the responsibility of the State/Tribal agency of the potential eligibility for a Federal tax credit under section 23 of the Internal Revenue Code of 1986.	
475(8)	G. DEFINITION OF 'CHILD'	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	For the purposes of the title IV-E adoption assistance program under section 473, the term 'child' means: 1. an individual who has not attained 18 years of age; or 2. at the option of the State/Tribal agency an individual a. with respect to whom an adoption assistance agreement is in effect under section 473 if the individual had attained age 16 before the adoption assistance agreement became effective; b. who has attained the age of 18, but has not attained 19, 20, or 21 years of age, as the title IV-E agency may elect; and c. who meets any of the following conditions: i. the child is completing secondary education or a program leading to an equivalent credential; ii. the child is enrolled in an institution which provides post-secondary or	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	vocational education; iii. the child is participating in a program or activity designed to promote, or remove barriers to, employment; iv. the child is employed for at least 80 hours per month; or v. the child is incapable of doing any of the above described activities due to a medical condition.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	SECTION 4. GENERAL PROGRAM REQUIREMENTS	
471(a)(10)	A. STANDARDS FOR FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS The agency has established or designated a State/Tribal authority(ies) which is responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights and which shall permit use of the reasonable and prudent parenting standard. The standards so established are applied by the State/Tribe to any foster family home or child-care institution receiving funds under titles IV-E or IV-B. The ~~r~~standards shall require, as a condition of each contract entered into by a child care institution to provide foster care, the presence on-site of at least 1 official who, with respect to any child placed at the child care institution, is	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally-appropriate activities, and who is provided with training in how to use and apply the reasonable and prudent parent standard in the same manner as prospective foster parents are provided the training pursuant to paragraph 471(a)(24)~~;~~. The standards for foster family homes and child care institutions shall include policies related to the liability of foster parents and private entities under contract by the State involving the application of the reasonable and prudent parent standard, to ensure appropriate liability for caregivers when a child participates in an approved activity and the caregiver approving the activity acts in accordance with the reasonable and prudent parent standard. The State/Tribal agency ~~has provided that~~may provide waivers of such standards ~~may be made~~ only on a case-by-case basis for non-safety standards (as determined by the State/Tribe) in relative foster family homes for specific children in care. (Tribes, see section 7)	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
1355.20(a) 472(c)(1)	1. Foster family home means, for the purpose of title IV-E eligibility, the home of an individual or family licensed or approved as meeting the standards established by the State/Tribal licensing or approval authority(ies) (or with respect to foster family homes on or near Indian reservations, by the tribal licensing or approval authority(ies)), that provides 24-hour out-of-home care for children. The term may include group homes, agency-operated boarding homes or other facilities licensed or approved for the purpose of providing foster care by the State/Tribal agency responsible for approval or licensing of such facilities. Foster family homes that are approved must be held to the same standards as foster family homes that are licensed. Anything less than full licensure or approval is insufficient for meeting title IV-E eligibility requirements. (Tribes, see also section 7)	
1355.20(a)(2) 472(c)(2)	2. Child care institution means a private child care institution, or a public child care institution which accommodates no more than 25 children, and is licensed by the State/Tribe in which it is situated or has been approved by the agency of such State or tribal licensing authority (with respect to child care institutions on or near	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	Indian reservations) responsible for licensing or approval of institutions of this type as meeting the standards established for such licensing except, in the case of a child who has attained 18 years of age, the term includes a supervised setting in which the individual is living independently. This definition must not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent. (Tribes, see also section 7 for requirements related to 471(a)(10).)	
1356.21(m)(1)&(2) 471(a)(11)	B. REVIEW OF PAYMENTS AND LICENSING STANDARDS The agency reviews at reasonable, specific, time-limited periods established by the State/Tribe: 1. the amount of the payment made for foster care maintenance and adoption assistance to assure their continued appropriateness; and	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	2. the licensing or approval standards for child care institutions and foster family homes.	
471(a)(12)	C. FAIR HEARINGS The State/Tribal agency has a system for granting an opportunity for a fair hearing (before the State/Tribal agency) to any individual whose claim for benefits under this plan is denied or not acted upon with reasonable promptness.	
471(a)(13)	D. INDEPENDENT AUDIT The State/Tribal agency will arrange for a periodic and independently conducted audit, no less frequently than once every three years, of the titles IV-E and IV-B programs.	
471(a)(9)(A)	E. CHILD ABUSE AND NEGLECT The State/Tribal agency will report to an appropriate agency or official known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child receiving aid under titles IV-B or IV-E under circumstances that indicate that	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	the child's health or welfare is threatened.	
471(a)(25)&(26)	F. TIMELY INTERSTATE PLACEMENT OF CHILDREN 1. The State/Tribal agency shall have in effect procedures for the orderly and timely interstate placement of children which provides that: a. within 60 days after the State/Tribe receives from another State or Tribe a request to conduct a study of a home environment for purposes of assessing the safety and suitability of placing a child in the home, the State or Tribe shall, directly or by contract: i. conduct and complete the study; and ii. return to the other State or Tribe a report on the results of the study which shall address the extent to which placement in the home would meet the needs of the child; b. the State or Tribe is not required to complete within the applicable time period the parts of the home study	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	involving the education and training of the prospective foster or adoptive parents; c. the State or Tribe shall treat any such report that is received from another State or Tribe (or from a private agency under contract with another State/Tribe) as meeting any requirements imposed by the State or Tribe for the completion of a home study before placing a child in the home, unless, within 14 days after receipt of the report, the State or Tribe determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child; and d. the State or Tribe shall not impose any restriction on the ability of an agency administering, or supervising the administration of, a State or Tribal program operated under a plan approved under this part to contract with a private agency for the conduct of such a home study.	
471(a)(18)(A)&(B)	G. REMOVAL OF BARRIERS TO INTERETHNIC ADOPTION 1. A State/Tribal agency or any other entity in the State/Tribe that receives funds from the Federal	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
1355.38(a)(2)	Government and is involved in adoption or foster care placements may not: a. deny to any person the opportunity to become an adoptive or foster parent, on the basis of race, color, or national origin of the person, or of the child involved; or b. delay or deny the placement of a child for adoption or into foster care, on the basis of race, color, or national origin of the adoptive or foster parent or the child involved; and c. maintain any statute, regulation, policy, procedure or practice that, on its face, is a violation as defined in sections 471(a)(18)(A) and (B)).	
1355.38(a)(5)	2. Compliance with the Indian Child Welfare Act of 1978 (Pub.L.95-608) does not constitute a violation of section 471(a)(18).	
471(a)(19)	H. KINSHIP CARE 1. The State/Tribal agency considers giving preference to	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant State/Tribal child protection standards.	
471(a)(29) 475(7)	2. Within thirty days after the removal of a child from the custody of the parent or parents of the child, the State/Tribal agency shall exercise due diligence to identify and provide notice to the following relatives: all adult grandparents, all parents of a sibling of the child, where such parent has legal custody of such sibling, and other adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family violence, that: a. specifies that the child has been or is being removed from the custody of the parent or parents of the child; b. explains the options the relative has under Federal, State, and local law or Tribal law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice; c. describes the requirements under paragraph 471(a)(10) to become a foster family home and the	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	additional services and supports that are available for the children placed in such a home; and d. if the State/Tribal agency has elected to operate a kinship guardianship assistance program, describes how the relative guardian of the child may subsequently enter into an agreement with the State/Tribal agency under 473(d) to receive the payments. 3. The legal guardianship means a judicially created relationship between the child and relative which is intended to be permanent and self-sustaining as evidenced by the transfer to the relative of the following parental rights with respect to the child: a. protection; b. education; c. care and control of the person; d. custody of the person; and e. decision making.	
471(a)(31)	I. SIBLING PLACEMENT	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	The State/Tribal agency shall make reasonable efforts to: 1. place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the State documents that such a joint placement would be contrary to the safety or well-being of any of the siblings; and 2. in the case of siblings removed from their home who are not so jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless that State/Tribal agency documents that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.	
471(a)(20)(A)	J. SAFETY REQUIREMENTS 1. Safety requirements for foster care, and adoptive home providers. a. The State/Tribal agency provides procedures for criminal records checks (including finger-print-based checks of national crime information databases (as defined in section 534(e)(3)(a) of title 28, United States Code) for any prospective foster and adoptive parent before the parent may be finally approved for placement of a child	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child.	
1356.30(b) 471(a)(20)(A)(i)	b. The State/Tribe does not approve or license any prospective foster or adoptive parent, nor does the State/Tribal agency claim FFP for any foster care maintenance or adoption assistance payment made on behalf of a child placed in a foster home operated under the auspices of a child placing agency or on behalf of a child placed in an adoptive home through a private adoption agency, if the State/Tribal agency finds that, in any case involving a child on whose behalf such payments are to be made in which a criminal records check conducted in accordance with paragraph (a) of this section, a court of competent jurisdiction has determined that the prospective foster or adoptive parent has been convicted of a felony involving: i. child abuse or neglect; ii. spousal abuse; iii. a crime against a child or children (including child pornography); or iv. a crime involving violence, including rape, sexual	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	assault, or homicide, but not including other physical assault or battery.	
1356.30(c) 471(a)(20)(A)(ii)	c. The State/Tribe does not approve or license any prospective foster or adoptive parent, nor claim FFP for any foster care maintenance or adoption assistance payment made on behalf of a child placed in a foster family home operated under the auspices of a child placing agency or on behalf of a child placed in an adoptive home through a private adoption agency, if the State/Tribal agency finds, in any case involving a child on whose behalf such payments are to be made in which a criminal records check conducted in accordance with paragraph (a) of this section, that a court of competent jurisdiction has determined that the prospective foster or adoptive parent has, within the last five years, been convicted of a felony involving: i. physical assault; ii. battery; or iii. a drug-related offense.	
1356.30(f)	d. In order for a child to be eligible for title IV-E funding,	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	the licensing file for a child care institution must contain documentation which verifies that safety considerations with respect to the staff of the institution have been addressed.	
471(a)(20)(B)	e. The State/Tribal agency shall check any child abuse and neglect registry for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child: i. the State/Tribal agency shall check any child abuse and neglect registry it maintains for such information; ii. the State/Tribal agency shall request any other State/Tribe in which any such prospective parent or other adult has resided in the preceding 5 years, to check any child abuse and neglect registry maintained by such other State or Tribe for such information; and	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	iii. the State/Tribal agency shall comply with any such request to check its child abuse and neglect registry that is received from another State or Tribe.	
471(a)(23)(A)&(B)	K. INTERJURISDICTIONAL ADOPTIONS The State/Tribal agency will not: 1. deny or delay the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child; or 2. fail to grant an opportunity for a fair hearing, as described in section 471(a)(12), to an individual whose allegation of a violation of part (1) of this subsection is denied by the State/Tribal agency or not acted upon by the State/Tribal agency with reasonable promptness.	
471(a)(22)	L. QUALITY STANDARDS 1. The State/Tribal agency has developed and implemented standards to ensure that children in foster care placements in public or private agencies are provided	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	quality services that protect the safety and health of the children.	
471(a)(24)	2. The State/Tribal agency will ensure that prospective foster parents are adequately trained with the appropriate knowledge and skills to provide for the needs of the child ~~and that such preparation will be continued after the placement.~~ and that the preparation will be continued, as necessary, after the placement of the child and that the preparation shall include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting 1 or more days, and to decisions involving the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
471(a)(30)	M. COMPULSORY SCHOOL ATTENDANCE The State/Tribal agency has a system for assuring that each child who has attained the minimum age for compulsory school attendance under State/Tribal law and with respect to whom there is eligibility for a payment under the plan is a full-time elementary or secondary school student or has completed secondary school, and for purposes of this paragraph, the term `elementary or secondary school student' means, with respect to a child, that the child is-- 1. enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of the State or other jurisdiction in which the institution is located; 2. instructed in elementary or secondary education at home in accordance with a home school law of the State or other jurisdiction in which the home is located; 3. in an independent study elementary or secondary education program in accordance with the law of the State or other jurisdiction in which the program is located, which is administered by the local school or school district; or	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	4. incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is supported by regularly updated information in the case plan of the child.	
471(a)(27)	N. VERIFICATION OF CITIZENSHIP OR IMMIGRATION STATUS 1. The State/Tribal agency will have in effect procedures for verifying the citizenship or immigration status of any child in foster care under the responsibility of the State/Tribal agency under title IV-E or part B, and without regard to whether foster care maintenance payments are made under section 472 on behalf of the child.	
472(a)(4)	2. For the purposes of meeting the requirements of the section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), children must meet the definition of "qualified alien" (as defined in section 431(b) of PRWORA) to be eligible for Federal foster care maintenance or adoption assistance (except that children receiving adoption assistance pursuant to agreements signed before August 22, 1996 may continue	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	to receive such assistance).	
475(9), (10), (11) and (12)	O. DEFINITIONS ~~OF 'SIBLING'~~ For the purposes of the titles IV-B and IV-E of the Act:~~,~~ 1. The term 'sex trafficking victim' means a victim of- a. sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000); or b. a severe form of trafficking in persons described in section 103(9)(A) of such Act. 2. The term 'reasonable and prudent parent standard' means the standard characterized by careful and sensible parental decisions that maintain the health, safely, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State/Tribe to participate in extracurricular, enrichment, cultural, and social activities. In this context, 'caregiver' means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	child in foster care has been placed. 3. The term 'age or developmentally-appropriate' means— a. activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and b. in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child. ~~titles IV-B or IV-E of the Act~~4. T~~t~~he term 'sibling' means individual who satisfies at least one of the following conditions with respect to a child: a.~~(A)~~ The individual is considered by state/tribal law to be a sibling of the child. b.~~(B)~~ The individual would have been considered a sibling of the child under S~~s~~tate/T~~t~~ribal law but for a termination or other disruption of parental rights, such as the death of	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	a parent.	
471(a)(9)(C)	P. SEX TRAFFICKING VICTIMS AND MISSING CHILDREN 1. The State/Tribal agency has developed, in consultation with State and local law enforcement, juvenile justice, health care providers, education agencies, and organizations with experience in dealing with at-risk youth, policies and procedures (including relevant training for caseworkers) for identifying, documenting in agency records, and determining appropriate services for: a. any child or youth over whom the State/Tribal agency has responsibility for placement, care, or supervision and who the agency has reasonable cause to believe is, or is at risk or being, a sex trafficking victim (including children for whom an agency has an open case file but who have not been removed from the home, children who have run away from foster care and who have not attained 18 years of age or such older age as the State has elected under section 475(8) of ~~this~~the Act, and youth who are not in foster care but are receiving services under section 477 of ~~this~~the Act); and b. at the option of the State/Tribal agency, any individual	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	who has not attained 26 years of age, without regard to whether the individual is or was in foster care under the responsibility of the agency;	
471(a)(35)(B)	2. For each child and youth described in 471(a)(9)(C)(i)(I) of the Act, the State/Tribal agency shall report immediately, and in no case later than 24 hours after receiving, information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, and to the National Center for Missing and Exploited Children.	Not required until September 29, 2016.
471(34)(A)	3. For each child or youth described in 471(a)(9)(C)(i)(I), the state/tribal agency shall report immediately, and in no case later than 24 hours after receiving information on children or youth who have been identified as being a sex trafficking victim, to local law enforcement.	Not required until September 29, 2016

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	SECTION 5. GENERAL PROVISIONS	
471(a)(5)	A. PERSONNEL ADMINISTRATION The State/Tribal agency will, in administration of its programs under this part, certify in Attachment VII that it established and will maintain personnel standards on a merit basis as found necessary by the Secretary for proper and efficient operation of the programs.	see Attachment VII
471(a)(8)	B. SAFEGUARDING INFORMATION 1. Subject to section 471(c), the State/Tribal agency has safeguards restricting use of or disclosure of information concerning individuals assisted under this plan to purposes directly connected with:	
471(a)(8)(A)	a. the administration of the title IV-E plan or any of the plans or programs under Parts A, B or D of title IV or under titles I, V, X, XIV, XVI (as in effect in Puerto Rico, Guam, and the Virgin Islands), XIX or XX, or the supplemental security income program under title XVI; and	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
471(a)(8)(B)	b. any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any such plan or program; and	
471(a)(8)(C)	c. the administration of any other Federal or federally assisted program which provides assistance (in-cash or in-kind) or services directly to individuals on the basis of need; and	
471(a)(8)(D)	d. any audit or similar activity conducted in connection with the administration of any such plan or program by any governmental agency authorized by law to conduct such audit or activity; ~~and~~	
471(a)(9)(A)	e. the disclosure of information pursuant to 471(a)(9)(A) to appropriate authorities with respect to known or suspected child abuse or neglect; .	
471(a)(34)(A) and 471(a)(35)(B)	f. the disclosure of information pursuant to 471(a)(34)(A) to the appropriate authorities with respect to children or youth identified in 471(a)(9)(C)(i)(I) of the Act who have been identified as being a sex trafficking victim; and g. the disclosure of information pursuant to 471(a)(35)(B) to appropriate authorities with respect to	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	children identified in 471(a)(9)(C)(i)(I) of the Act who are missing or abducted.	
471(a)(8)(E)	2. The safeguards provided will prohibit disclosure to: a. any individuals or entities not included in paragraph 1 above; and b. any committee or legislative body (other than an agency referred to in section 471(a)(8)(D) with respect to an activity referred to in such clause) of any information which identifies by name or address any applicant for or recipient of assistance under title IV-E of the Act.	
471(a)(20)(B)(iii)	3. The State/Tribal agency shall have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State/Tribe, and to prevent any such information obtained pursuant to section 471(a)(20)(B) from being used for a purpose other than the conducting of background checks in foster and adoptive placement cases.	
471(c)	4. In the use of child welfare records in court proceedings, section 471(a)(8) of the Act shall not be construed to limit the flexibility of a State/Tribe in	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	determining policies relating to public access to court proceedings to determine child abuse and neglect or other court hearings held pursuant to title IV-B or title IV-E of the Act, except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and family.	
471(a)(6)	C. REPORTING The State/Tribal agency makes reports in such form and containing such information on the title IV-E program as are required by the Secretary of the Department of Health and Human Services (HHS), and the State/Tribal agency will comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports.	
471(a)(7)	D. MONITORING The State/Tribal agency monitors and conducts evaluations of activities carried out in the title IV-E program.	
1355.30	E. APPLICABILITY OF DEPARTMENT-WIDE REGULATIONS	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	The State/Tribal agency will comply with all of the requirements of applicable regulations.	
13565.21(c)	F. AVAILABILITY OF PLANS Plans and amendments for titles IV-E and IV-B are made available by the State/Tribal agency for public review and inspection.	
1355.33(b) 1355.33(e) 1355.35(a)	G. OPPORTUNITY FOR PUBLIC INSPECTION OF CFSR MATERIALS (Not applicable to Tribes.) The State agency makes available for public review and inspection all statewide assessments, report of findings, and program improvement plans developed as a result of a full or partial child and family services review.	
471(a)(32)	H. NEGOTIATION WITH INDIAN TRIBES. (Not applicable to Tribes.) The State negotiates in good faith with any Indian tribe, tribal organization or tribal consortium in the State that requests to develop an agreement with the State to administer all or part of the program on behalf of Indian	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	children who are under the authority of the tribe, organization, or consortium, including foster care maintenance payments on behalf of children who are placed in State or tribally licensed foster family homes, adoption assistance payments, and, if the State has elected to provide such payments, kinship guardianship assistance payments under section 473(d), and tribal access to resources for administration, training, and data collection under title IV-E.	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	SECTION 6. GUARDIANSHIP ASSISTANCE PROGRAM OPTION	
473(d)(3)(A) 473(d)(3)(C)	A. ELIGIBILITY 1. A child is eligible for a kinship guardianship assistance payment if the State/Tribal agency determines that: a. the child has been-- i. removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and ii. eligible for foster care maintenance payments under section 472 while residing for at least 6 consecutive months in the home of the prospective relative guardian; b. being returned home or adopted are not appropriate permanency options for the child; c. the child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child; and	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	d. with respect to a child who has attained 14 years of age, the child has been consulted regarding the kinship guardianship arrangement; or 2. The child has been placed with a successor guardian named in the guardianship agreement in accordance with 473(d)(3)(C).	
473(d)(3)(B)	3. Siblings. a. The child and any sibling of the eligible child may be placed in the same kinship guardianship arrangement, in accordance with section 471(a)(31), if the State/Tribal agency and the relative agree on the appropriateness of the arrangement for the siblings; and b. Kinship guardianship assistance payments may be paid on behalf of each sibling so placed.	
471(a)(28)	B. PAYMENTS 1. The State/Tribal agency provides kinship guardianship assistance payments on behalf of children to grandparents and other relatives who assume legal guardianship of the child for whom they have cared as foster parents and for whom they have committed to care on a permanent basis, as provided in 473(d).	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
473(d)(2)	2. A kinship guardianship assistance payment on behalf of a child shall not exceed the foster care maintenance payment which would have been paid on behalf of the child if the child had remained in a foster family home.	
473(a)(4)(A)	3. Payments are terminated when the State/Tribal agency determines that: a. the child has attained the age of 18, or such greater age as the State/Tribal agency may elect under section 475(8)(B)(iii); or b. the child has attained 21 years of age, and the child has a mental or physical disability which warrants the continuation of assistance to age 21; or c. the child has not attained 18 year of age, and the relative guardians are no longer legally responsible for the support of the child; or d. the child is no longer receiving any support from the relative guardians.	
473(a)(4)(B)	4. The relative guardians are required to inform the State/Tribal agency of circumstances that would make them ineligible for guardianship assistance payments or	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	eligible for guardianship assistance payments in a different amount.	
473(d)(1)(A)	C. Agreements 1. The State/Tribe must: a. negotiate and enter into a written, binding kinship guardianship assistance agreement with the prospective relative guardian of a child who meets the requirements of 473(d); and b. provide the prospective relative guardian with a copy of the agreement.	
473(d)(1)(B) & 473(d)(1)(C)	2. The agreement must specify, at a minimum- a. the amount of, and manner in which, each kinship guardianship assistance payment will be provided under the agreement, and the manner in which the payment may be adjusted periodically, in consultation with the relative guardian, based on the circumstances of the relative guardian and the needs of the child; b. the additional services and assistance that the child and relative guardian will be eligible for under the	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	agreement; c. the procedure by which the relative guardian may apply for additional services as needed; d. that the State/Tribal agency will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child, to the extent the total cost does not exceed $2,000; and e. that the agreement shall remain in effect without regard to the State/Tribal service area residency of the relative guardian.	
471(a)(20)(C)	D. SAFETY State/Tribal agency provides procedures for criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), on any relative guardian, and for checks described in 471(a)(20) on any relative guardian and any other adult living in the home of any relative guardian, before the relative guardian may receive kinship guardianship assistance payments on behalf of the child under this plan option.	
473(b)(1) to (4);	E. MEDICAID AND SOCIAL SERVICES	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
479B(c)(1)(C)(ii)(II)	For the purposes of titles XIX and XX, any eligible child for whom there is a kinship guardianship assistance payment being made under section 473(d) is deemed to be a dependent child as defined in 406 of the Act and is deemed to be a recipient of AFDC under part A of title IV of the Act (as in effect 7/16/96) in the State in which such child resides.	
471(a)	F. TITLE IV-E GUARDIANSHIP ASSISTANCE PROGRAM PLAN REQUIREMENTS 1. Title IV-E plan requirements 471(a)(2) through (9), (12), (13), (20)(C), (25), (26), and (28) through (32) are applicable to the guardian assistance program.	
475(1)(F)	2. Case plan requirements. For a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardian assistance payments, the State/Tribal agency shall include in the case plan a description of: a. the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted; b. the reasons for any separation of siblings during	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	placement; c. the reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests; d. the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment; e. the efforts the State/Tribal agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons; and f. the efforts made by the State/Tribal agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.	
475(8)	G. DEFINITION OF 'CHILD' For the purposes of the title IV-E guardianship assistance program under section 473(d), the term 'child' means 1. an individual who has not attained 18 years of	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	age; or 2. at the option of the State/Tribal agency an individual a. with respect to whom a guardianship assistance agreement is in effect under section 473(d) if the individual had attained age 16 before the guardianship assistance agreement became effective**;** b. who has attained the age of 18, but has not attained 19, 20 or 21 years of age, as the title IV-E agency may elect; and c. who meets any of the following conditions: i. the child is completing secondary education or a program leading to an equivalent credential; ii. the child is enrolled in an institution which provides post-secondary or vocational education; iii. the child is participating in a program or activity designed to promote, or	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	remove barriers to, employment; iv. the child is employed for at least 80 hours per month; or v. the child is incapable of doing any of the above described activities due to a medical condition.	

Federal Regulatory/ Statutory References	Requirement	Regulatory, Statutory, and Policy References and Citations for Each
	SECTION 7. TRIBE OPERATED IV-E PROGRAM REQUIREMENTS	
471(a) 479B(b)	A. GENERAL PROGRAM REQUIREMENTS Title IV-E plan requirements 471(a)(1) through (27), ~~and~~ (29) through (31), and (33) through (35) are mandatory requirements applicable to Tribes operating a title IV-E program.	
479B(c)(1)(B)	B. SERVICE AREA AND POPULATIONS For purposes of complying with section 471(a)(3), this plan is in effect in all service areas and for all populations served by the Tribe and identified in Attachment V.	
479B(c)(1)(C)(ii)	C. NUNC PRO TUNC AND FOSTER CARE ELIGIBILITY REQUIREMENTS For purposes of determining whether a child whose placement and care are the responsibility of an Indian tribe, tribal organization, or tribal consortium satisfies the requirements of section 472(a), the following shall apply: 1. Notwithstanding 472(a)(1), Tribes may use affidavits	

Federal Regulatory/ Statutory References	Requirement	Regulatory, Statutory, and Policy References and Citations for Each
	or nunc pro tunc orders as verification documents in support of the reasonable efforts and contrary to the welfare of the child judicial determinations required under that paragraph for the first 12 months for which this plan is in effect. 2. The State plan approved under section 402 (as in effect on July 16, 1996) of the State in which the child resides at the time of removal from the home shall apply to the determination of whether the child satisfies section 472(a)(3).	
479B(c)(2)	D. LICENSING STANDARDS FOR TRIBAL FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS For purposes of complying with section 471(a)(10), an Indian Tribe, Tribal organization, or Tribal consortium shall establish and maintain a tribal authority or authorities which shall be responsible for establishing and maintaining tribal licensing standards for tribal foster family homes and tribal child care institutions.	
~~479B(c)(1)(D)~~	~~E. IN-KIND EXPENDITURES FROM THIRD-PARTY SOURCES.~~ ~~For purposes of complying with section 479B(c), an~~	

Federal Regulatory/ Statutory References	Requirement	Regulatory, Statutory, and Policy References and Citations for Each
	~~Indian Tribe, Tribal organization or Tribal consortium shall provide a list of the in-kind expenditures and the third-party sources of such expenditures that the Tribe may claim as part of the non-Federal share of administrative or training expenditures attributable to fiscal year quarters beginning after September 30, 2009 and before October 1, 2014 consistent with 479B(c)(1)(D).~~	

ATTACHMENT I

Title IV-E Plan – State/Tribe of _____

PLAN SUBMISSION C-E-R-T-I-F-I-C-A-T-I-O-N

Instructions: This Certification must be signed and submitted by the official authorized to submit the title IV-E plan, each time the state/tribal submits an amendment to the title IV-E plan.

I _____(name) hereby certify that I am authorized to submit the title IV-E Plan on behalf of _____
(~~Designated~~ State/Tribal Agency). I also certify that the title IV-E plan was submitted to the governor or tribal leader for his or her review and approval in accordance with 45 CFR 1356.20(c)(2) and 45 CFR 204.1.

Date_____ _____
(Signature)

_____
(Title)

APPROVAL DATE_____ EFFECTIVE DATE:_____

_____
(Signature, Associate Commissioner, Children's Bureau)

Title IV-E Plan – State/Tribe of _____

STATE ATTORNEY GENERAL OR APPROPRIATE ~~GOVERNOR/~~TRIBAL ~~LEADER'S~~ OFFICIAL'S CERTIFICATION TITLE IV-E of the SOCIAL SECURITY ACT

Instructions: This Certification must be signed and submitted by the State Attorney General or appropriate Tribal Official in accordance with 45 CFR 1355.30(p) and 45 CFR 205.100, and will remain in effect on an ongoing basis. The Certification must be re-submitted if there is a change in any of the certifications below, or the statutory authority.

I certify that _____
(Name of Agency~~/Tribe~~)

a. has the authority to submit the plan under title IV-E of the Social Security Act; and

b. is the single title IV-E agency ~~responsible for~~designated to administer~~ing~~ the plan or supervis~~eing~~ the administration of the plan ~~by local political subdivisions/Tribal service area~~ on a state-wide or tribal service-area-wide basis in accordance with _____ (citation for legal authority). It has the authority to make rules and regulations governing the administration of the plan that are binding on such subdivisions/service areas. The title IV-E plan is mandatory upon the subdivisions/service areas and is in effect throughout the State/Tribal service areas.

_____ _____
Date (Signature)

~~STATE~~ TITLE IV-E ADOPTION ASSISTANCE PROGRAM SAVINGS REPORTING ASSURANCES

Instructions: Once this Certification is signed and submitted, it remains in effect on an ongoing basis. The Certification must be re-submitted if there is a change in any of the certifications below.

I hereby assure that the ~~State~~ title IV-E agency administering the title IV-E programs will: ~~spend an amount equal to the amount of savings (if any) in State expenditures under title IV-E resulting from the application of section 473(a)(2)(A)(ii) to all applicable children for a fiscal year to provide to children or families any service (including post adoption services) that may be provided under this part or part B~~ **~~and will document how such amounts are spent, including on post-adoption services~~**.

a. calculate the savings (if any) resulting from the application of paragraph 473(a)(2)(A)(ii) to all applicable children for a fiscal year, using a methodology specified by the Secretary or an alternate methodology proposed by the agency and approved by the Secretary.

b. annually report to the Secretary—

- the methodology used to make the calculation, without regard to whether any savings are found;
- the amount of any savings; and
- how such savings are spent, accounting for and reporting the spending separately from any other spending reported to the Secretary under part B or this part.

c. spend an amount equal to the amount of the savings (if any) in agency expenditures under this part resulting from the application of paragraph 473(a)(2)(A)(ii) to all applicable children for a fiscal year, to

provide to children of families any service that may be provided under part B or this part. A title IV-E agency shall spend not less than 30 percent of any such savings on post-adoption services, post-guardianship services, and services to support and sustain positive permanency outcomes for children who otherwise might enter into foster care under the responsibility of the state or tribe, with at least 2/3 of the spending by the state or tribe to comply with such 30 percent requirement being spent on post-adoption and post-guardianship services.

d. use any title IV-E agency spending of any savings calculated from the application of paragraph 473(a)(2)(A)(ii) to all applicable children for a fiscal year to supplement, not supplant, any Federal or non-Federal funds used to provide any service under part B or this part.

On behalf of _____
(Designated ~~State~~ Agency)

Date_____ _____
(Signature)

_____
(Title)

APPROVAL
DATE_____

EFFECTIVE
DATE:_____

_____
(Signature, Associate Commissioner, Children's Bureau)

TRIBAL ASSURANCES

Instructions: Once this Certification is signed and submitted, it remains in effect on an ongoing basis.

~~1.~~ I hereby assure that the Tribal agency administering the title IV-E programs will provide:

a) foster care maintenance payments under section 472 only on behalf of children who satisfy the eligibility requirements of section 472(a);

b) adoption assistance payments under section 473 pursuant to adoption assistance agreements only on behalf of children who satisfy the eligibility requirements for such payments under that section;

c) if applicable, kinship guardianship assistance payments in accordance with section 473(d) only on behalf of children who meet the requirements of section 473(d)(3); and

d) the State plan approved under section 402 in effect on July 16, 1996, of the State in which the child resides at the time of the removal from the home shall apply to the determination of whether the child satisfies section 472(a)(3).

~~2. I hereby assure that the Tribal agency administering the title IV-E programs will spend an amount equal to the amount of savings (if any) in Tribal expenditures under title IV-E resulting from the application of section 473(a)(2)(A)(ii) to all applicable children for a fiscal year to provide to children or~~

~~families any service (including post adoption services) that may be provided under this part or part B~~ **~~and will document how such amounts are spent, including on post-adoption services.~~**

On behalf of _____
(Designated Tribal Agency)

Date_____ _____
(Signature)

_____
(Title)

APPROVAL DATE_____ EFFECTIVE DATE:_____

_____
(Signature, Associate Commissioner, Children's Bureau)

479B TRIBAL CERTIFICATIONS
TITLE IV-E of the SOCIAL SECURITY ACT

Instructions: Once this Certification is signed and submitted, it remains in effect on an ongoing basis. The Certification must be re-submitted if there is a change in any of the certifications below.

I certify that _____
(Name of Indian Tribe, Tribal organization or Tribal consortium)

a. Is submitting the following/attached evidence which demonstrates that there are no uncorrected significant or material audit exceptions under Federal grants or contracts that directly relate to the administration of social services for the three year period prior to the date on which this plan is submitted in compliance with section 479B(c)(1)(A):

b. Will administer the title IV-E plan in the service area(s) and populations described as follows/attached pursuant to section 479B(c)(1)(B):

c. Is/Is not (*circle one*) providing the following/attached information based on the described service population which is relevant to making the calculation of the per capita income of the Indian Tribe, Tribal organization, or Tribal consortium pursuant to section 479B(d)(2):

d. Is/Is not (*circle one*) providing the following/attached list of the in-kind expenditures and the third-party sources of such expenditures that the Tribe may claim as part of the non-Federal share of administrative or

ATTACHMENT V

training expenditures attributable to fiscal year quarters beginning after September 30, 2009 and before October 1, 2014 for the purposes of receiving payments under section 474(a)(3) of the Act, pursuant to section 479B(c)(1)(D).

_____ _____

Date (Signature)

Title IV-E Plan – State/Tribe of _____

Section 475(8) STATE/TRIBAL CERTIFICATION
TITLE IV-E of the SOCIAL SECURITY ACT

Instructions: Once this Certification is signed and submitted, it remains in effect on an ongoing basis. The Certification must be re-submitted if there is a change in the certification below.

I certify that _____
(Name of Agency/Tribe)

has chosen to implement the option in section 475(8)(B) of title IV-E of the Social Security Act to adopt a definition of "child" of age 18, 19 or 20 for the title IV-E programs for the following reason(s), described below:

_____ _____
Date (Signature)

Title IV-E Plan – State/Tribe of _____

STATE/TRIBAL CERTIFICATION
PERSONNEL ADMINISTRATION

Instructions: This Certification may be used to satisfy requirements at section 471(a)(5) of the Act, and will remain in effect on an ongoing basis. The Certification should be re-submitted if there is a change in any of the certifications below.

I certify that _____
(Name of Agency/Tribe)

has established and will maintain methods of personnel administration in conformity with standards for a Merit System of Personnel Administration, prescribed in title 5 CFR 900 by the U.S. Office of Personnel Management pursuant to section 208 of the Intergovernmental Personnel Act of 1970, as amended.

The signature of the chief executive officer of a State or Indian Tribe on this certification of agreement below, to maintain a system of personnel administration in conformance with these Standards, satisfies applicable Federal merit personnel requirements in section 471(a)(5) of title IV-E of the Social Security Act to which personnel standards on a merit basis are applicable (5 CFR 900.604).

_____ _____
Date (Signature)