

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
	1. Log No: ACYF-CB-PI-14-06	2. Issuance Date: November 21, 2014
	3. Originating Office: Children's Bureau	
	4. Key Words: Preventing Sex Trafficking and Strengthening Families Act, Title IV-E Plans, Sibling, Notification, Successor Guardians	

PROGRAM INSTRUCTION

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

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

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

PURPOSE: To provide instruction on some of the changes to the title IV-E plan requirements as a result of the Preventing Sex Trafficking and Strengthening Families Act that are effective as of September 29, 2014.¹

INFORMATION: The President signed the Preventing Sex Trafficking and Strengthening Families Act, Public Law (P.L.) 113-183 into law on September 29, 2014 which amended titles IV-B and IV-E of the Social Security Act (the Act). A summary of statutory provisions is provided in ACYF-CB-IM-14-03. All title IV-E agencies must submit the attached agency plan amendment that incorporates the relative notification provision and sibling definition that became effective September 29, 2014, unless the Children’s Bureau (CB) approves a delayed effective date as provided for in the instruction below. Title IV-E agencies that have elected the title IV-E Guardianship Assistance Program Option are required to submit the attached agency plan amendment that incorporates the successor guardian provision that became effective September 29, 2014.²

¹ CB will provide instruction on changes to the title IV-E plan requirements that have later effective dates in a separate Program Instruction (PI).

² P.L. 113-183 also modifies section 473(a)(8) of the Act effective September 29, 2014, to require title IV-E agencies to calculate and report annually the savings from the agency de-linking title IV-E adoption assistance eligibility from the Aid to Families with Dependent Children (AFDC) eligibility requirements, the methodology used to calculate the savings, how savings are spent, and on what services. The Children’s Bureau will provide guidance and instructions in a separate PI.

The three provisions of P.L. 113-183 contained in the attached title IV-E preprint amendment are described below:

1) Relative notification

P.L. 113-183 modifies the title IV-E plan requirement in section 471(a)(29) of the Act for relative notification to include notifying parents of the child’s siblings (when the parent has legal custody of such siblings).

2) Definition of sibling

For title IV-B and IV-E agencies, the law defines siblings in section 475(12) of the Act to mean an individual who is considered by state/tribal law to be a sibling or who would be considered a sibling under state/tribal law if it were not for a disruption in parental rights, such as a termination of parental rights (TPR) or death of parent.

3) Successor guardians

P.L. 113-183 requires continuation of title IV-E kinship guardianship assistance payments if the relative guardian dies or is incapacitated and a successor legal guardian is named in the agreement (or any amendments to the agreement) (section 473(d)(3)(C) of the Act).

Delayed effective dates:

A limited period of delay is permitted when the Secretary of the U.S. Department of Health and Human Services determines that state/tribal legislation (other than legislation appropriating funds) is required for a title IV-E agency to comply with the relative notification requirements in section 471(a)(29) of the Act and the new definition of “sibling” at section 475(12) of the Act. The “delayed effective date” is defined as the 1st day of the 1st calendar quarter after the 1st regular session of the state legislature or tribal governing body after enactment. If the state/tribe has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the legislature.

INSTRUCTION: Below we provide instructions for title IV-E agencies to request a delayed effective date; submit its title IV-E agency plan amendments for the relative notification provision and sibling definition that became effective September 29, 2014; and to meet the successor guardian provision that became effective September 29, 2014, if applicable.

Title IV-E agencies not requesting a delayed effective date must submit to the appropriate Children’s Bureau Regional Program Manager (Attachment A) for approval:

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

2) Attachment B to this PI, “AGENCY PLAN AMENDMENT” no later than 60 days from the issuance date of this PI, that includes:

- A revised section 4.H.2 to implement the amendments to the relative notification provision in section 471(a)(29) of the Act;
- A new section 4.O to implement the new definition of sibling in 475(12) of the Act;

- A revised section 6.A.2 to implement the successor guardian provision in 473(d)(3)(C) of the Act (applies only to title IV-E agencies that have elected the title IV-E Guardianship Assistance Program Option); and
- Attachment I “CERTIFICATION” signed by the official with authority to submit the title IV-E plan on behalf of the agency.

Title IV-E agencies requesting a delayed effective date because state/tribal legislation is required to implement the requirements of either sections 475(12) and/or 471(a)(29) of the Act must submit to the appropriate Children’s Bureau Regional Program Manager (Attachment A) for approval:

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

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

2) Attachment B to this PI, “AGENCY PLAN AMENDMENT” no later than 60 days from the issuance date of this PI that includes:

- A revised section 4.H.2 or 4.O, as applicable, if one of the two requirements do not require state/tribal legislation, as indicated in Attachment C;
- A revised section 6.A.2 to implement the successor guardian provision in 473(d)(3)(C) of the Act (applies only to title IV-E agencies that have elected the title IV-E Guardianship Assistance Program Option); and
- Attachment I “CERTIFICATION” signed by the official with authority to submit the title IV-E plan on behalf of the agency.

3) Attachment B to this PI, “AGENCY PLAN AMENDMENT” no later than 30 days after the approved delayed effective date that includes revised section 4.H.2 or 4.O, as applicable, which required state/tribal legislation, accompanied by Attachment I “CERTIFICATION” signed by the official with authority to submit the title IV-E plan on behalf of the agency.

The new requirements and modified language in the preprint amendment are highlighted in yellow. To complete the amendment, the title IV-E agency must: 1) record the applicable statutory, regulatory and/or policy references and citations for the affected federal requirement or, alternatively, submit the same information as described here in its own format; 2) submit copies of referenced material to document compliance for any cited statute, regulation, policy and/or procedure; and 3) submit the plan amendment and accompanying documentation electronically or on a compact disk or USB flash drive. If the title IV-E agency is unable to submit electronic signatures for purposes of the certification, it may submit the appropriate pages with original signatures.

INQUIRIES TO: Children's Bureau Regional Program Managers

/s/

Mark Greenberg
Acting Commissioner, ACYF

Attachments:

- A – CB Regional Office Program Managers
- B – Title IV-E Agency Plan Amendment
- C – Certification of Required Legislation

Children's Bureau Regional Program Managers

I	Region I - Boston Bob Cavanaugh bob.cavanaugh@acf.hhs.gov JFK Federal Building, Rm. 2000 Boston, MA 02203 (617) 565-1020 States: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	VI	Region VI - Dallas Janis Brown janis.brown@acf.hhs.gov 1301 Young Street, Suite 945 Dallas, TX 75202-5433 (214) 767-8466 States: Arkansas, Louisiana, New Mexico, Oklahoma, Texas
II	Region II - New York City Alfonso Nicholas alfonso.nicholas@acf.hhs.gov 26 Federal Plaza, Rm. 4114 New York, NY 10278 (212) 264-2890, x 145 States and Territories: New Jersey, New York, Puerto Rico, Virgin Islands	VII	Region VII - Kansas City Kendall Darling, Acting kendall.darling@acf.hhs.gov Federal Office Building, Room 276 601 E 12th Street Kansas City, MO 64106 (816) 426-2262 States: Iowa, Kansas, Missouri, Nebraska
III	Region III - Philadelphia Lisa Pearson lisa.pearson@acf.hhs.gov 150 S. Independence Mall West - Suite 864 Philadelphia, PA 19106-3499 (215) 861-4030 States: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia	VIII	Region VIII - Denver Marilyn Kennerson marilyn.kennerson@acf.hhs.gov Federal Office Building 999 18 th Street, South Terrace, Suite 499 Denver, Colorado 80202 (303) 844-3100 States: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
IV	Region IV - Atlanta Shalonda Cawthon Shalonda.Cawthon@acf.hhs.gov 61 Forsyth Street, SW Atlanta, GA 30303-8909 (404) 562-2242 States: Alabama, Mississippi, Florida, North Carolina, Georgia, South Carolina, Kentucky, Tennessee	IX	Region IX - San Francisco Douglas Southard douglas.southard@acf.hhs.gov 90 7 th Street - 9 th Floor San Francisco, CA 94103 (415) 437-8425 States and Territories: Arizona, California, Hawaii, Nevada, Outer Pacific—American Samoa Commonwealth of the Northern Marianas, Federated States of Micronesia (Chuuk, Pohnpei, Yap) Guam, Marshall Islands, Palau
V	Region V - Chicago Angela Green angela.green@acf.hhs.gov 233 N. Michigan Avenue, Suite 400 Chicago, IL 60601 (312) 353-9672 States: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin	X	Region X - Seattle Tina Minor tina.minor@acf.hhs.gov 701 Fifth Avenue, Suite 1600, MS-73 Seattle, WA 98104 (206) 615-3657 States: Alaska, Idaho, Oregon, Washington

STATE/TRIBE OF _____

CERTIFICATION OF REQUIRED LEGISLATION

Instructions: The official with authority to submit the title IV-E plan on behalf of the title IV-E agency must complete each section below, and sign and submit to the appropriate CB Regional Program Manager no later than 30 days after issuance of ACYF-CB-PI-14-06.

- (1) For the relative notification requirement to include notifying parents of the child’s siblings under section 471(a)(29) of title IV-E of the Social Security Act (the Act) as amended by Public Law (P.L.) 113-183, the Preventing Sex Trafficking and Strengthening Families Act, select one of the following:

____ I hereby certify that legislation is necessary to comply with section 471(a)(29) of the Act, as amended. The delayed effective date for this requirement will be _____ (the 1st day of the 1st calendar quarter after the 1st regular session of the state legislature or tribal governing body after enactment. If the state/tribe has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the legislature).

____ I hereby certify that legislation is NOT necessary to comply with section 471(a)(29) of the Act as amended and a delayed effective date is not applicable. Revisions to the AGENCY PLAN AMENDMENT will be submitted to the appropriate CB Regional Program Manager no later than 60 days from the issuance date of this PI.

- (2) For the definition of sibling applicable to title IV-B and title IV-E programs under section 475(12) of the Act as amended by P.L. 113-183, select one of the following:

____ I hereby certify that legislation is necessary to comply with section 475(12) of the Act as amended. The delayed effective date for this requirement will be _____ (the 1st day of the 1st calendar quarter after the 1st regular session of the state legislature or tribal governing body after enactment. If the state/tribe has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the legislature).

____ I hereby certify that legislation is NOT necessary to comply with section 475(12) of the Act, as amended and a delayed effective date is not applicable. Revisions to the AGENCY PLAN AMENDMENT will be submitted to the appropriate CB Regional Program Manager no later than 60 days from the issuance date of this PI.

(Date)

(Signature of Designated Agency Official)

(Title)

CB Approval Date: _____

(Signature, Associate Commissioner, Children’s Bureau)